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"A Public Office is a Public Trust"

MEMORANDUM

TO: Commission Members
FROM: Gray Schafer, Assistant General Counsel GS
DATE: November 19, 2026
RE: Rule Hearing on amendment to Rules 34-6.006 and 34-6.009

The Commission is being asked to consider and approve amending portions of Rules 34-6.006 and 34-6.009, Florida Administrative Code. The amendment to Rule 34-6.006 will clarify how staff will handle requests for advisory opinions, including what factors staff should consider when determining whether an advisory opinion is necessary. Importantly, the amendment will indicate that, even if staff does not determine that an advisory opinion is necessary, the request will still be accepted and an advisory opinion will be prepared unless the requestor consents otherwise. The amendment to Rule 34-6.009 pertains to Section 112.322(3)(a), Florida Statutes, which concerns the publication of the requestor's name. Pursuant to this statute, the amendment will indicate that the requestor's name will not be included in any published opinions or in the materials related to the opinion request unless the requestor consents to the use of his or her name.

The Notice of Proposed Rulemaking and the text of the proposed amendments are attached. You will be asked to approve this proposed rulemaking at your December 4, 2026, Commission meeting.

Attachments

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days after publication of this notice.
RULEMAKING AUTHORITY: 601.10(1), 601.15(10)(a), 601.11 F.S.
LAW IMPLEMENTED: 601.10(7), 601.11, 601.13(2)(d) F.S.
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: December 16, 2026, 9:00 a.m.
PLACE: Florida Department of Citrus, 605 E Main St, Bartow, FL 33830
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Belinette Jones, Legal Assistant, Florida Department of Citrus, P.O. Box 9010, Bartow, Florida 33831-9010, (863)537-3956 or BJones@citrus.myflorida.com or
https://fdocgrower.box.com/s/dx8ysw6xgn4qkydklj9agssf3warzedt

THE TEXT OF THE PROPOSED RULE IS:

20-10.005 Shipment and Sale of Florida Experimental Packs of Concentrated Orange Juice Other Than Frozen or Canned.

(1) Persons who desire to ship and sell experimental packs of the product in retail or institutional containers shall first obtain a permit by submitting an Application for Shipment and Sale of an Experimental Pack of Florida Concentrated Orange Juice Other Than Frozen or Canned, ~~application~~ on form ~~forms~~ to be furnished by the Department of Citrus and incorporated by refernce under Rule 20-100.004, F.A.C. The form shall be delivered to the location designated on the aforementioned form.

(2) The permit holder shall maintain all ~~adequate~~ production, shipment and sales records for the product, and shall make these records available for examination by a representative of the Department of Citrus upon request at any time during regular business hours. As a further condition for permit issuance, the applicant shall agree to furnish full reports relating to the results of the shipment and sale of the product. These reports, in written form, shall contain~~, but not be limited to,~~ the following matters:

(a) though (h) No change.

(3) No change.

Rulemaking Authority 601.10(1), (7), 601.15(10)(a), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.13(2)(d). History–Formerly 105-1.11(5), Revised 1-1-75, Formerly 20-10.05, Amended 8-22-95, .

NAME OF PERSON ORIGINATING PROPOSED RULE: Elliott V. Mitchell, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission
DATE PROPOSED RULE WAS APPROVED BY AGENCY HEAD: September 16, 2026
DATE NOTICE OF RULE DEVELOPMENT WAS PUBLISHED IN FAR: September 21, 2026

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-6.006	Receipt of Requests for Advisory Opinions and Withdrawal of Requests
34-6.009	Publication of the Name of the Person Seeking the Advisory Opinion

PURPOSE AND EFFECT: Clarify how the Commission will handle procedurally the receipt of a request for an advisory opinion as well as the Commission's practices regarding that portion of Section 112.322(3)(a), Florida Statutes, concerning the publication of the requestor's name.
SUMMARY: The amendments to Rule 34-6.006 will indicate that, after determining the requestor has standing to receive an advisory opinion, Commission staff will use several factors to evaluate if the matter can be resolved without rendering an advisory opinion. The amendments to the Rule will then clarify how the request will be handled once it is determined, based on these factors, whether or not an advisory opinion is necessary. Importantly, the amendments to the Rule will indicate that, even if Commission staff does not determine that an advisory opinion is needed, the request for an advisory opinion will still be accepted unless the requestor consents otherwise. The amendments to Rule 34-6.009 will indicate that, unless the requestor consents to the use of his or her name, the requestor's name will not be included in any published opinion or in the materials related to the opinion request. The amendments to the Rule will also clarify how the requestor's name will be treated if the request is withdrawn or the Commission votes to resolve the request without rendering an advisory opinion.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:
The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.
The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based on past experience, the adverse impact or regulatory costs, if any, do not exceed and would not be

expected to exceed any one of the economic criteria set forth in Section 120.541, F.S.

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

RULEMAKING AUTHORITY: 112.322(9), F.S.

LAW IMPLEMENTED: 16.715(1)(d), 112.3215(12), 112.322(3), 350.041(4), 350.043, F.S.

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

DATE AND TIME: December 4, 2026, 8:30 a.m.

PLACE: First District Court of Appeal, 2000 Drayton Drive, Tallahassee, Florida 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Diana Westberry, westberry.diana@leg.state.fl.us; (850)488-7864. 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: Grayden Schafer, Assistant General Counsel (schafer.grayden@leg.state.fl.us) or Amelia Naomi, Attorney (naomi.amelia@leg.state.fl.us); (850)488-7864

THE TEXT OF THE PROPOSED RULE IS:

34-6.006 Receipt of Requests for Advisory Opinions and Withdrawal of Requests.

(1) No change.

(2) Upon making a determination that the person requesting an advisory opinion has standing as provided in Rule 34-6.002, F.A.C., but prior to accepting the request, Commission staff shall utilize the following factors to evaulate whether the matter can be resolved without rendering an advisory opinion:

(a) The request concerns a circumstance or legal issue on which the Commission has previously opined;

(b) The length of time since the Commission last opined on the particular circumstance or legal question being presented;

(c) The distinctive or particular nature of the specific facts presented in the request; and

(d) The time available to prepare the advisory opoinion before the matter in question becomes moot.

After reviewing the request in the context of these factors, Commission staff shall inform the requestor whether it is necessary to render an advisory opinion in response to the request or whether an alternate method of response can be offered, such as informal staff guidance by telephone or letter. If the requestor consents in writing to an alternate method of response to his or her request, the request for a formal opinion will be considered withdrawn and the alternate method of response will be pursued instead. If the requestor does not consent in writing to an alternate method of response, or if staff determines based on the foregoing factors that an advisory opinion is needed, the request for an advisory opinion will be accepted.

(3)~~(2)~~ Once the request for an advisory opinion is accepted, the ~~If the person seeking the advisory opinion is entitled to receive an advisory opinion, the staff shall promptly acknowledge receipt of the request. The~~ person requesting the opinion shall also be provided with an authorization to sign and return to the Commission, authorizing the Commission to publish the person's name and that of an employee or appointee about whom the person is authorized to inquire when the opinion is published. In addition, the authorization shall provide for the signature of the person who initiated the request for the opinion, if different from the person requesting the opinion, authorizing the Commission to publish his or her name. The authorization shall state that unless consent is given, these names will not be published.

(3) through (7) renumbered (4) through (8) No change.

Rulemaking Authority 112.322(9) FS. Law Implemented 16.715(1)(d), 112.3215(12), 112.322(3), 350.041(4), 350.043 FS. History–New 4-11-76, Amended 4-7-77, 9-21-77, 1-23-78, Formerly 34-6.06, Amended 8-7-94, 7-28-98, 11-24-15, 1-9-25, Technical Change 8-18-25, Amended _____.

34-6.009 Publication of the Name of the Person Seeking the Advisory Opinion.

Once a request for an advisory opinion is accepted pursuant to Rule 34-6.006, F.A.C. ~~Advisory opinions shall be published, but~~ the name of the person seeking the advisory opinion, the name of an employee or appointee about whom he or she is authorized to inquire, and the name of the person who initiated the request for the opinion, if different, shall not be included in any published opinion or in the materials related to the request for an opinion ~~published~~ unless consent to the use of these names is received by the Commission. If the request for an opinion is withdrawn, or if the Commission otherwise votes to resolve the request without rendering an advisory opinion, the name of the requestor will no longer receive this treatment.

Rulemaking Authority 112.322(9) FS. Law Implemented 112.3215(12), 112.322(3), 350.041(4), 350.043 FS. History–New 4-11-76, Amended 1-23-78, Formerly 34-6.09, Amended 8-7-94, 7-28-98, 11-24-15,____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Grayden Schafer, Assistant General Counsel, Florida Commission on Ethics; Amelia Naomi, Attorney, Florida Commission on Ethics

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kerrie J. Stillman, Executive Director, Florida Commission on Ethics
DATE PROPOSED RULE WAS APPROVED BY AGENCY HEAD: November 3, 2026
DATE NOTICE OF RULE DEVELOPMENT WAS PUBLISHED IN FAR: October 2, 2026

DEPARTMENT OF MANAGEMENT SERVICES
Division of State Purchasing

RULE NOS.:	RULE TITLES:
60A-9.001	Definitions
60A-9.002	Minority Business Assistance Utilization Plan
60A-9.0021	Determination of MBE Industry Dollar Goal
60A-9.003	State Agency Compliance and Advocacy
60A-9.004	Contractor Compliance
60A-9.005	Certification Eligibility
60A-9.006	Certification Review Procedures
60A-9.0061	Recertification Review Procedures
60A-9.0063	Application for Additional Areas of Certification

PURPOSE AND EFFECT: To repeal Rule Chapter 60A-9, F.A.C.
SUMMARY: This notice proposes the repeal of Rule Chapter 60A-9, F.A.C.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:
The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of $200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.
The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the agency, utilizing the expertise of its personnel, determined no SERC was required after completing the SERC checklist analysis.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days after publication of this notice.
RULEMAKING AUTHORITY: 120.53, 287.0943, 287.09451, 288.703
LAW IMPLEMENTED: 255.102, 287.057, 287.0943, 287.09451, 288.703
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Caitlin Daws, Executive Director, Office of Supplier Development telephone: (850)487-9863, email: Caitlin.daws@dms.fl.gov

THE TEXT OF THE PROPOSED RULE IS:

60A-9.001 Definitions.
Rulemaking Authority 120.53, 287.09451, 288.703 FS. Law Implemented 287.0943(7), 288.703 FS. History–New 9-11-96, Formerly 38A-20.001, Repealed XX-XX-26.

60A-9.002 Minority Business Assistance Utilization Plan.
Rulemaking Authority 120.53, 287.09451 FS. Law Implemented 287.09451(4)(n) FS. History–New 9-11-96, Formerly 38A-20.002, Repealed XX-XX-26.

60A-9.0021 Determination of MBE Industry Dollar Goal.
Rulemaking Authority 120.53, 287.09451 FS. Law Implemented 287.09451(4) FS. History–New 9-11-96, Formerly 38A-20.0021, Repealed XX-XX-26.

60A-9.003 State Agency Compliance and Advocacy.
Rulemaking Authority 120.53, 287.09451 FS. Law Implemented 255.102, 287.057(6)(c), 287.09451 FS. History–New 9-11-96, Formerly 38A-20.003, Repealed XX-XX-26.

60A-9.004 Contractor Compliance.
Rulemaking Authority 120.53, 287.09451 FS. Law Implemented 287.094, 287.09451 FS. History–New 9-11-96, Formerly 38A-20.004, Repealed XX-XX-26.

60A-9.005 Certification Eligibility.
Rulemaking Authority 120.53, 287.0943, 287.09451(4)(m) FS. Law Implemented 287.0943(1)(e), 288.703 FS. History–New 9-11-96, Formerly 38A-20.005, Repealed XX-XX-26.

60A-9.006 Certification Review Procedures.
Rulemaking Authority 120.53, 287.0943(14) FS. Law Implemented 287.0943 FS. History–New 9-11-96, Formerly 38A-20.006, Repealed XX-XX-26.

60A-9.0061 Recertification Review Procedures.
Rulemaking Authority 120.53, 287.09451(4)(m) FS. Law Implemented 287.09451, 288.703 FS. History–New 9-11-96, Formerly 38A-20.0061, Repealed XX-XX-26.

60A-9.0063 Application for Additional Areas of Certification.
Rulemaking Authority 120.53, 287.0943 FS. Law Implemented 287.0943 FS. History–New 9-11-96, Formerly 38A-20.0063, Repealed XX-XX-26.

34-6.006 Receipt of Requests for Advisory Opinions and Withdrawal of Requests.

(1) No change.

(2) Upon making a determination that the person requesting an advisory opinion has standing as provided in Rule 34-6.002, F.A.C., but prior to accepting the request, Commission staff shall utilize the following factors to evaulate whether the matter can be resolved without rendering an advisory opinion:

(a) The request concerns a circumstance or legal issue on which the Commission has previously opined;

(b) The length of time since the Commission last opined on the particular circumstance or legal question being presented;

(c) The distinctive or particular nature of the specific facts presented in the request; and

(d) The time available to prepare the advisory opoinion before the matter in question becomes moot.

After reviewing the request in the context of these factors, Commission staff shall inform the requestor whether it is necessary to render an advisory opinion in response to the request or whether an alternate method of response can be offered, such as informal staff guidance by telephone or letter. If the requestor consents in writing to an alternate method of response to his or her request, the request for a formal opinion will be considered withdrawn and the alternate method of response will be pursued instead. If the requestor does not consent in writing to an alternate method of response, or if staff determines based on the foregoing factors that an advisory opinion is needed, the request for an advisory opinion will be accepted.

(3)~~(2)~~ Once the request for an advisory opinion is accepted, the ~~If the person seeking the advisory opinion is entitled to receive an advisory opinion, the staff shall promptly acknowledge receipt of the request. The~~ person requesting the opinion shall also be provided with an authorization to sign and return to the Commission, authorizing the Commission to publish the person's name and that of an employee or appointee about whom the person is authorized to inquire when the opinion is published. In addition, the authorization shall provide for the signature of the person who initiated the request for the opinion, if different from the person requesting the opinion, authorizing the Commission to publish his or her name. The authorization shall state that unless consent is given, these names will not be published.

(3) through (7) renumbered (4) through (8) No change.

Rulemaking Authority 112.322(9) FS. Law Implemented 16.715(1)(d), 112.3215(12), 112.322(3), 350.041(4), 350.043 FS. History–New 4-11-76, Amended 4-7-77, 9-21-77, 1-23-78, Formerly 34-6.06, Amended 8-7-94, 7-28-98, 11-24-15, 1-9-25, Technical Change 8-18-25, Amended ____.

34-6.009 Publication of the Name of the Person Seeking the Advisory Opinion.

Once a request for an advisory opinion is accepted pursuant to Rule 34-6.006, F.A.C. ~~Advisory opinions shall be published, but~~ the name of the person seeking the advisory opinion, the name of an employee or appointee about whom he or she is authorized to inquire, and the name of the person who initiated the request for the opinion, if different, shall not be included in any published opinion or in the materials related to the request for an opinion ~~published~~ unless consent to the use of these names is received by the Commission. If the request for an opinion is withdrawn, or if the Commission otherwise votes to resolve the request without rendering an advisory opinion, the name of the requestor will no longer receive this treatment.

Rulemaking Authority 112.322(9) FS. Law Implemented 112.3215(12), 112.322(3), 350.041(4), 350.043 FS. History–New 4-11-76, Amended 1-23-78, Formerly 34-6.09, Amended 8-7-94, 7-28-98, 11-24-15, ____.