



**ASHLEY MOODY
ATTORNEY GENERAL
STATE OF FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL
Administrative Law**

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MEMORANDUM

TO: Anya Owens, Program Administrator
Administrative Code and Register

FROM: Angela Southwell, Paralegal Specialist

RE: Department of Legal Affairs Emergency Rule 2ER22-1

DATE: April 26, 2022

Attached are the following documents regarding the above-referenced emergency rule adoption packet for the above-referenced emergency rule:

- Findings of the Attorney General In Support of Emergency Rule 2ER22-1
- Notice of Emergency Rule
- Adoption text for Emergency Rule 2ER22-1 (double spaced)
- Certification of the Department of Legal Affairs Emergency Rule Filed With the Department of State
- Designation of Rule the Violation of Which is a Minor Violation Certification

Should you have any questions regarding the rule, please contact me at angela.southwell@myfloridalegal.com or by telephone at 850-414-3772.

Thank you for your attention to this matter.

Attachments

STATE OF FLORIDA
OFFICE OF THE ATTORNEY GENERAL

IN RE: EMERGENCY RULE,
ADDING:

BUTONITAZENE (2-(2-(4-butoxybenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine);
ETODESNITAZENE; ETAZENE (2-(2-(4-ethoxybenzyl)-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine);
FLUNITAZENE (*N,N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)ethan-1-amine);
METODESNITAZENE (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine);
METONITAZENE (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1 *H*- benzimidazol-1-yl)ethan-1-amine);
N-PYRROLIDINO ETONITAZENE; ETONITAZEPYNE (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 *H*-benzimidazole);
PROTONITAZENE (*N,N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine); and
ISOTONITAZENE (*N,N*-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine).

TO SCHEDULE I, SUBSECTION 893.03(1)(a), F.S.

FINDINGS OF THE ATTORNEY GENERAL
IN SUPPORT OF EMERGENCY RULE 2ER22-1

Attorney General Ashley Moody finds there are currently unregulated psychoactive substances being sold and abused in Florida and throughout the United States known as butonitazene, etodesnitazene/etazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene/etonitazepyne, protonitazene, and isotonitazene each containing the above-referenced chemical compounds. The chemical structures of these nitazene compounds are dissimilar to any currently scheduled substance in Schedule I under Section 893.03, Florida Statutes. Isotonitazene is currently classified as a Schedule I drug under federal law and butonitazene, etodesnitazene/etazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene/etonitazepyne, and protonitazene have been temporarily placed under Schedule I effective January 6, 2022, by the Federal Drug Enforcement Administration (DEA) pursuant to 21 U.S.C. 811(b).

These nitazene compounds are synthetic opioids that are commonly available online over the dark web and the surface web, and otherwise, throughout Florida's illicit drug market. They are easily obtained by minors and adults and have a high potential for abuse and death. Nitazenes have no currently accepted medical use in the treatment of humans anywhere in the world and have been associated with deaths in Florida and at least ten other states. Nitazene

compounds are also often found in combination with other illicit substances such as fentanyl and cocaine.

Accordingly, Attorney General Moody finds that butonitazene, etodesnitazene/etazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene/etonitazepyne, protonitazene, and isotonitazene present an imminent hazard to the health, safety, and welfare of Floridians and effective today, April 26, 2022, the Department of Legal Affairs adopts Emergency Rule 2ER22-1 which temporarily adds the aforementioned nitazene compounds to Schedule I, Subsection 893.03(1)(a), F.S.

ANALYSIS

When adopting an emergency rule controlling a substance under Chapter 893, Section 893.035(7)(a), Florida Statutes, requires the Attorney General to make a finding that the controlled substance is an imminent hazard to public safety and must consider the following factors:

- Whether the substance has potential for abuse
- Its history and current pattern of abuse
- The scope, duration, and significance of abuse
- Risk to public health

The consideration of the above-referenced factors shall include the actual abuse of the substance, its diversion from legitimate channels, and its clandestine importation, manufacture, and distribution.

A. Potential for Abuse

The Florida Department of Law Enforcement (FDLE), through the Florida Fusion Center, has identified butonitazene, etodesnitazene/etazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene/etonitazepyne, protonitazene, and isotonitazene as substances with high potential for abuse and no currently accepted medical use in treatment in the United States or anywhere in the world.¹ The U.S. Drug Enforcement Administration (DEA) has made similar findings in regards to isotonitazene on August 20, 2020, and in regard to butonitazene, etodesnitazene/etazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene/etonitazepyne, and protonitazene on December 7, 2021, when these compounds were initially placed under Schedule I under federal law.^{2 3} Nitazene compounds are synthetic opioids in the benzimidazole-opioid class which activate the mu-opioid receptors (similarly to fentanyl and morphine), and mimic the effects of their organic drug counterparts. As such, they have a high potential for abuse and can cause adverse health effects including respiratory depression, mental confusion, loss of consciousness, and overdose-related death.

Drug overdose deaths continue to be a significant problem facing Florida and the United States with the rate of overdoses continuing to rise. A significant portion of such deaths is attributable to synthetic opioids such as fentanyl, but the potential for abuse of nitazene compounds is significant given the fact that many of them are equivalent to or several times more potent than fentanyl and morphine as set forth below:

- ***N*-pyrrolidino etonitazene/etonitazepyne** - 10x more potent than fentanyl and 1,000x more potent than morphine
- **Isotonitazene** - 5x more potent than fentanyl and 500x more potent than morphine
- **Protonitazene** - 2x more potent than fentanyl and 200x more potent than morphine
- **Metonitazene** – equipotent to fentanyl and 100x more potent than morphine
- **Metodesnitazene** - equipotent to morphine
- **Flunitazene** - equipotent to morphine

B. Scope, History, Duration, and Current Pattern of Abuse

Nitazenes are within a category of synthetic opioids in the benzimidazole-opioid class that was developed in the late 1950s in Swiss pharmaceutical research laboratories in a search for better and safer opioid analgesics. While these compounds did possess analgesic properties, the research did not lead to any medically accepted use anywhere in the world. In 2019 isotonitazene emerged on the illicit drug market and became responsible for numerous overdose deaths. Shortly thereafter, in August 2020, the DEA temporarily scheduled it as a Schedule I substance under the Controlled Substance Act (CSA).

Subsequently, butonitazene, etodesnitazene/etazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene/etonitazepyne, and protonitazene emerged in the illicit drug market in solid and liquid forms and in combination with other illicit dangerous drugs. These nitazene compounds have appeared in Florida, at least twenty-five other states, Canada, and multiple European countries. Several states have already listed isotonitazene as a Schedule I controlled substance.

Florida has identified 268 nitazene cases since 2020 but suspects that the number of cases likely exceeds those reported. At least twenty Florida counties have identified nitazene cases, but they have been most frequently observed in the Tampa Bay, Orlando, Miami, and Jacksonville areas. The District Six Medical Examiner's Office in Pinellas and Pasco Counties has reported five confirmed deaths related to *N*-pyrrolidino etonitazene/etonitazepyne since 2021 with three other suspected cases. Isotonitazene also has been linked to at least ten deaths in Florida since 2020 according to the Florida Medical Examiners Commission.

Nationally, since 2019, nitazenes have been identified by the DEA in postmortem cases in Tennessee, Illinois, Iowa, Ohio, South Carolina, Wisconsin, Colorado, New York, Pennsylvania, West Virginia, Indiana, and Minnesota. The decedents' ages ranged from 19 to 63 years of age.

It is believed that nitazenes are primarily produced in China and shipped to the United States through common mail carriers. However, at least in one instance, 1.6 grams of isotonitazenes were seized by the United States Custom and Border Protection agency on the California/Mexican border. For the most part, however, nitazenes are listed on the surface and dark web with prices ranging from \$30.00 to \$200.00 per gram. At this time there is no indication that large drug trafficking organizations are involved in the distribution of nitazenes but their increase in popularity may change these circumstances.

Nitazenes have been primarily found in liquid form, or brown, white, or gray powders. However, they are also often mixed with other opioids such as fentanyl and in some instances have appeared in blue M/30 oxycodone and dilaudid counterfeit pills.

C. Risk to Public Health

As previously noted, the nitazene compounds in question are synthetic opioids that act as mu-opioid receptor agonists that were developed for research purposes and are not suitable for human use. Like other opioid substances, nitazenes are known to produce side effects, some of which are quite severe. The side effects include:

- Respiratory Depression
- Loss of Consciousness
- Death
- Analgesia Nausea
- Vomiting
- Constipation
- Decreased Blood Pressure
- Intestinal Bloating
- Drowsiness
- Mental Confusion
- Euphoria Itching
- Bladder distention
- Pulmonary and cerebral edema

The public health risks to well-known mu-opioid receptor agonists, such as heroin and fentanyl, are well established and have resulted in large numbers of drug treatment admissions, ER visits, hospitalizations, and fatal overdoses. Thus, it follows that the nitazenes in question pose the same risks.

The advent of synthetic opioids in the illicit drug market has led to a rise in their use and many reported deaths. According to the Center for Disease Control (CDC), synthetic opioid deaths in the United States are on the rise. Deaths attributable to synthetic opioids increased from 36,359 in 2019 to 56,688 in 2020. Of the total drug overdose deaths in 2019, synthetic opioids were involved in 51.4% in such deaths. Accordingly, it is obvious that if these synthetic opioid nitazene compounds continue to make headway in Florida, they will pose a significant public health risk to all Floridians and its many visitors.

CONCLUSION

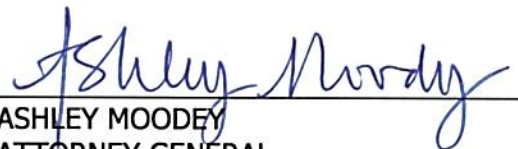
Isotonitazene, butonitazene, etodesnitazene/etazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene/etonitazepyne, and protonitazene have been designated as Schedule I controlled substances by the DEA, and at least Ohio, Pennsylvania, South Dakota, and Wisconsin have scheduled isotonitazene as a Schedule I controlled substance. Given the history and current pattern of opioid abuse detailed above, I believe it is reasonable to assume that there is a substantial likelihood that abuse of these nitazene

compounds will continue to take place in Florida, additional deaths are likely, and that the abuse of these substances will be not contained to specific locations or geographic regions.

History demonstrates that one of the most effective means of curtailing abuse of dangerous addictive substances is to designate them as controlled substances under the law and provide felony penalties for those who illegally manufacture, distribute, sell, or possess them. Law enforcement authorities will then have the essential legal tool they need – a felony charge – to arrest, prosecute, and incarcerate persons who manufacture and peddle these dangerous substances.

Designation of the aforementioned compounds known as isotonitazene, butonitazene, etodesnitazene/etazene, flunitazene, metodesnitazene, metonitazene, *N*-pyrrolidino etonitazene/etonitazepyne, and protonitazene as Schedule I controlled substances under the Florida Comprehensive Drug Abuse Prevention and Control Act will temporarily allow our law enforcement agencies to act against manufacturers and vendors until the completion of the 2023 legislative session.

Hereby ORDERED this 26th day of April, 2022.


ASHLEY MOODEY
ATTORNEY GENERAL

¹ Florida Fusion Center, 4/1/2022, Bulletin, Product # 22-034.

² Schedules of Controlled Substances: Temporary Placement of Butonitazene, Etodesnitazene, Flunitazene, Metodesnitazene, Metonitazene, N-pyrrolidino etonitazene, and Protonitazene in Schedule I: A Proposed Rule by the Drug Enforcement Administration, 86 Fed.Reg. 69,182 (Dec. 7, 2021) See https://www.deaiversion.usdoj.gov/fed_regs/rules/2020/fr0820_2.htm.

³ Schedules of Controlled Substances: Temporary Placement of Isotonitazene in Schedule I 85 Fed Reg. 51, 342 (Aug. 20, 2020), (codified at 21 C.F.R. pt. 1308) See <https://www.govinfo.gov/content/pkg/FR-2021-12-07/pdf/2021-26263.pdf>

NOTICE OF EMERGENCY RULE

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE:

RULE NO.:

2ER22-1

Addition of BUTONITAZENE (2-(2-(4-butoxybenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine); ETODESNITAZENE; ETAZENE (2-(2-(4-ethoxybenzyl)-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine); FLUNITAZENE (*N,N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)ethan-1-amine); METODESNITAZENE (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine), METONITAZENE (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)ethan-1-amine); *N*-PYRROLIDINO ETONITAZENE; ETONITAZEPYNE (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 *H*-benzimidazole); PROTONITAZENE (*N,N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine); and ISOTONITAZENE (*N,N*-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine) to Schedule I, subsection 893.03(1)(a), F.S.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE:

In written findings published on the date this emergency rule was filed with the Secretary of State's Office, Attorney General Ashley Moody has found that there is a need to immediately place the above-mentioned substances classifiable as a synthetic opioid under Schedule I, Subsection 893.03(1)(a), F.S., in order to curtail their abuse by Florida's children, young adults, and others. These circumstances present an immediate and imminent hazard to the public health, safety, and welfare which requires emergency action. In addition, the Attorney General has found that the above-mentioned compounds meet the statutory criteria for placement as a controlled substance in Schedule I, subsection 893.03(1)(a), F.S.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:

The above-mentioned compounds present an immediate and imminent hazard to the public health, safety, and welfare which requires emergency action. The Attorney General will ask the Florida Legislature to memorialize this action through legislation in its 2023 legislative session. A copy of the Attorney General's findings in support of this emergency rule may be obtained by contacting the Office of the Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050; (850) 245-0145.

SUMMARY: The proposed emergency rule adds BUTONITAZENE (2-(2-(4-butoxybenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine); ETODESNITAZENE; ETAZENE (2-(2-(4-ethoxybenzyl)-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine); FLUNITAZENE (*N,N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)ethan-1-amine); METODESNITAZENE (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine), METONITAZENE (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)ethan-1-amine); *N*-PYRROLIDINO ETONITAZENE; ETONITAZEPYNE (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 *H*-benzimidazole); PROTONITAZENE (*N,N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine); and ISOTONITAZENE (*N,N*-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine) to Schedule I, subsection 893.03(1)(a), F.S.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:

Ashley Moody, Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050; (850) 245-0145.

THE FULL TEXT OF THE EMERGENCY RULE IS:

2ER22-1 Addition of BUTONITAZENE (2-(2-(4-butoxybenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine); ETODESNITAZENE; ETAZENE (2-(2-(4-ethoxybenzyl)-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine); FLUNITAZENE (*N,N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)ethan-1-amine); METODESNITAZENE (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine), METONITAZENE (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)ethan-1-amine); *N*-PYRROLIDINO ETONITAZENE; ETONITAZEPYNE (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 *H*-benzimidazole); PROTONITAZENE (*N,N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 *H*-benzimidazol-1-yl)ethan-1-amine); and ISOTONITAZENE (*N,N*-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine) to Schedule I, subsection 893.03(1)(a), F.S.

(1) Under the authority of Section 893.035, F.S., the following substances are hereby added to Schedule I, subsection 893.03(1)(a), F.S.: BUTONITAZENE (2-(2-(4-butoxybenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine); ETODESNITAZENE; ETAZENE (2-(2-(4-ethoxybenzyl)-1 *H*-benzimidazol-1-yl)- *N,N*-diethylethan-1-amine); FLUNITAZENE (*N,N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1 *H*-benzimidazol-1-yl)ethan-

1-amine); METODESNITAZENE (N,N -diethyl-2-(2-(4-methoxybenzyl)-1 H -benzimidazol-1-yl)ethan-1-amine), METONITAZENE (N,N -diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1 H - benzimidazol-1-yl)ethan-1-amine); N-PYRROLIDINO ETONITAZENE; ETONITAZEPYNE (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1 H -benzimidazole); PROTONITAZENE (N,N -diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 H -benzimidazol-1-yl)ethan-1-amine); and ISOTONITAZENE (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine).

(2) All provisions of Chapter 893, F.S., applicable to controlled substances listed in Schedule I shall be applicable to the substances listed in subsection (1) above.

Rulemaking Authority 893.035, F.S., Law Implemented 893.03, 893.035, F.S. History – New _____.

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

EFFECTIVE DATE:

2ER22-1 Addition of BUTONITAZENE (2-(2-(4-butoxybenzyl)-5-nitro-1 H -benzimidazol-1-yl)- N,N - diethylethan-1-amine); ETODESNITAZENE; ETAZENE (2-(2-(4-ethoxybenzyl)-1 H -benzimidazol-1-yl)- N,N - diethylethan-1-amine); FLUNITAZENE (N,N -diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1 H -benzimidazol-1-yl)ethan-1-amine); METODESNITAZENE (N,N -diethyl-2-(2-(4-methoxybenzyl)-1 H -benzimidazol-1-yl)ethan-1-amine); METONITAZENE (N,N -diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1 H - benzimidazol-1-yl)ethan-1-amine); N-PYRROLIDINO ETONITAZENE; ETONITAZEPYNE (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)- 1 H -benzimidazole); PROTONITAZENE (N,N -diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 H -benzimidazol-1-yl)ethan-1-amine); and ISOTONITAZENE (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine) to Schedule I, subsection 893.03(1)(a), F.S.

(1) Under the authority of Section 893.035, F.S., the following substances are hereby added to Schedule I, subsection 893.03(1)(a), F.S.: BUTONITAZENE (2-(2-(4-butoxybenzyl)-5-nitro-1 H -benzimidazol-1-yl)- N,N - diethylethan-1-amine); ETODESNITAZENE; ETAZENE (2-(2-(4-ethoxybenzyl)-1 H -benzimidazol-1-yl)- N,N - diethylethan-1-amine); FLUNITAZENE (N,N -diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1 H -benzimidazol-1-yl)ethan-1-amine); METODESNITAZENE (N,N -diethyl-2-(2-(4-methoxybenzyl)-1 H -benzimidazol-1-yl)ethan-1-amine); METONITAZENE (N,N -diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1 H - benzimidazol-1-yl)ethan-1-amine); N-PYRROLIDINO ETONITAZENE; ETONITAZEPYNE (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)- 1 H -benzimidazole); PROTONITAZENE (N,N -diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1 H -benzimidazol-1-yl)ethan-1-amine); and ISOTONITAZENE (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine).

(2) All provisions of Chapter 893, F.S., applicable to controlled substances listed in Schedule I shall be applicable to the substances listed in subsection (1) above.

Rulemaking Authority 893.035, F.S., Law Implemented 893.03, 893.035, F.S. History – New _____.

CERTIFICATION OF THE
DEPARTMENT OF LEGAL AFFAIRS EMERGENCY RULE
FILED WITH THE DEPARTMENT OF STATE

I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with section 120.54(4), F.S. The adoption of this rule was authorized by the head of the agency and this rule is hereby adopted upon its filing with the Department of State.

Rule No.

2ER22-1

Under the provision of Section 120.54(4)(d), F.S., this rule takes effect upon filing unless a later time and date less than 20 days from filing, is set out below:

Effective Date: _____
(Month) (Day) (Year)



Ashley Moody
Attorney General

Attorney General _____
Title

Number of Pages Certified

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s).

Rules covered by this certification:

Rule No(s).

2ER22-1



Ashley Moody
Attorney General

Attorney General _____
Title