

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
64B1-7.0015 Continuing Education Requirement
PURPOSE AND EFFECT: To consider mandating education regarding electromagnetic sensitivity safety standards.
SUBJECT AREA TO BE ADDRESSED: To consider mandating education regarding electromagnetic sensitivity safety standards.
RULEMAKING AUTHORITY: 456.013, 457.104, 457.107, 457.108 FS.
LAW IMPLEMENTED: 456.013, 456.033, 457.107, 457.108 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: Danielle Terrell, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Danielle.Terrell@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:
64B18-17.001 Continuing Education Required for License Renewal
PURPOSE AND EFFECT: The Board proposes the rule development to conduct a comprehensive review and to determine if there are any needed updates, changes, or corrections to the rule language.
SUBJECT AREA TO BE ADDRESSED: The rule language.
RULEMAKING AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.
LAW IMPLEMENTED: 456.013(6), (7), (9), 456.033, 456.0341, 456.036(11), 461.003(5), 461.007(1), (3) 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: Ashleigh Irving, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:
64B18-17.002 Board Approval of Continuing Education Programs
PURPOSE AND EFFECT: The Board proposes the rule development to conduct a comprehensive review and to determine if there are any needed updates, changes, or corrections to the rule language.
SUBJECT AREA TO BE ADDRESSED: The rule language.
RULEMAKING AUTHORITY: 456.013, 456.025(3), 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013, 456.025(3), 461.007(3) 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: Ashleigh Irving, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

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

Section II

Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.094222 Standards for Mid-Year Promotion of Retained Third Graders
PURPOSE AND EFFECT: To align with Rule 6A-1.094221, F.A.C., Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion, which was updated in February 2022. For mid-year promotion on or before November 1, this rule amendment includes scoring Level 2 or above on the statewide, standardized English Language Arts assessment as an additional piece of evidence to show mastery

of third grade reading skills. For mid-year promotion after November 1, the student's progress must be sufficient to master appropriate grade four level reading skills equivalent to the level necessary for the month in which the transition occurs.

SUMMARY: Rule 6A-1.094222 Mid-Year Promotion of Retained Third Graders was established to align with Rule 6A-1.094221, Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion to provide guidance to schools and districts pertaining to students retained in grade three. This rule further clarifies considerations for mid-year promotion for students retained in grade three.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to have any adverse impact on economic growth or business competitiveness, or increase regulatory costs or any other factor listed in s. 120.541(2)(a), F.S., and will not require legislative ratification.. This is based upon the nature of the proposed rule.

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: 1001.02(1), (2)(n), 1008.25(10), F.S.

LAW IMPLEMENTED: 1008.25(7)(b)2., F.S.

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

DATE AND TIME: January 18, 2023, 9:00 a.m.

PLACE: Nassau County School Board Office, 1201 Atlantic Ave., Fernandina Beach, FL 32034.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lindsey Brown, Executive Director, Just Read, Florida! 325 West Gaines Street, Tallahassee, FL 32399, (850)245-5074

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094222 Standards for Mid-Year Promotion of Retained Third Graders.

~~Effective with the 2004-2005 school year, District school boards are required to adopt and implement a policy for the~~

mid-year promotion of any student retained in third grade due to a reading deficiency as required by Section ~~(s.)~~ 1008.25(5)(c)(~~b~~), F.S. Such mid-year promotions of retained third grade students should occur during the first semester of the academic year.

(1) No change.

(2) The criteria for students promoted on or before November 1 must provide a reasonable expectation that the student has met the requirements of paragraphs (1)(a)-(c) of this rule including the mastery of third grade reading skills as presented in the state academic standards in English Language Arts Florida Standards. Evidence is as follows:

(a) Satisfactory performance as demonstrated by scoring Level 2 or above on beginning of the year administration of the statewide, standardized coordinated screening and progress monitoring system in Grade 3 English Language Arts pursuant to s. 1008.25(8)(b)2., F.S.;

~~(b)(a)~~ Satisfactory performance on locally selected standardized assessment(s) measuring state academic standards in English Language Arts pursuant to s. 1003.41, F.S.; Florida Standards as specified subsection (4) of this rule;

~~(c)(b)~~ Satisfactory performance on a state approved alternative assessment as delineated in paragraph (1)(b) of State Board Rule 6A-1.094221, F.A.C.; or

~~(d)(e)~~ Successful completion of portfolio elements that meet state criteria in subsection (3) of this Rule 6A-1.094221, F.A.C.

~~(3) To promote a student mid year using a student portfolio, as provided for in paragraph (2)(c) of this rule, there must be evidence of the student's mastery of third grade English Language Arts Florida Standards. The student portfolio must meet the following requirements:~~

~~(a) Be selected by the school district;~~

~~(b) Be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom;~~

~~(c) Include evidence of mastery of the standards assessed by the grade three English Language Arts Florida Standards assessment as required by Rule 6A-1.094221, F.A.C. Evidence can include successful completion of multiple choice items and text-based responses, chapter or unit tests from the district or school adopted core reading curriculum, or the state provided third grade student portfolio. Portfolios should contain 50% literary and 50% informational texts.~~

~~(d) Be signed by the teacher and the principal as an accurate assessment of the required reading skills.~~

~~(3)(4)~~ The criteria for students promoted after November 1 must provide a reasonable expectation that the student has met the requirements of subsections (1)-(2)(3) of this rule, and that the student's progress is sufficient to master appropriate grade four level reading skills equivalent to the level necessary for the

~~month in which the transition to grade four occurs. These students must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade four.~~

~~(4)(5)~~ The Progress Monitoring Plan for any retained third grade student who has been promoted mid-year to fourth grade must continue to be implemented for the entire academic year and if necessary for additional school years.

Rulemaking Authority ~~1001.02(1), (2)(n), 1008.25(10)(9)~~ FS. Law Implemented ~~1008.25(7)(b)23~~. FS. History—New 12-19-04, Amended 4-21-11, 2-17-15, 1-7-16.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lindsey Brown, Executive Director, Just Read, Florida!
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 10, 2022

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099811
RULE TITLE: School Improvement State System of Support for Deficient and Failing Schools

PURPOSE AND EFFECT: To align the rule to Florida Statutes based on revisions made to 1008.33, F.S., in Senate Bill 2524 of the 2022 Legislature.

SUMMARY: The rule incorporates the revisions for the School Improvement State System of Support for deficient and failing schools prompted by Senate Bill 2524. Additionally, the revisions update and clarify language, processes and timelines. The effect of these revisions will provide clarity and consistency with state requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the nature of the changes, this proposed rule is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S., and will not require legislative

ratification. No increase in regulatory costs are anticipated as a result of this rule change.

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: 1001.02(2)(n), 1008.33, F.S.
LAW IMPLEMENTED: 1001.42(2)(a), 1008.33, 1008.345, 1012.2315, F.S.

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

DATE AND TIME: January 18, 2023, 9:00 a.m.
PLACE: Nassau County School Board Office, 1201 Atlantic Ave., Fernandina Beach, FL 32034.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carla Greene, Bureau of School Improvement, Department of Education, (850)245-0983 or email Carla.Greene@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099811 School Improvement State System of Support for Deficient and Failing Schools.

(1) Purpose. The purpose of this rule is to set forth the School Improvement (SI) State System of Support for Deficient and Failing Schools pursuant to section 1008.33, F.S., by establishing differentiated intervention and support strategies for traditional public schools, delineating the responsibilities of the school, district and Department of Education (Department), setting timelines for intervention and support strategies, prescribing reporting requirements to review and monitor progress of schools, and setting forth submission and approval criteria for Turnaround ~~Option implementation Plans~~.

(2) Definitions. The following definitions, listed alphabetically, shall be used in this rule and incorporated documents:

- (a) through (b) No change.
- (c) “Common planning time” means the time provided to grade-level instructional personnel at the elementary level and subject-area instructional personnel at the secondary level to meet together, within and across grades and subjects, for data-based decision making, problem-solving and professional development on Florida’s state academic sStandards.

(d) “Community Assessment Team” or “CAT” means the team that reviews the school performance, identifies causes of low performance and makes recommendations for school improvement. The CAT shall include, but not be limited to, a Department representative, parents, business representatives, educators, the Regional Executive Director or designee, representatives of local government, and community activists,

and shall represent the demographics of the community from which they are appointed.

(e) “Comprehensive Support and Improvement school” or “CS&I” means any school that earns a grade of “D” or “F” or any school that has a graduation rate of sixty-seven (67) percent or less in the most recently released school grades pursuant to Rule 6A-1.09981, F.A.C., School and District Accountability.

(f) No change.

(g) “District leadership team” means the team that includes the superintendent and district leadership. This may include those in charge of curriculum, general and special education, student services, human resources, professional development, and other areas relevant to school improvement. The district-based leadership team shall develop and implement the district-managed turnaround option plan.

(h) through (n) No change.

(o) “Memorandum of Understanding” or “MOU” means an agreement with the school district and bargaining unit pursuant to section 1001.42(21), F.S., to be negotiated that addresses the selection, placement and expectations of instructional personnel. The MOU must be provided to the Department by September 1, after the issuance of the SI school’s grade, pursuant to section 1008.33(4)(a), F.S.

(p) “Multi-Tiered System of Supports” or “MTSS” means the system utilizing the problem-solving process to identify and support student needs based upon the available data. The data used in the process may include, but is not limited to, attendance, behavior/discipline, statewide assessment, and progress monitoring assessment data.

(q) “Needs Assessment” means a systematic process that includes a thorough analysis of available state, district, and school-level trend data to determine priorities, address needs or gaps, and allocate resources between current conditions and desired state.

(r) No change.

(s) “Progress monitoring” means the continuous review of assessments that inform educators about ongoing student progress for mastery of Florida’s grade level standards in mathematics, English Language Arts (ELA), science, and social studies.

(t) “Progress Monitoring Data Review” or “PMDR” is a quarterly survey used to gather instructional personnel and student data to inform state, district, and school leaders about professional capacity and school climate as related to student achievement.

(u) through (x) No change.

(y) “School Improvement Regional Team” means the staff assigned by the Department to provide assistance to schools and districts located in ~~one (1) of four (4)~~ geographic regions.

(z) “School Improvement Schools” or “SI schools” means graded public schools identified for support and intervention by

the Department because the schools earned a grade of “D,” a grade of “F” or produced a graduation rate of sixty-seven (67) percent or less.

(aa) No change.

(bb) “Value-added model” or “VAM” means a statistical model used for the purpose of determining an individual teacher’s contribution to student learning, as established by Rule 6A-5.0411, F.A.C. The three-year aggregated state VAM files includes instructional personnel with one to three years of state VAM data.

(3) School Improvement (SI) Tiers of Support. All SI schools are in need of support and intervention from the school district and the Department and are provided this within the context of a three-tiered system.

(a) No change.

(b) A Tier 2 SI school is any school that earns a single grade of “F” or consecutive grades of “D” in any school year in which the school received a grade ~~a school that earns consecutive low-performing grades~~ and is in the first cycle of turnaround.

(c) No change.

(4) SI Notification. In order to assist school districts with support and interventions for SI schools, the Department shall:

(a) No change.

(b) Provide notice of the Tier of Support for the SI school and notice of CS&I status;

(c) Provide districts with state Value-added Model (VAM) data on instructional personnel no later than July 31 ~~in August~~ of each year, which includes the three-year aggregated state VAM file; and

(d) No change.

(5) Support Strategies for SI schools.

(a) Districts with a SI school must coordinate with the Department, the Regional Executive Director or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.

(b) The support and improvement strategies that must be considered by a district that has any SI school to improve student performance are to:

1. through 4. No change.

5. Ensure the instructional programs align to Florida’s state academic standards across grade levels and are proven to be effective with high-poverty, at-risk students using ESSA’s evidence-based levels 1, 2, or 3;

6. through 9. No change.

(c) The support and improvement strategies that must be implemented by a district that has any SI school to improve student performance are to:

1. No change.

2. Utilize formative and summative assessments that are aligned to Florida’s state academic standards;

3. through 5. No change.

(d) through (e) No change.

(6) Turnaround Option Plan Types.

(a) Turnaround Option Plan plans are two-year district improvement plans that are required for a school that earns two (2) consecutive grades of “D” or a single grade of “F.” A school district is not required to wait until a school earns a second consecutive grade of “D” to submit a Turnaround Option Plan for approval by the State Board of Education. All Turnaround Option Plans must be designed to improve a SI school’s grade to a “C” or better within two (2) school years.

(b) The four (4) Turnaround Option Plan types are:

1. District-managed Turnaround Option Plan (DMT). DMT is the option through which the school district manages the two-year Turnaround Option Plan at the school;

2. Reassignment and Closure Turnaround Option Plan (RC). RC is the option through which the district closes the school, reassigns students to a “C” or higher graded school(s) and monitors the progress of those students;

3. Charter School Turnaround Option Plan (CH). CH is the option through which the district contracts with a charter school with a record of effectiveness to operate SI the school; and

4. External Operator/Outside Entity Turnaround Option Plan (EO). EO is the option through which the district contracts with an outside entity that has a record of effectiveness to provide turnaround services including school leadership, educational modalities, teacher and leadership professional development, curriculum, operation and management services, school-based administrative staffing, budgeting, scheduling, other educational service provider functions, or any combination thereof operate SI the school. An EO/Outside Entity includes one or a combination of the following:

a. An EO/ Outside Entity, which may be a district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter; and

b. A contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide individualized consultancy services tailored to address the identified needs of one or more SI schools.

(7) Turnaround Option Plan Steps. All Turnaround Option Plans must be completed by the district in collaboration with the Department. There are two (2) steps in the development of a Turnaround Option Plan.

(a) Step one requires the district to engage stakeholders in planning for the development of the Turnaround Option Plan by:

1. through 4. No change.

(b) Step two requires the district to develop a Turnaround Option Plan for implementation. All step two plans must be submitted by the district to the RED for review and feedback prior to submission to the Department and the State Board of Education for approval.

(c) After the approval of a district’s Turnaround Option Plan by the State Board of Education, the district shall utilize the Principal Change Verification Form to notify and receive approval from the Department prior to replacing a principal at a turnaround school.

(8) District-managed Turnaround (DMT).

(a) DMT-Step One. The district must meet and document the requirements set forth in paragraph (7)(a) of this rule, and the following requirements on the form entitled, District-Managed Turnaround Option Plan–Step 1, TOP-1.

1. Agree to meet the following assurances:

a. No change.

b. Ensure the instructional programs align to Florida’s state academic standards across grade levels and are proven to be effective with high-poverty, at-risk students using ESSA’s evidence-based levels 1, 2, or 3;

c. Ensure progress monitoring assessments are aligned to Florida’s state academic standards and provide valid data to support intervention for students;

d. through f. No change.

g. Ensure the review of practices in hiring, recruitment, retention, and reassignment of instructional personnel have been reviewed with priority on student performance data;

h. through k. No change.

2. through 4. No change.

(b) DMT – Step Two. The district must meet and document the following requirements on the form entitled District-Managed Turnaround Option Plan–Step 2, TOP-2.

1. through 5. No change.

6. Describe how the instructional programs align to Florida’s state academic standards across grade levels and are proven to be effective with high-poverty, at-risk students using ESSA’s evidence-based levels 1, 2, or 3;

7. No change.

8. Describe how progress monitoring assessments are aligned to Florida’s state academic standards and provide valid data to support intervention for students;

9. through 16. No change.

(9) No change.

(10) Charter School (CH).

(a) through (b) No change.

(c) The district shall submit to the Department for Cycle Two, Cycle Three and Cycle Four schools as described in subsection (12) of this rule, an executed contract with the

charter operator no later than May 1, prior to the implementation of the Turnaround Option Plan.

(11) External Operator/Outside Entity (EO).

(a) through (b) No change.

(c) The district shall submit to the Department for Cycle Two, Cycle Three and Cycle Four schools, an executed performance contract with the EO no later than May 1, prior to the implementation of the Turnaround Option Plan.

(12) Timeline. The deadlines the district must meet are set forth below.

(a) No Change.

(b) Turnaround schools in Cycle Two, Cycle Three and Cycle Four:

1. through 2. No change.

3. Executed annual contract with an EO or CH due May 1, prior to the school year of implementation of Turnaround Option Plan.

(c) No change.

(13) State Board Approval of District Turnaround Option Plans.

(a) When considering whether to approve a Turnaround Option Plan, the State Board shall consider, at a minimum, the following factors:

1. The strength of the Turnaround Option Plan;

2. through 4. No change.

5. The extent to which the recommendations of the RED and the Department have been incorporated into the district's Turnaround Option Plan.

(b) Approval. The State Board shall approve a Turnaround Option Plan when a school district:

1. Meets the requirements for Turnaround Option Plans set forth in this rule and incorporated forms; and

2. Demonstrates that it is more likely than not that the school will improve to a grade of at least a "C" during implementation of the two year Turnaround Option Plan.

(14) Revocation of an Approved Turnaround Option Plan.

(a) The State Board is authorized to revoke a Turnaround Option Plan when:

1. A district has failed to follow the terms of its approved Turnaround Option Plan or meet the requirements for such plans, as set forth in subsections (8) through (11) of this rule; and

2. It is unlikely the school will improve to a grade of at least a "C" during the remainder of the implementation of the two-year Turnaround Option Plan.

(b) through (c) No change.

(d) Upon revocation, a district shall be afforded no less than twenty (20) days to submit a revised Turnaround Option Plan to the State Board.

(15) Exiting School Improvement. In order to exit SI, a school must meet one of the following requirements:

(a) When the school is categorized as a SI school based upon its grade, the school must earn a grade of at least a "C₂"; or

(b) No change.

(16) Extension of a Turnaround Option Plan.

(a) A district may request additional time to implement its Turnaround Option Plan if the following conditions are met:

1. through 3. No change.

4. During the remainder of the implementation of the Turnaround Option Plan, the district agrees to staff the school without any Unsatisfactory rated instructional personnel and maintain or improve the school's percentage of Needs Improvement rated instructional personnel from the percentage reported; and

5. No change.

(b) The State Board of Education shall approve a district's request for additional time to implement its Turnaround Option Plan when a school district:

1. No change.

2. The State Board determines that the school district has demonstrated that it is more likely than not that the school will improve to a grade of at least a "C" during an extended period of implementation of the Turnaround Option Plan.

(17) through (18) No change.

Rulemaking Authority 1001.02(2)(n), 1008.33 FS. Law Implemented 1001.42(18)(a), 1008.33, 1008.345, 1012.2315 FS. History--New 8-11-10, Amended 8-6-13, 12-23-14, 8-21-18, 10-24-19.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carla Greene, Bureau of School Improvement.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 08, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 15, 2022

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.053
 RULE TITLE: District K-12 Comprehensive Evidence-Based Reading Plan

PURPOSE AND EFFECT: To revise the District K-12 Comprehensive Evidence-Based Reading Plan (CERP) Rule to include new language delineated in Senate Bill (SB) 2524. The effect of this rule amendment allows flexibility to districts in regards to the specific use of the evidence-based reading instruction allocation, as well as the format for and approval of district comprehensive reading plans.

SUMMARY: This rule amendment revises the District K-12 Comprehensive Evidence-Based Reading Plan (CERP) Rule to include new language delineated in SB 2524. This language: removes the specific requirement for the 300 lowest-performing schools to use the allocation to provide an additional hour of intensive reading instruction; clarifies that reading coaches must be certified or endorsed in reading; provides flexibility for professional development options by authorizing school boards to use funds from the allocation to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program (FEFP) earn a certification, a credential, an endorsement, or advanced degree in scientifically researched and evidence-based reading instruction; authorizes teachers or other district personnel who possess an early literacy micro-credential to teach summer camps for students in kindergarten through grade 5 (does not modify the requirement that a retained grade 3 student in summer reading camp be provided instruction by a teacher who is certified or endorsed in reading); authorizes allocation funds to be used for incentives for instructional personnel and certified prekindergarten teachers funded in the FEFP who possess a reading certification or endorsement or a literacy micro-credential and provide educational support to improve student literacy; authorizes allocation funds to provide tutoring in reading; and authorizes intensive reading interventions to be provided by instructional personnel who possess a literacy micro-credential and with supervision from an individual who is certified or endorsed in reading. SB 2524 also requires school districts to submit a comprehensive reading plan (CERP), approved by the applicable district school board, charter school governing board, or lab school board of trustees, in consultation with the State Regional Literacy Director, for the specific use of the evidence-based reading instruction allocation. It removes the requirement for the Department of Education to prescribe the format for and approval of district comprehensive reading plans. This rule amendment also revises the K-3 substantial reading deficiency criteria to include more than one data point for identification: coordinated screening and progress monitoring system or an assessment in the district CERP, and formative assessment/teacher observation data that demonstrates minimum skill levels in one or more reading components. Students in K-3 identified as having a substantial reading deficiency are required to be provided Tier 3 interventions. Current sections 9, 10, 11, and 12 are being re-ordered for clarity and ease of use. Current sections 13 and 14 are being removed due to statutory change and being obsolete, respectively.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to have any adverse impact on economic growth or business competitiveness, or increase regulatory costs or any other factors listed in s. 120.541(2)(a), F.S., and will not require legislative ratification. This is based upon the nature of the proposed rule.

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: 1001.02(1), (2)(n), 1011.62, 1008.25, F.S.

LAW IMPLEMENTED: 1001.215, 1011.62, 1008.25, F.S.

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

DATE AND TIME: January 18, 2023, 9 a.m.

PLACE: Nassau County School Board Office, 1201 Atlantic Ave., Fernandina Beach, FL 32034.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lindsey Brown, Executive Director of Just Read, Florida! – Lindsey.Brown@fldoe.org or 850-245-5074.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.053 District K-12 Comprehensive Evidence-Based Reading Plan.

(1) Annually, school districts shall submit a K-12 Comprehensive Evidence-Based Reading Plan (CERP) for the specific use of the evidence-based reading instruction allocation by June 15, on the form entitled District K-12 Comprehensive Evidence-Based Reading Plan, Form No. CERP-1. The comprehensive reading plan must be approved by the applicable school board, charter school governing board, or lab school board of trustees, for the specific use of the evidence-based reading instruction allocation, based on a root-cause analysis. By July 1 of each year, the Department shall release to each school district its allocation of appropriated funds pending plan submission. The District K-12 ~~CERP Comprehensive Evidence-Based Reading Plan~~ must accurately depict and detail the role of administration (both district and school level), professional development, assessment, curriculum, and instruction in the improvement of student

learning of the B.E.S.T. English Language Arts Standards as provided in Rule 6A-1.09401, F.A.C. This information must be reflected for all schools and grade levels and shared with all stakeholders, including school administrators, literacy leadership teams, literacy coaches, classroom instructors, support staff, and parents. The District K-12 ~~CERP Comprehensive Evidence Based Reading Plan~~ must ensure that:

(a) through (b) No change.

(c) All intensive reading interventions must be delivered by a teacher who is certified or endorsed in reading in accordance with Section (s.) 1011.62(8)(e), F.S., or instructional personnel pursuant to s. 1012.01(2), F.S., who possess a literacy micro-credential. For instructional personnel who possess a literacy micro-credential and provide intensive reading interventions, supervision must be provided by an individual certified or endorsed in reading;

(d) Measurable student achievement goals are established and clearly described;

(e) Evidence-based instructional materials and strategies have a significant effect on improving student outcomes and meet strong, moderate, or promising levels of evidence as defined in 20 U.S.C. s. §7801(21)(A)(i) and comply with s. Section 1001.215(8) 1011.67(2), F.S.;

(f) ~~Supplemental instructional materials have a significant effect on improving student outcomes and meet strong, moderate, or promising levels of evidence as defined in 20 U.S.C. §7801(21)(A)(i) and comply with Section 1001.215(8), F.S.; and~~

(g) ~~The identified three hundred (300) lowest performing elementary schools provide an additional hour per day of intensive reading instruction in accordance in Section 1011.62(8), F.S.~~

(2) Evidence-Based Reading Instruction Allocation. The evidence-based reading instruction allocation is created to provide comprehensive reading instruction to students in prekindergarten through grade 12. Districts will submit a budget for the Evidence-Based Reading Instruction Allocation, including salaries and benefits, professional development ~~costs~~, assessment ~~costs~~, and programs/materials, tutoring and incentives pursuant to s. 1011.62(8)(d), F.S. costs. In accordance with s. Section 1008.25(3)(a), F.S., budgets must be prioritized for K-3 students with substantial deficiencies in reading as identified in subsection ~~(10)(12)~~ of this rule. ~~In accordance with Section 1011.62(8), F.S., the Evidence Based Reading Instruction Allocation may be used to provide early literacy instruction and interventions to students who have completed the Voluntary Prekindergarten Education Program and who are at risk of being identified as having a substantial deficiency in early literacy skills under Section 1008.25(8)(e), F.S.~~

(3) School Literacy Leadership Teams. Districts must describe in the plan the process the principal will use to form and maintain a Literacy Leadership Team, consisting of a school administrator, literacy reading coach, media specialist, lead teachers, and other relevant team members, as applicable.

(4) Professional Development. The plan must make adequate provisions to require principals to:

(a) Provide the professional development required by s. Section 1012.98(4)(b)11., F.S., which includes training to help teachers integrate phonemic awareness, phonics, word study and spelling, fluency, vocabulary and text comprehension strategies into an explicit, systematic and sequential approach to reading instruction, including multisensory intervention strategies;

(b) through (d) No change.

(5) Charter schools. Charter schools must utilize their proportionate share of the evidence-based reading allocation in accordance with ss. Sections 1002.33(7)(a)2.a. and 1008.25(3)(a), F.S. All intensive reading interventions specified by the charter must be delivered in accordance with paragraph (1)(c) of this rule. ~~by a teacher who is certified or endorsed in reading.~~

(6) Literacy Coaches.

(a) No change.

(b) Districts must use the Just Read, Florida! literacy coach model or explain the evidence-based coaching model used in their district and how they will monitor the implementation and effectiveness of the coaching model. ~~This must include how communication between the district, school administration, and the reading coach throughout the year will address areas of concern.~~

(c) The Just Read, Florida! literacy coach model is described below:

1. The literacy coach will serve as a stable resource for professional development throughout a school to generate improvement in reading and literacy instruction and student achievement. Coaches will support and provide initial and ongoing professional development to teachers in:

a. through b. No change.

c. Providing differentiated instruction and intensive interventions.

2. Coaches will:

a. Model effective instructional strategies for teachers in whole and small group instruction;

b. Collect and use data on instructional practices to inform and implement professional learning activities ~~Facilitate study groups;~~

c. through d. No change.

e. Work with teachers to ensure that evidence-based reading strategies and programs grounded in the science of reading ~~(comprehensive core reading programs, supplemental~~

~~reading programs and comprehensive intervention reading programs~~) are implemented with fidelity;

~~f. Help to increase instructional density to meet the needs of all students;~~

~~f. g.~~ Participate in literacy leadership teams;

~~g. h.~~ Continue to grow professionally to increase their knowledge of and ability to apply effective pedagogy and andragogy; base in best practices in reading instruction, intervention, and instructional reading strategies;

~~h. i.~~ Prioritize time to ~~those~~ teachers, activities, and roles that will have the greatest impact on student achievement in reading, namely coaching and mentoring in classrooms; and

~~j.~~ Work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms; and

~~i. k.~~ Work with school principals to plan and implement a consistent program of improving reading achievement using evidence-based strategies that demonstrate a statistically significant effect on improving student outcomes as defined in 20 U.S.C. s. §7801(21)(A)(i).

3. Coaches are prohibited from performing administrative functions that will detract from their role as a literacy coach, and must limit the time spent on administering or coordinating assessments.

(d) Minimum Qualifications. Literacy coaches must have a minimum of a bachelor's degree and be endorsed or K-12 certified in reading. experience as successful classroom teachers. Literacy coaches must have an effective or highly effective rating from the most recently available evaluation that contains student performance data. Literacy coaches must exhibit specialized knowledge of evidence-based reading research, special expertise in quality reading instruction grounded in the science of reading, and infusing evidence-based reading strategies into content area instruction, and data management skills. They must have a strong knowledge base in working with adult learners. Coaches must be excellent communicators with outstanding presentation, interpersonal, and time management skills. The coach must have a minimum of a bachelor's degree and be endorsed or K-12 certified in the area of reading. The literacy coach must have a highly effective rating from the most recently available evaluation that contains student achievement data.

(7) District-level monitoring of the District K-12 CERP Comprehensive Evidence Based Reading Plan Implementation. The plan must demonstrate adequate provisions for:

(a) Monitoring the level of implementation of the District K-12 CERP Comprehensive Evidence Based Reading Plan at the school and classroom level, including an explanation of the data that will be collected, ~~how it will be collected, and the frequency of review, and actions for continuous support and~~

improvement. Districts must also explain how concerns are communicated if it is determined that the District K-12 CERP Comprehensive Evidence Based Reading Plan is not being implemented in a systematic and explicit manner, based on data to meet the needs of students.

~~(b) Ensuring that all instruction in reading is systematic and explicit, based on data, and uses an evidence-based sequence of reading instruction and strategies to meet the needs of students at the school level and determining appropriate instructional adjustments.~~

~~(c) Ensuring that data from formative assessments are used to guide differentiation of reading instruction.~~

~~(d) Incorporating reading and literacy instruction by content area teachers into subject areas to extend and build discussions of text in order to deepen understanding.~~

~~(b)(e)~~ Reporting of data elements as required by the District K-12 CERP Comprehensive Evidence Based Reading Plan within the Comprehensive Management Information System as provided in Rule 6A-1.0014, F.A.C. These data elements include:

1. Student Enrollment in Reading Interventions;
2. Reading Endorsement competency status for teachers; ~~and~~
3. Reading Certification progress status for teachers; and;
4. Literacy Micro-Credential status for instructional personnel.

~~(c)(f)~~ Evaluating District K-12 CERP Comprehensive Evidence Based Reading Plan implementation and impact on student achievement.

1. Districts must annually evaluate the implementation of their District K-12 CERP Comprehensive Evidence Based Reading Plan on the form entitled District K-12 CERP Reflection Tool, after conducting a root-cause analysis of student performance data to evaluate the effectiveness of interventions.

2. The evaluation must:

a. Analyze elements of the district's plan, including literacy leadership, literacy coaching, standards, curriculum, instruction, interventions, assessment, professional learning, tutoring services, and family engagement;

b. through d. No change.

3. Districts must submit the District K-12 CERP Reflection Tool to the Just Read, Florida! Office by May 15 of each year. ~~the deadline established in subsection (14) of this rule.~~

4. No change.

(8) School-level monitoring of District K-12 CERP Comprehensive Evidence Based Reading Plan Implementation.

(a) Districts must describe the process used by principals to monitor implementation of, ~~and ensure compliance with,~~ the

reading plan, including frequent weekly reading walkthroughs conducted by administrators.

(b) Districts must describe how principals monitor collection and utilization of assessment data, including progress monitoring data, to inform instruction ~~determine intervention~~ and support needs of students.

(9) Assessment, Curriculum, and Instruction.

(a) K-12 reading instruction will align with Florida's Formula for Success, 6 + 4 + T1 + T2 + T3, which includes the following:

1. Six (6) components of reading: oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension;

2. Four (4) types of classroom assessments: screening, progress monitoring, diagnostic, and summative;

3. Three (3) tiers of instruction that are standards-aligned; include accommodations for students with a disability, students with an Individual Educational Plan (IEP), and students who are English language learners; and incorporate the principles of Universal Design for Learning as defined in 34 C.F.R. 200.2(b)(2)(ii):

a. Core Instruction (Tier 1): provides print-rich explicit and systematic, scaffolded, differentiated instruction, and corrective feedback; builds background and content knowledge; incorporates writing in response to reading;

b. Supplemental Instruction/Interventions (Tier 2): provides explicit, systematic, small group teacher-led instruction matched to student need, targeting gaps in learning to reduce barriers to students' ability to meet Tier 1 expectations; provides multiple opportunities to practice the targeted skill(s) and receive corrective feedback; occurs in addition to core instruction; and

c. Intensive, Individualized Instruction/Interventions (Tier 3): provides explicit, systematic, individualized instruction based on student need, one-on-one or very small group instruction with more guided practice, immediate corrective feedback, and frequent progress monitoring; and occurs in addition to core instruction and Tier 2 interventions. Tier 3 interventions must be provided to students identified as having a substantial reading deficiency as defined in subsection (10) of this rule. All intensive reading interventions must be delivered in accordance with paragraph (1)(c) of this rule.

(b) Elementary schools must teach reading in a dedicated, uninterrupted block of time of at least ninety (90) minutes duration daily to all students. The reading block will include whole group instruction utilizing an evidence-based sequence of reading instruction and small group differentiated instruction in order to meet individual student needs.

(c) Data from the results of progress monitoring and formative assessments will guide differentiation of instruction and interventions in the classroom.

(d) Districts are required to develop Assessment/Curriculum Decision Trees to demonstrate how data will be used to determine specific reading instructional needs and interventions for all students in grades K-12. The chart must include:

1. Name of assessment(s): screening, progress monitoring, diagnostic, local assessment data, statewide assessments, or teacher observations in use within the district. For students in the Voluntary Prekindergarten Education Program through grade 10, the coordinated screening and progress monitoring system must be administered pursuant to s. 1008.25(8)(b), F.S., and included as a component of the Assessment/Curriculum Decision Trees.

2. Targeted audience (grade level);

3. Performance criteria used for decision-making for each instrument listed in subparagraph (9)(d)1. of this rule at each grade level;

4. Assessment/curriculum connection;

5. The decision trees must include specific criteria for when students are identified to receive intensive reading interventions, what intensive reading interventions will be used, how the intensive reading interventions are provided, and assurance that intensive reading interventions are delivered in accordance with paragraph (1)(c) of this rule.

6. Districts must identify the multisensory interventions provided to students in grades K-3 who have a substantial deficiency in reading.

(10) Identification of Students with a Substantial Reading Deficiency. In accordance with s. 1008.25(4)(c), F.S., students identified with a substantial reading deficiency as determined in s. 1008.25(5)(a), F.S., must be covered by a federally required student plan, such as an Individual Educational Plan (IEP) or an individualized progress monitoring plan, or both, as necessary. A kindergarten through grade 3 student is identified as having a substantial deficiency in reading if the following criteria are met:

(a) For kindergarten, the student scores below the tenth (10th) percentile or is unable to complete the practice items on the designated grade-level assessment at the beginning, middle, or end of the year on the coordinated screening and progress monitoring system pursuant to s. 1008.25(8), F.S., and the student has demonstrated, through progress monitoring, formative assessments, or teacher observation data, minimum skill levels for reading competency in one or more of the areas of phonological awareness; phonics; vocabulary, including oral language skills; fluency; and comprehension;

(b) For grades 1 and 2, the student scores below the tenth (10th) percentile or is unable to complete the practice items on the designated grade-level assessment for the specified testing window of the coordinated screening and progress monitoring system pursuant to s. 1008.25(8), F.S., and the student has

demonstrated, through progress monitoring, formative assessments, or teacher observation data, minimum skill levels for reading competency in one or more of the areas of phonological awareness; phonics; vocabulary, including oral language skills; fluency; and comprehension; or

(c) For grade 3, the student scores:

1. Below the twentieth (20th) percentile at the beginning or middle of the year on the coordinated screening and progress monitoring system pursuant to s. 1008.25(8), F.S., and the student has demonstrated, through progress monitoring, formative assessments, or teacher observation data, minimum skill levels for reading competency in one or more of the areas of phonological awareness; phonics; vocabulary, including oral language skills; fluency; and comprehension; or

2. Level 1 on the end of the year statewide, standardized English Language Arts assessment pursuant to s. 1008.22(3)(a), F.S.

(11) Family Engagement through a Read-at-Home Plan. In accordance with s. 1008.25(5)(c), F.S., the parent of any student who exhibits a substantial deficiency in reading, as identified in accordance with subsection (10) of this rule, must be provided a read-at-home plan, including multisensory strategies, that the parent can use to help with reading at home.

(12) Summer Reading Camps. For summer reading camps required by s. 1008.25(7), F.S., districts must:

(a) Provide instruction to grade 3 students who score Level 1 on the statewide, standardized English Language Arts assessment;

(b) Implement evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(c) Provide instruction by a teacher endorsed or certified in reading.

(9) Summer Reading Camps. For summer reading camps required by Section 1008.25(7), F.S., districts must:

(a) Provide instruction to grade 3 students who score Level 1 on the statewide, standardized English Language Arts assessment;

(b) Implement evidence based explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(c) Provide instruction by a teacher endorsed or certified in reading.

(10) Family Engagement through a Read at Home Plan. In accordance with Section 1008.25(5)(e), F.S., the parent of any student who exhibits a substantial deficiency in reading, as identified in accordance with subsection (12) of this rule, must be provided a read-at-home plan, including multisensory strategies, that the parent can use to help with reading at home.

(11) Assessment, Curriculum, and Instruction.

(a) Elementary schools must teach reading in a dedicated, uninterrupted block of time of at least ninety (90) minutes duration daily to all students. The reading block will include whole group instruction utilizing an evidence based sequence of reading instruction (comprehensive core reading program) and small group differentiated instruction in order to meet individual student needs.

(b) K-12 reading instruction will align with Florida's Revised Formula for Success, 6 + 4 + T1 + T2 + T3, which includes the following:

1. Six (6) components of reading: oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension;

2. Four (4) types of classroom assessments: screening, progress monitoring/diagnostic, and summative assessment;

3. Core Instruction (Tier 1): is standards aligned; includes accommodations for students with a disability, students with an Individual Educational Plan (IEP), and students who are English language learners; provides print rich explicit and systematic, scaffolded, differentiated instruction, and corrective feedback; builds background and content knowledge; incorporates writing in response to reading; and incorporates the principles of Universal Design for Learning as defined in 34 C.F.R. 200.2(b)(2)(ii);

4. Supplemental Instruction/Intervention (Tier 2): is standards aligned; includes accommodations for students with a disability, students with an IEP, and students who are English language learners; provides explicit, systematic, small group teacher led instruction matched to student need, targeting gaps in learning to reduce barriers to students' ability to meet Tier 1 expectations; provides multiple opportunities to practice the targeted skill(s) and receive corrective feedback; and occurs in addition to core instruction; and

5. Intensive, Individualized Instruction/Intervention (Tier 3): is standards aligned; includes accommodations for students with a disability, students with an IEP, and students who are English language learners; provides explicit, systematic, individualized instruction based on student need, one on one or very small group instruction with more guided practice, immediate corrective feedback, and frequent progress monitoring; and occurs in addition to core instruction and Tier 2 interventions. In accordance with Section 1011.62(8)(d), F.S., intensive reading interventions must be delivered by instructional personnel who are certified or endorsed in reading.

(c) Data from the results of formative assessments will guide differentiation of instruction and intervention in the classroom.

(d) Districts are required to develop Assessment/Curriculum Decision Trees to demonstrate how data will be used to determine specific reading instructional

needs and interventions for all students in grades K-12. The chart must include:

1. Name of assessment(s): screening, progress monitoring, diagnostic, local assessment data, statewide assessments, or teacher observations in use within the district. Pursuant to Section 1002.69, F.S., the Florida Kindergarten Readiness Screener (FLKRS) must be used as a component of identification for kindergarten students, and according to subsection (12) of this rule, the assessment tool used to identify students in grades K-3 with a substantial deficiency in reading. Pursuant to Section 1008.25(4)(a), F.S., the Florida Standards Assessment English Language Arts (FSA-ELA) must be one of the components used for grades 3-12;

2. Targeted audience (grade level);

3. Performance criteria used for decision-making for each instrument listed in subparagraph (11)(d)1. of this rule at each grade level;

4. Assessment/curriculum connection;

5. An explanation of how instruction will be modified for students who receive instruction through distance and blended learning; and

6. An explanation of how instruction will be modified for students in grades K-12 who have been identified as having a substantial deficiency in reading who are in need of intensive intervention.

7. The decision trees must include specific criteria for when a student is identified to receive intensive reading intervention, what intensive reading interventions will be used, how the intensive reading interventions are provided and assurance that intensive reading interventions are delivered by a teacher who is certified or endorsed in reading. Districts must identify the multisensory intervention provided to students in grades K-3 who have a substantial deficiency in reading.

(12) Identification of Students with a Substantial Reading Deficiency. In accordance with Section 1008.25(4)(c), F.S., students identified with a substantial reading deficiency as determined in Section 1008.25(5)(a), F.S., must be covered by a federally required student plan, such as an individual educational plan (IEP) or an individualized progress monitoring plan, or both, as necessary. A kindergarten through grade 3 student is identified as having a substantial deficiency in reading if any of the following criteria are met:

(a) The student scores at the lowest achievement level/benchmark as identified by the publisher during a universal screening period, on an assessment listed in the district's approved District K-12 Comprehensive Evidence-Based Reading Plan; and beginning in 2022-2023 school year, students scoring at the lowest achievement level/benchmark on the coordinated screening and progress monitoring system pursuant to Section 1008.25(8), F.S.;

(b) The student scores at the lowest achievement level/benchmark as identified by the publisher during progress monitoring administration at any time during the school year, on an assessment listed in the district's approved District K-12 Comprehensive Evidence-Based Reading Plan and beginning in 2022-2023 school year, students scoring at the lowest achievement level/benchmark on the coordinated screening and progress monitoring system pursuant to Section 1008.25(8), F.S.; or

(c) The student has demonstrated, through consecutive formative assessments or teacher observation data, minimum skill levels for reading competency in one or more of the areas of phonological awareness; phonics; vocabulary, including oral language skills; reading fluency; and reading comprehension.

(13) Three hundred (300) Lowest Performing Elementary Schools.

(a) The three hundred (300) lowest performing elementary schools are identified annually based on a three-year average of the points earned by a school in the school grading component of achievement in English Language Arts and the points earned by a school in the school grading component of learning gains in English Language Arts, as set forth in paragraph 6A-1.09981(4)(a), F.A.C. The points for these two school grading components are summed and then averaged for each elementary school. The elementary schools are then ranked from lowest to highest based on this average in order to identify the three hundred (300) lowest performing elementary schools.

(b) School districts will be notified of the schools in their district that have been identified as one of the three hundred (300) lowest performing elementary schools at the same time districts are notified of school grades, as provided in Rule 6A-1.09981, F.A.C.

(c) By the date set by the Department as provided in subsection (14) of this rule, school districts that have one or more of the lowest performing elementary schools must amend their District K-12 Comprehensive Evidence-Based Plan to ensure that:

1. An additional hour per day of intensive reading instruction is provided to students in the school. The additional hour may be provided within the school day;

2. The additional hour per day of intensive reading instruction is provided by teachers and reading specialists who have demonstrated effectiveness in teaching reading; and

3. The intensive reading instruction delivered in this additional hour includes evidence-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency, including:

a. Differentiated instruction based on screening, progress monitoring, diagnostic, or student assessment data to meet students' specific reading needs;

~~b. Explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and~~

~~c. Coordinated integration of civic literacy, science, and mathematics text reading, text discussion, and writing in response to reading.~~

~~(14) Annually, the Department will post at <https://www.fldoe.org/academics/standards/just-read-fl/readingplan.shtml> the deadlines for school districts to submit their District K-12 Comprehensive Evidence Based Reading Plan and the District K-12 CERP Reflection Tool.~~

~~(13)(15)~~ The following documents are incorporated by reference in this rule:

~~(a) District K-12 Comprehensive Evidence Based Reading Plan, Form No. CERP-1 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14058>), effective, March 2022;~~

~~(a)(b)~~ District K-12 CERP Reflection Tool, Form No. CERP-2RT, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14059>) effective, February 2023 ~~March 2022~~;

~~(b)(c)~~ 20 U.S.C. s. §7801(21)(A)(i) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12691>), effective, December 10, 2015; and

~~(c)(d)~~ 34 C.F.R. s. §200.2(b)(2)(ii) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12692>), effective, December 8, 2016.

These documents may be obtained from the Department at <https://www.fldoe.org/academics/standards/just-read-fl/readingplan.shtml>.

Rulemaking Authority 1001.02(1), (2)(n), 1011.62, 1008.25 FS. Law Implemented 1001.215, 1011.62, 1008.25 FS. History—New 6-19-08, Amended 4-21-11, 2-17-15, 12-22-19, 2-16-21, 3-15-22.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lindsey Brown, Executive Director of Just Read, Florida!

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 08, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 21, 2022

DEPARTMENT OF EDUCATION

Division of Early Learning

RULE NO.: 6M-8.301
RULE TITLE: Standard Statewide Provider Contract for the VPK Program

PURPOSE AND EFFECT: The proposed revisions update the rule, contract and incorporated forms to align with statute.

SUMMARY: The rule and incorporated forms outline VPK provider eligibility requirements to deliver the VPK program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The office's economic analysis of the adverse impact or potential regulatory costs of the proposed rule does not exceed any of the criteria established in s. 120.541(2)(a), F.S. and will 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: 1002.73(1), 1002.79, F.S.

LAW IMPLEMENTED: 1002.55(3)(i), (5), 1002.61(3)(b), 1002.63(3)(b), 1002.73(1), (4)(c), 1002.91(5), (7), F.S.

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

DATE AND TIME: January 18, 2023, 9 a.m.

PLACE: Nassau County School Board Office, 1201 Atlantic Ave., Fernandina Beach, FL 32034.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Katerina Maroney, Deputy Director, Division of Early Learning, 325 West Gaines St., Tallahassee, Florida 32399, (850)717-8614; Katerina.Maroney@del.fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-8.301 Standard Statewide Provider Contract for the Voluntary Prekindergarten (VPK) Program.

(1) Early learning coalitions may not execute a provider contract with a ~~VPK~~ provider before the ~~VPK~~ provider has registered with the coalition and the coalition has determined the ~~VPK~~ provider's eligibility to offer VPK services in accordance with Rule 6M-8.300, F.A.C.

(2)(a) ~~VPK~~ Providers that register to offer the VPK program must execute Form DEL-VPK 20, including either Form DEL-VPK 20PP or Form DEL-VPK 20PS as appropriate. A coalition must be a party to a VPK Provider Contract provider agreement. A school district may sign a single VPK Provider Contract provider agreement on behalf of all public school VPK

providers in the district. The owner or manager of multiple private VPK providers may sign a single VPK Provider Contract ~~provider agreement~~ on behalf of all of his or her private VPK providers within a coalition's service area.

(b) ~~VPK P~~providers that register to offer the VPK program must submit all forms adopted by this rule on the single sStatewide iInformation sSystem (known as the Provider Portal) and found at <https://providerservices.floridaeearlylearning.com>. Public school districts, public universities, county governments (67 Florida counties), and public hospitals may print completed documents from the Provider Portal for the purpose of having original signatures, if required by the local school board or governing body; however, no changes may be made to Form DEL-VPK 20.

(3) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract, (Form DEL-VPK 20)" ~~dated (February 2023) March 2022~~, is hereby adopted and incorporated by reference. ~~All VPK providers, private or public school, must execute this document to deliver the VPK program.~~ The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street 250 Marriott Drive, Tallahassee, FL 32399 or at (new DOS link) <https://www.flrules.org/Gateway/reference.asp?No=Ref-14068>.

(4) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract Private Provider Attachment, (Form DEL-VPK 20PP)," ~~dated (February 2023) March 2022~~, is hereby adopted and incorporated by reference. This attachment becomes part of the contract for all private providers that execute the VPK Provider Contract adopted in subsection (3). The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street 250 Marriott Drive, Tallahassee, FL 32399 or at (insert new link) <http://www.flrules.org/Gateway/reference.asp?No=Ref-14069>.

(5) The "State of Florida Statewide Voluntary Prekindergarten Provider Contract Public School Attachment, Form DEL-VPK 20PS)," ~~dated February 2023 March 2022~~, is hereby adopted and incorporated by reference. This attachment becomes part of the contract for all public schools that execute the VPK Provider Contract contract adopted in subsection (3). The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street 250 Marriott Drive, Tallahassee, FL 32399 or at (insert new link) <https://www.flrules.org/Gateway/reference.asp?No=Ref-14070>.

(6) Before VPK services are delivered by a provider, the ~~VPK~~ provider and the coalition must shall fully execute the VPK Provider Contract and the appropriate private or public

provider attachment. A coalition must shall execute and retain this ~~c~~Contract electronically in compliance with Section 668.50, F.S., ~~t~~The Uniform Electronic Transaction Act.

(7) Neither a coalition nor a VPK provider may omit, supplement, or amend the terms and conditions of the VPK Provider Contract or include any attachments, addenda, or exhibits to the contract, except as described in this subsection. Form DEL-VPK 20PP and Form DEL-VPK 20PS are approved attachments to the VPK Pprovider Contract. The coalition and VPK provider may agree to amend the VPK Pprovider Contract if the specific type of amendment is identified in on Form DEL-VPK 20A (February 2023 March 2022), titled "Amendment to Statewide Voluntary Prekindergarten Provider Contract", which is hereby incorporated by reference. The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street 250 Marriott Drive, Tallahassee, FL 32399 or at (insert new link) <https://www.flrules.org/Gateway/reference.asp?No=Ref-14071>. Form DEL-VPK 20A must shall be executed by both the coalition and ~~the~~ VPK provider.

(8) For the purpose of this subsection, "individual associated with a provider" means an individual or family member of an individual who, regardless of compensation, holds a management position, oversees the operations of a provider, or is an officer, shareholder, beneficial owner, or member of the board of directors of a provider. A provider will shall not be eligible to contract to offer the VPK program if any of the following circumstances apply:

(a) through (b) No change.

(c) The provider has been terminated from participation in the VPK program due to fraud and is currently not eligible to participate in the ~~VPK~~ program; ~~or~~

(d) An individual associated with the provider was, or is, associated with another provider that has been terminated from participation in the VPK program due to fraud and is currently not eligible to participate in the VPK program;:-

(e) The provider is currently ineligible to participate in the VPK program due to revocation of eligibility by the early learning coalition or the school district pursuant to Sections 1002.55(6), 1002.61(10), or 1002.73(4)(c), F.S.; or

(f) No change.

(g) For providers removed from eligibility due to noncompliance with Section 1002.68, F.S., ~~Voluntary Prekindergarten Education Program accountability~~ the removal from eligibility applies to VPK program type (school-year or summer), and Therefore, in paragraphs (8)(e) and (f), above, ineligibility to contract is per program type.

(9) Transfer of ownership. In the event of a change of ownership, sale, sale of assets, conveyance of ownership, or other transfer of ownership interest, the provider must shall

notify the coalition no later than thirty (30) calendar days prior to the transfer of ownership. The coalition and ~~the~~ new owner must ~~shall~~ execute a new VPK Provider Contract for VPK services, provided the new owner meets the eligibility requirements of Sections 1002.55~~2~~, or 1002.61, ~~and~~ ~~1002.63~~, F.S., whichever is applicable, and is not disqualified from contracting pursuant to paragraph subsection (8), of this rule. Upon receipt of a request for a new contract due to a transfer of ownership, the coalition ~~has~~ ~~shall~~ have up to thirty (30) calendar days to execute or decline a new contract. This timeline may be extended if all prerequisite requirements have not been met.

(10) The early learning coalition may refuse to contract with a ~~VPK~~ provider or revoke a VPK provider's eligibility to deliver the VPK program Voluntary Prekindergarten Education Program if the ~~prekindergarten~~ provider has been cited for a Class I violation by the Department of Children and Families (DCF), in accordance with Rule 65C-22.010 or 65C-20.012, F.A.C. (as applicable to the provider type), or local licensing agency (as applicable to the provider location). Action taken by a coalition or school district to revoke a provider's eligibility must be consistent with Sections 1002.55(6), 1002.61(10)(b), or 1002.63(9)(b), F.S., whichever is applicable, in that the revocation must be ~~is~~ for a period of at least two (2) years but no more than five (5) years. If the coalition chooses to implement this provision, the coalition must develop policies and procedures to ensure the standard is applied consistently to all potential and current VPK ~~program~~ providers. Each coalition must ~~shall~~;

(a) Develop policies ~~policy~~ and procedures that are written and ~~made~~ available to all current providers ~~or~~ and potential providers. The policies and procedures developed must state the time period for violations considered;

(b) Document all actions taken by the coalition or school district to remove a VPK provider from the program or revoke a provider's eligibility; and

(c) Ensure providers are offered due process as described in paragraph 61 of the VPK Provider Contract Form ~~DEL VPK 20~~.

(11) Form DEL-VPK 20B (February 2023 ~~March 2022~~), titled "VPK Logotype Usage and Brand Guidelines", is hereby incorporated by reference. The incorporated form is available from the Department of Education, Division of Early Learning, 325 West Gaines Street ~~250 Marriott Drive~~, Tallahassee, FL 32399 or at (insert new link) <https://www.flrules.org/Gateway/reference.asp?No=Ref-14072>.

Rulemaking Authority 1001.02(1),(2)(n), 1002.73(1), 1002.79 FS. Law Implemented 1002.55(3)(i), (5), 1002.61(3)(b), 1002.63(3)(b), ~~1002.71, 1002.72~~, 1002.73(1), (4)(c), 1002.91(4), (5), (7) FS. History—New 8-17-06, Amended 5-24-07, 12-21-10, Formerly 60BB-8.301, Amended 4-9-15, 12-18-16, 11-29-18, 4-15-21, 3-15-22.

NAME OF PERSON ORIGINATING PROPOSED RULE: Katerina Maroney, Deputy Director, Division of Early Learning.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 08, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2022

PUBLIC SERVICE COMMISSION

RULE NOS: RULE TITLES:

25-30.110

Records and Reports; Annual Reports.

25-30.420

Establishment of Price Index; Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers.

PURPOSE AND EFFECT: To update and clarify rule language and forms; to allow Annual Reports to be distributed and filed via email; to provide that the Commission will email the price index documents to the water and wastewater utilities under its jurisdiction; and to update the process to calculate interest on penalties for late filed Annual Reports.

Docket No. 20220171-WS

SUMMARY: Rule 25-30.110, F.A.C., Records and Reports; Annual Reports, is amended to allow the Commission to send a blank copy of the appropriate annual report form via email to water and wastewater utilities under the Commission's jurisdiction, and to allow those utilities to file their completed annual reports with the Commission via email. The amendments also update the process to calculate interest on penalties for late filed annual reports. In addition, Forms PSC 1032 and 1033, incorporated by reference in the rule, were updated to reflect "verification," rather than "certification," and to remove the requirement that two officers identify which of the four items are verified. Finally, the amendments update and clarify the rule language.

Rule 25-30.420, F.A.C., Establishment of Price Index; Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers, is amended to allow the Commission to send via email the Proposed Agency Action order establishing the index for the year and the Price Index Application. Form PSC 1022, incorporated by reference in the rule, was updated to add a "Notice to Customers" referencing the statutory requirements of the Price Index. Finally, the amendments update and clarify the rule language.

SUMMARY OF STATEMENTS OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that these amendments 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 rules. SERCs have been prepared by the agency. The SERCs examined the factors required by Section 120.541(2), FS, and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business, and that there would likely be no transactional costs to the individual and entities, including government entities, required to comply with the rules.

The agency has determined that the proposed rules are not expected to require legislative ratification based on the statements of estimated regulatory costs or, if no SERCs are required, the information expressly relied upon and described herein: based upon the information contained in the SERCs.

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: 350.127(2), 367.081(4)(a), 367.121, FS.

LAW IMPLEMENTED: 367.081(4), 367.121, 367.156(1), 367.161, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Sapoznikoff, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6630, Susan.Sapoznikoff@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-30.110 Records and Reports; Annual Reports.

(1) No change.

(a) Each utility ~~must shall~~ preserve its records in accordance with the “Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities” as issued by the National Association of Regulatory Utility Commissioners ~~Commissions~~, as revised ~~October 2007 May 1985~~, which is ~~incorporated by reference into this rule~~. “Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities” is copyrighted and may be inspected and examined at no cost at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. A copy may be obtained from the National Association of Regulatory Utility Commissioners, 1101 Vermont Avenue, N.W., Suite 200, Washington, D.C. 20005.

1. Those utilities that choose to convert documents from their original media form ~~must shall~~ retain the original source documents as required by ~~subsection (1)(a) of this rule paragraph 25-30.110(1)(a), F.A.C.~~, for a minimum of three

years, or for any lesser period of time specified for that type of record in the “Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities,” after the date the document was created or received by the utility. This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. ~~The Commission may waive the requirement that documents be retained in their original form~~ Upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents, ~~the utility does not have to meet the requirement to retain documents in their original form.~~

2. The utility ~~must shall~~ maintain written procedures governing the conversion of source documents to a storage and retrieval system, which procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.

(b) Unless otherwise authorized by the Commission, each utility ~~must shall~~ maintain its records at the office or offices of the utility within this state and ~~must shall~~ keep those records open for inspection during business hours by Commission staff.

(c) Any utility that keeps its records outside the state ~~must shall~~ reimburse the Commission for the reasonable travel expense incurred by each Commission representative during any review of the out-of-state records of the utility or its affiliates. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.

1. The utility ~~must shall~~ remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice.

2. The reimbursement requirement in paragraph (1)(c) is ~~not applicable for the following shall be waived~~:

a. ~~A For any~~ utility that makes its out-of-state records available at the utility’s office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission’s initial request. If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission ~~will may~~ establish a different time frame for the utility to bring records into the state. For individual data requests made during an audit, the response time frame established in Rule 25-30.145, F.A.C., ~~will shall~~ control; or

b. ~~A For a~~ utility whose records are located within 50 miles of the Florida state line.

(2) In General. Each utility ~~must shall~~ furnish to the Commission ~~at such time and in such forms as the Commission may require~~, the results of any required tests and summaries of

any required records. The utility ~~must shall~~ also furnish the Commission with any information concerning the utility's facilities or operation that the Commission ~~may~~ requests and requires for determining rates or judging the practices of the utility. All such data, unless otherwise specified, ~~must shall~~ be consistent with and reconcilable with the utility's annual report to the Commission.

(3) Annual Reports: Filing Extensions. Each utility ~~shall~~ file with the Commission annual reports on ~~the applicable form forms in subsection (4) of this rule prescribed by the Commission~~. The obligation to file an annual report for any year ~~will shall~~ apply to any utility which is subject to this Commission's jurisdiction as of December 31 of that year, whether or not the utility has actually applied for or been issued a certificate.

(a) The Commission ~~will shall~~, by January 15 of each year, ~~email a send one~~ blank copy of the appropriate annual report form to each utility company. ~~A utility may request a hard copy of the forms in subsection (4) of this rule from the Commission's Division of Accounting and Finance~~. The failure of a utility to receive a report form ~~will shall~~ not excuse the utility from its obligation to timely file the annual report. ~~An original and two copies of T~~the annual reports ~~must shall~~ be filed with the Commission, ~~either by mail or by email~~, on or before March 31 for the preceding year ending December 31. ~~Annual reports filed by email must be sent to AnnualReport@psc.state.fl.us. Annual reports are considered filed on the day they are postmarked, or received and logged in by~~ Annual reports filed by mail must be sent to the Commission's Division of Accounting and Finance in Tallahassee.

(b) ~~An annual An reports report are is~~ considered ~~on filed file~~ if ~~they are it is~~ properly addressed ~~and emailed or mailed~~ with sufficient postage, and postmarked, ~~by~~ no later than the due date. ~~For If an annual reports report is~~ sent by registered mail, the date of the registration is the postmark date. ~~The registration is evidence that the annual report was delivered. For If an annual reports report is~~ sent by certified mail ~~and the receipt is postmarked by a postal employee~~, the date on the receipt is the postmark date. ~~The postmark postmarked certified mail receipt is evidence that the an annual report return was delivered. However, if a utility's annual report is not actually received by the Commission's Division of Accounting and Finance in Tallahassee, that utility must resend it upon request, despite any prior presumption of delivery.~~

(c) A utility may file a written request for an extension of time ~~to file its annual report~~ with the ~~Commission's~~ Division of Accounting and Finance no later than March 31. One extension of 30 days will be automatically granted upon request. A request for a longer extension must be accompanied by a statement of good cause, ~~such as financial hardship, severe~~

~~illness, or significant weather events such as hurricanes, but good cause does not include reasons such as management oversight or vacation time, and must shall~~ specify the date by which the report will be filed.

(4) Annual Reports; Contents. The appropriate annual report form required from each utility ~~will shall~~ be determined by using the same three classes of utilities used by the National Association of Regulatory Utility Commissioners for publishing its system of accounts: Class A (those having annual water or wastewater operating revenues of \$1,000,000 or more); Class B (those having annual water or wastewater revenues of \$200,000 or more, but less than \$1,000,000); Class C (~~those having~~ annual water or wastewater revenues of less than \$200,000). The class to which a utility belongs ~~will shall~~ be determined by using the higher of the average of its annual water or wastewater operating revenues for each of the last three preceding years.

(a) Class A and B utilities ~~must shall~~ file the annual report on Commission Form PSC-1032 (5/22), ~~PSC/AFD-3-W (12/99)~~ entitled "~~Class A or B Water and/or Wastewater Utilities (Gross Revenues of \$200,000 and more)~~", which is incorporated by reference into this rule ~~and may be obtained from [insert hyperlink]~~.

(b) Class C utilities ~~must shall~~ file the annual report on Commission Form ~~PSC 1033 (5/22) PSC/AFD-6-W (12/99)~~, entitled "~~Class C Water and/or Wastewater Utilities (Gross Revenues of less than \$200,000 each)~~", which ~~is in~~ incorporated by reference into this rule ~~and may be obtained from [insert hyperlink]~~.

(c) No change.

(5) ~~Certification of Annual Reports~~. As part of the annual report, each utility ~~must shall~~ ~~verify~~ ~~certify~~ the following in writing by the utility's chief executive officer and chief financial officer:

(a) through (d) No change.

(6) ~~Annual Reports, Penalty for Noncompliance~~. A penalty ~~shall be assessed against any utility that fails to file an annual report or an extension in the following manner:~~

(a) ~~Failure to file an annual report or an extension on or before March 31;~~

(b) ~~Failure to file a complete annual report;~~

(c) ~~Failure to file an original and two copies of the annual report.~~

~~Any utility that fails to comply with this rule shall be subject to the penalties imposed herein unless the utility demonstrates good cause for the noncompliance. The Commission may, in its discretion, impose penalties for noncompliance that are greater or lesser than provided herein; such as in cases involving a flagrant disregard for the requirements of this rule or repeated violations of this rule. No final determination of noncompliance or assessment of penalty~~

~~shall be made by the Commission except after notice and an opportunity to be heard, as provided by applicable law.~~

~~(d) Any utility which fails to pay a penalty within 30 days after its assessment by the Commission shall be subject to interest applied to the penalty up to and including the date of payment of the penalty. Such interest shall be compounded monthly, based on the 30-day commercial paper rate for high grade, unsecured notes sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal.~~

~~(6)(7) Delinquent Reports.~~

~~(a) Any utility that fails to file its annual report or extension on or before March 31, or within the time specified by any extension approved in writing by the Commission's Division of Accounting and Finance, will shall be subject to a penalty. The penalty will shall be based on the number of calendar days elapsed from March 31, or from an approved extended filing date, until the date of filing. The date of filing will shall be included in the days elapsed.~~

~~(b) The penalty for delinquent reports will shall accrue based on the utility's classification established under subsection (4) of this rule, in the following manner for each day the report is delinquent:~~

- ~~1. \$25.00 per day for Class A utilities;~~
- ~~2. through 3. No change.~~

~~(c) If a utility does not timely file its annual report, in addition to the penalty determined by subsection (6)(b) of this rule, interest on the penalty will also be assessed from the date the annual report was due, up to and including the date the penalty is paid. Such interest is based on the AA non-financial 30-day commercial paper rate published by the Board of Governors of the Federal Reserve System on its website. Interest will be compounded monthly.~~

~~(7)(8) Incomplete Reports.~~

~~(a) The Commission's Division of Accounting and Finance will shall provide written notification to a utility if its report does not contain information required by subsection (4) of this rule. The utility must shall file the missing information no later than 30 days after the date on the face of the notification. If the utility fails to file the information within that period, the report will be deemed delinquent and the utility will shall be subject to a penalty as provided under paragraphs (6)(7)(a) and (b) of this rule, except that the penalty will shall be based on the number of days elapsed from the date the information is due to the date it is actually filed. The date of filing will shall be included in the elapsed days.~~

~~(b) No change.~~

~~1. Form PSC 1032 (5/22) PSC/AFD-3-W (Rev. 12/99) for Class A and B utilities;~~

~~2. Form PSC 1033 (5/22) PSC/AFD-6-W (Rev. 12/99) for Class C utilities.~~

(c) An incomplete report will remain incomplete until the missing information is filed with the Commission's Division of Accounting and Finance on the appropriate Commission form.

~~(8)(9) Incorrect Filing.~~ If a utility files an incorrect annual report it will shall be considered delinquent and subject to a penalty on the same basis as a utility that fails to timely file an annual report. The classification determining the applicable penalty, as prescribed by paragraphs ~~(6)(7)(a)~~ and (b) of this rule, will shall be determined by the latest annual revenue figures available for the utility. The failure of a utility to receive a report form for the correct class of utility will shall not excuse the utility from its obligation to timely file the annual report for the correct class of utility.

~~(10) Insufficient Copies.~~ A utility that fails to file ~~one original and two copies~~ of its annual report shall be subject to a penalty of one dollar per page per missing copy. The Commission will provide the utility with written notice that insufficient copies were received. A penalty may be avoided if, ~~within 20 days after the date of the notice, the utility files the missing copies or requests that the Commission copy its report for it and remits the appropriate fee for the copying.~~

~~(11) Other Penalties.~~ The penalties that may be assessed against a utility for failure to file an annual report in compliance with the foregoing shall be separate and distinct from penalties that may be imposed for other violations of the requirements of the Commission.

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.121(1)(e), (g), (i), (k), 367.156(1), 367.161 FS. History—New 9-12-74, Amended 1-18-83, 2-25-85, 10-27-85, Formerly 25-10.25, 25-10.025, Amended 11-10-86, 12-22-86, 3-11-91, 11-13-95, 5-1-96, 12-14-99, _____.

25-30.420 Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers.

(1) On or before March 31 of each year, the Commission will shall establish a price increase or decrease index as required by Section 367.081(4)(a), F.S. The Commission's Division of Accounting and Finance Office of Commission Clerk will shall email mail each regulated water and wastewater utility a copy of the proposed agency action order establishing the index for the year and a copy of Form PSC 1022 ~~(5/22 9/18)~~, entitled "Price Index Application," which is incorporated into this rule by reference and may be obtained from [hyperlink] <http://www.flrules.org/Gateway/reference.asp?No=Ref-11101> and the Commission's Division of Accounting and Finance. Utilities may request a hard copy of the index application from the Commission's Division of Accounting and Finance. Applications for the newly established price index will be accepted from April 1 of the year the index is established through March 31 of the following year.

(a) The index ~~will~~ shall be applied to all operation and maintenance expenses, except for amortization of rate case expense, costs subject to pass-through adjustments pursuant to Section 367.081(4)(b), F.S., and adjustments or disallowances made in a utility’s most recent rate proceeding.

(b) No change.

(2) Any utility seeking to increase or decrease its rates based upon the application of the index established pursuant to subsection (1) and as authorized by Section 367.081(4)(a), F.S., ~~must~~ shall file a notice of intention and the materials listed in paragraphs (a) through (i) below with the Commission’s Division of Accounting and Finance either by mail at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399 or by email at Applications@psc.state.fl.us at least 60 days prior to the effective date of the increase or decrease. Form PSC 1022 (5/22 ~~9/18~~) is an example application that may be completed by the applicant to comply with this subsection. The adjustment in rates ~~will~~ shall take effect on the date specified in the notice of intention unless the Commission finds that the notice of intention or accompanying materials do not comply with Section 367.081(4), F.S. or this rule. The notice ~~must~~ shall be accompanied by:

(a) through (i) No change.

(3) If the Commission, upon its own motion, implements an increase or decrease in the rates of a utility based upon the application of the index established pursuant to subsection (1) and as authorized by Section 367.081(4)(a), F.S., the Commission will require a utility to file the information required in subsection (2).

(4) Upon a finding of good cause, the Commission ~~will~~ shall require that a rate increase pursuant to Section 367.081(4)(a), F.S., be implemented under a bond or corporate undertaking in the same manner as interim rates. For purposes of this subsection, “good cause” ~~will~~ shall include:

(a) through (b) No change.

(5) No change.

(6) ~~A No utility is prohibited shall from filing file~~ a notice of intention pursuant to this rule unless the utility has filed with the Commission an annual report as required by subsection 25-30.110(3), F.A.C., for the test year specified in the order establishing the index for the year.

(7) ~~A No utility is prohibited shall from implementing implement~~ a rate increase pursuant to this rule within one year of the official date that it filed a rate proceeding, unless the rate proceeding has been completed or terminated.

Rulemaking Authority 350.127(2), 367.081(4)(a), 367.121(1)(c), (f) FS. Law Implemented 367.081(4), 367.121(1)(c), (g) FS. History—New 4-5-81, Amended 9-16-82, Formerly 25-10.185, Amended 11-10-86, 6-5-91, 4-18-99, 12-11-03, 9-3-19, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amber Norris

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Rule 25-30.110: Volume 48, Number 162, August 19, 2022; Rule 25-30.420: Vol. 48, Number 92, May 11, 2022.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.003
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning acquiring continuing education.

SUMMARY: Language concerning the acquiring of continuing education will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.613(2), 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618, 475.628 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allison McDonald, Executive Director, Florida Real Estate Appraisal Board, 400 West Robinson Street, #N801, Orlando, FL 32801.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education.

(1) through (2) No change.

(3) Satisfactory completion of the Board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 2 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, valuation bias, fair housing, equal opportunity, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, partial interests, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, easements, legal interests, real estate litigation, damages, condemnation, real estate appraisal related computer applications, real estate securities and syndication, developing opinions of real property value in appraisals, seller concessions, impact on value, energy-efficient items and “green building” appraisals, and real property exchange.

(a) through (d) No change.

(4)(a) The continuing education courses required in this rule may be satisfied by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be evaluated in the same manner as the course offered by classroom instruction, having due regard however, to the different method of presentation. Components of distance education include synchronous and asynchronous courses. Synchronous courses require the instructor and students to interact simultaneously online via live webinar or web based meeting. Synchronous courses do not require final exams or proof of certification of the delivery method by the AQB or an independent certified organization approved by the AQB. The institution, school, or entity offering synchronous education courses must provide the delivery platform. Asynchronous courses allow the students to progress at their own pace and follow a structure course content and quiz/exam schedule. The institution, school or entity offering distance asynchronous education courses must provide proof of certification of the delivery method by the AQB or by an independent certified organization approved by the AQB.

(b) A copy of the distance education course materials, a detailed course timeline, learning objectives, and a copy of each

form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period. The examination must be proctored in person or remotely. Bio-metric proctoring is acceptable. As an alternative to the proctoring of the final examination, there must be successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter.

(c) The continuing education courses required in this rule may be taught by a Board approved equivalent hybrid education course. Hybrid courses can be composed of a combination of classroom, asynchronous and synchronous education. Hybrid courses must include in the course timed outline what sections are being offered by synchronous, asynchronous and classroom. The asynchronous portion of the course requires a course examination. A copy of the complete course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the courses and examinations. Approval must be granted before the course and examination may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards, and laws. It is the responsibility of the institution, school, or entity offering the Board approved education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period. The examination must be proctored in person or remotely. Bio-metric proctoring is acceptable. As an alternative to the proctoring of the final examination, there must

be successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter. The institution, school, or entity offering hybrid education courses must provide proof of certification of the delivery method by the AQB or by an independent certified organization approved by the AQB for the asynchronous portion of the course. The institution, school, or entity offering hybrid education courses must provide the delivery platform for the synchronous portion of the course.

- (d) through (g) No change.
- (5) through (8) No change.

Rulemaking Authority 475.613(2), 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, 1-8-06, 12-4-06, 12-6-07, 6-7-10, 7-17-11, 4-9-13, Amended 11-17-15, 10-16-19, 2-18-21, 1-4-22,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2022
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 28, 2022

DEPARTMENT OF HEALTH
Board of Chiropractic Medicine

RULE NO.: 64B2-17.006
 RULE TITLE: Retention of Chiropractic Records; Time Limitations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update requirements for retention of chiropractic records.

SUMMARY: Requirements for retention of chiropractic records will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of

Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.056, 460.405 FS.

LAW IMPLEMENTED: 456.057(12), 456.058 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dayle Mooney, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257, or by telephone: (850)488-0595

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-17.006 Retention of Chiropractic Records; Time Limitations.

- (1) No change.

(2) Within one (1) month from the date of termination of practice, or the chiropractor’s death, the chiropractor who has terminated his practice, or the executor, administrator, personal representative, survivor or succeeding practitioner of the deceased chiropractor shall notify the Board Office who the new records owner is and where the medical records can be found, and shall ~~cause to be published in the newspaper of general circulation in the county where the chiropractor resided or practiced, on two separate occasions, one week apart, a notice indicating to the patients of the chiropractor who has terminated his practice, or of the deceased chiropractor~~ notify the patient of record that the patient’s chiropractic records are available to that patient or their duly constituted representative from a specific person at a certain location.

(3) At the conclusion of a twenty-two month period of time from the date of termination of practice or the chiropractor’s death, the chiropractor who has terminated his practice or, the executor, administrator, personal representative, survivor or succeeding practitioner shall ~~cause to be published once during each week for four (4) consecutive weeks, in the newspaper of general circulation in the county where the chiropractor resided or practiced, a notice indicating to the patients of the chiropractor who has terminated his practice, or of the deceased chiropractor~~ notify the patient of record that their chiropractic records may be disposed of or destroyed thirty (30) days from the date of the notice ~~one (1) month or later from the last day of the fourth week of publication of notice.~~ Records shall be

disposed of or destroyed in such a manner as to preserve the confidentiality of the information contained therein.

(4) “Notify” or notification for purposes of this rule is through electronic mail delivery or U.S. Mail to the last known address of the patient of record or through the patient of record’s medical record portal. “Notify” or notification for purposes of this rule to the Board Office shall be through U.S. Mail or through electronic mail to the email address listed on the Department of Health’s website.

~~(5)~~(4) No change.

~~(6)~~(5) A chiropractor who relocates his or her practice and will no longer be available to his or her former patients shall follow the procedures listed in subsections (1), (2), and (3), above. A chiropractor who relocates to a practice site less than 20 miles away from the previous practice site shall either provide written notice of such relocation to all patients by electronic mail delivery or U.S. Mail, to the patient of record’s last known address or shall follow the procedures listed in subsection (2).

Rulemaking Authority 456.056, 460.405 FS. Law Implemented 456.057(12), 456.058 FS. History—New 4-13-82, Formerly 21D-17.06, Amended 7-15-91, 5-19-93, Formerly 21D-17.006, 61F2-17.006, 59N-17.006, Amended 2-16-98, 6-21-00, 11-9-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 03, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 23, 2022

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-28.1191 Unclaimed Prescriptions

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language regarding expiration dates of unclaimed prescriptions.

SUMMARY: Language regarding expirations dates of unclaimed prescriptions will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Committee meetings and Board meetings, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 465.0255 FS.

LAW IMPLEMENTED: 465.0255 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.1191 Unclaimed Prescriptions.

Prescriptions that are unclaimed may be retained by a pharmacy and reused for a period up to one year from the date of filling; however, any product reaching the product’s expiration date prior to one year or any product subject to a recall shall not be reused. If the unclaimed product is in its original manufacturer’s packing, then the expiration date shall revert back to the date as listed on the original manufacturer’s packaging.

Rulemaking Authority 465.0255 FS. Law Implemented 465.0255 FS. History—New 4-10-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 28, 2022

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

| | |
|-------------------|---|
| RULE NOS.: | RULE TITLES: |
| 65D-30.002 | Definitions |
| 65D-30.0031 | Certifications and Recognitions Required by Statute |
| 65D-30.004 | Common Licensing Standards |
| 65D-30.0046 | Staff Training, Qualifications, and Scope of Practice |
| 65D-30.013 | Standards for Prevention |

PURPOSE AND EFFECT: Amendments clarify definitions, address certification, update common licensing standards, clarify scope of practice, and clarify standards for prevention to align with current law and practice.

SUMMARY: Amendments include: 1) add definitions and remove unnecessary definitions; 2) specify the standards for developing and administering professional certification programs to certify peer specialists for organizations that desire recognition by the Department as a certifying organization for peer specialists; 3) updates background screening requirements; 4) allows APRN's to act as a medical consultant for medical services; 5) amends provider requirements for recovery residence referrals; 6) specifies the services that may be rendered via telehealth; 7) add requirements regarding scope of practice and staff qualifications, including staff who are not licensed or certified as qualified professionals and who provide services specific to substance use, and peer specialists; 8) require providers to have on staff a certified prevention professional or individual who has successfully completed a specified federal training program; 9) remove references to universal indirect prevention services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

A SERC has not been prepared.

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 Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to 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: 397.321(5) F.S.

LAW IMPLEMENTED: 397.311, 397.321, 397.403, 397.4014, 397.4073, 397.4075, 397.410, 397.4103, 397.4104, 397.411, 397.417, 397.4871 F.S.

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

DATE AND TIME: January 5, 2023, 12:00 p.m.

PLACE: Join Zoom Meeting

<https://us06web.zoom.us/j/85986433573?pwd=L3JVaEVraEY0Y3htV2oySFQrNFhpUT09>

Meeting ID: 859 8643 3573

Passcode: 215548

One tap mobile

+13052241968,,85986433573#,,,,*215548# US

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Dial by your location

+1 305 224 1968 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 689 278 1000 US

+1 719 359 4580 US

+1 720 707 2699 US (Denver)

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

Meeting ID: 859 8643 3573

Passcode: 215548

Find your local number:

<https://us06web.zoom.us/j/85986433573?pwd=L3JVaEVraEY0Y3htV2oySFQrNFhpUT09>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

65D-30.002 Definitions.

- (1) through (3) No change.
- (4) “Ancillary Services” as defined in section subsection 397.311(4), F.S.
- (5) No change.
- (6) “Authorized Agent of the Department” as defined in section subsection 397.311(2), F.S.
- (7) No change.
- (8) “Business Day” means a day in which the Department’s Office of Substance Abuse and Mental Health is operating for business Monday through Friday, between 8 a.m. and 5 p.m. (Eastern Standard Time).
- (9) through (10) No change.
- (11) “Change or Transfer in Ownership” means, in addition to section 397.407(6), F.S.;
- (a) through (c) No change.
- (12) through (13) No change.
- (14) “Clinical Staff” means employees, independent contractors, and volunteers of a provider who are responsible for providing clinical services to individuals.
- (15) No change.
- (16) “Clinical Supervisor” as defined in section 397.311 F.S. means a person that manages personnel who provide direct clinical services, or a person who maintains lead responsibility for the overall coordination and provision of clinical services. A “Clinical Supervisor” shall meet the qualifications of a “Qualified Professional” as defined in subsection 397.311(34), F.S. For the purposes of this rule chapter a Clinical Director is considered a Clinical Supervisor.
- (17) No change.
- (18) “Component” or “Service Component” as defined in section 397.311 subsection 397.311(42), F.S. Each service component, except for Aftercare, is defined in section 397.311(26), F.S. Aftercare is defined above.
- (a) “Addictions Receiving Facility” as defined in subsection 397.311(26), F.S.
- (b) “Detoxification” as defined in subsection 397.311(26), F.S.
- (c) “Intensive Inpatient Treatment” as defined in subsection 397.311(26), F.S.
- (d) “Residential Treatment” as defined in subsection 397.311(26), F.S.
- (e) “Day or Night Treatment with Community Housing” as defined in subsection 397.311(26), F.S.
- (f) “Day or Night Treatment” as defined in subsection 397.311(26), F.S.
- (g) “Intensive Outpatient Treatment” as defined in subsection 397.311(26), F.S.
- (h) “Outpatient Treatment” as defined in subsection 397.311(26), F.S.

~~(i) “Aftercare” involves structured services provided to individuals who have completed an episode of treatment in a component and who are in need of continued observation and support to maintain recovery.~~

~~(j) “Intervention” as defined in subsection 397.311(26), F.S.~~

~~(k) “Prevention” as defined in subsection 397.311(26), F.S.~~

~~(4) “Medication assisted treatment for opiate addiction” as defined in subsection 397.311(26), F.S.~~

~~(19) through (22) No change.~~

~~(23) “Credentialing entity” as defined in section subsection 397.311(40), F.S.~~

~~(24) No change.~~

~~(25) “Designate,” as used in this rule chapter, means the action taken by the Department to approve an Addictions Receiving Facility to provide screening, assessment, evaluation, and treatment to individuals found to be substance use impaired as described in section 397.675, F.S. and who meet the placement criteria for this component.~~

~~(26) through (28) are redesignated (25) through (27) No change.~~

~~(28)(29) “Direct Care Staff” means employees, independent contractors, and volunteers of a provider who provide direct services to individuals.~~

~~(30) through (32) are redesignated (29) through (31) No change.~~

~~(32)(33) “Indicated Prevention Services” has the same meaning as provided for the same term in 65E-14.021(4), subparagraph 65E-14.021(4)(v)1, F.A.C.~~

~~(34) through (36) are redesignated (33) through (35) No change.~~

~~(37) “Involuntary” means the status ascribed to a person who meets the criteria for admission under section 397.675, F.S.~~

~~(38) through (39) are redesignated (36) through (37) No change.~~

~~(40) “Medication Administration Record” or “MAR” means the chart maintained for each individual which records the medication information required by this rule chapter. Other information or documents pertinent to medication administration may be attached to the MAR.~~

~~(38)(41) “Medical Consultant” means a physician licensed under chapter 458 or 459, F.S., or an advanced practice registered nurse licensed under section 464, F.S., who has an agreement with a licensed provider to be available to consult on any medical services required by individuals involved in those licensed components.~~

~~(42) through (44) are redesignated (39) through (41) No change.~~

~~(45) “Medication Administration Record” or “MAR” means the chart maintained for each individual which records~~

~~the medication administered to an individual as required by this rule chapter. Other information or documents pertinent to medication administration may be attached to the MAR.~~

~~(42)(46)~~ “Medication Observation Record” or “MOR” means the chart maintained for each individual which records medication that is self-administered by an individual.

~~(47)~~ “Medication Error” means medication that is administered or dispensed to an individual in a dose that is higher or lower, with greater or lesser frequency, or that is the wrong medication than that which is prescribed under a physician’s order.

(48) through (54) are redesignated (43) through (49) No change.

(50) “Peer Specialist” as defined in section 397.311 F.S.

(55) through (64) are redesignated (51) through (60) No change.

~~(61)(65)~~ “Provider” or “Service Provider” as defined in section 397.311. means a public agency, a private for-profit or not-for-profit agency, a person who is in private practice, and a hospital, licensed under chapter 397, F.S., or exempt from licensure.

(66) through (67) are redesignated (62) through (63) No change.

~~(64)~~ “Qualified Designee” or “Qualified Medical Designee” means a licensed medical health professional practicing within the scop of their training, education, and competence and identified by the Medical Director and in the provider’s wirtten medical protocols for the delegation of certain medical services, in accordance with 65D-30.004, F.A.C.

~~(65)(68)~~ “Qualified Professional” as defined in section 397.311 subsection 397.311(34), F.S.

~~(66)(69)~~ “Quality Assurance” means a formal method of evaluating the quality of care rendered by a provider and is used to promote and maintain an efficient and effective service delivery system. Quality assurance includes the use of a quality improvement process to prevent problems from occurring so that corrective efforts are not required.

~~(67)~~ “Recovery Residence” as defined in section 397.311, F.S.

(70) through (71) are redesignated (68) through (69) No change.

~~(70)(72)~~ “Restraint” as defined in section 394.455(42) 394.455(41), F.S.

~~(71)(73)~~ “Risk Factors” means those conditions affecting a group, individual, or defined geographic area that increase the likelihood of a substance use or substance abuse problem.

~~(72)(74)~~ “Seclusion” as defined in section 394.455(43) subsection 394.455(42), F.S.

~~(73)(75)~~ “Selective Prevention Services” has the same meaning as provided for the same term in 65E-14.021(4), subparagraph 65E-14.021(4)(w)1., F.A.C.

~~(74)(76)~~ “Services” means assistance that is provided to individuals and their support system (i.e., family, significant other, etc.), as indicated, in their efforts to reduce or eliminate substance use free, such as counseling, treatment planning, vocational activities, educational training, and recreational activities.

~~(75)(77)~~ “Stabilization” as defined in section 397.311, subsection 397.311(45) F.S.

(78) through (81) are redesignated (76) through (79) No change.

~~(80)(82)~~ “Telehealth” as defined in section 456.47(1)(a). means the mode of providing care, treatment, or services by a Florida qualified professional, as defined under subsection 397.311(34), F.S., within the scope of his or her practice, through the use of clinical and medical information exchanged from one site to another via electronic communication. Telehealth does not include the provision of health services only through an audio only telephone, email messages, text messages, facsimile transmission, U.S. mail or other parcel service, or any combination thereof.

~~(81)(83)~~ “Transfer Summary” means a written justification of the circumstances of the transfer of an individual from one (1) component to another or from one (1) provider to another.

~~(82)(84)~~ “Treatment” or “Clinical Treatment” as defined in section 397.311 paragraph 397.311(26)(a), F.S.

~~(83)(85)~~ “Treatment Plan” as defined in section 397.311 subsection 397.311(49), F.S.

~~(84)(86)~~ “Universal Direct Prevention Services” has the same meaning as provided for the same term in subparagraph 65E-14.021(4), 65E-14.021(4)(x)1., F.A.C.

~~(87)~~ “Universal Indirect Prevention Services” has the same meaning as provided for the same term in subparagraph 65E-14.021(4)(y)1., F.A.C.

(88) through (89) are redesignated (85) through (86) No change.

Rulemaking Authority 397.321(5) FS. Law Implemented 397.311, 397.321(1), 397.410 FS. History—New 5-25-00, Amended 4-3-03, 12-12-05, 8-29-19. Amended _____.

65D-30.0031 Certifications and Recognitions Required by Statute.

(1) Department Recognition of Accrediting Organizations.

(a) No change.

(b) Accrediting organizations that desire Department recognition shall submit a request in writing to the Director for the Office of Substance Abuse and Mental Health. The Director for the Office of Substance Abuse and Mental Health shall respond in writing to the organization’s chief executive officer

denying or granting recognition. An organization must meet the following criteria in order to be granted recognition by the Department.

1. through 3. No change.

4. For the purposes of this rule, a service provider must hold a valid license for each service component type prior to seeking accreditation for substance use treatment services, as defined in subsection 65D-30.002(18) ~~65D-30.002(17)~~, F.A.C.

5. No change.

(2) Department Recognition of Credentialing Entities.

(a) through (b) No change.

(c) The Department shall recognize one (1) or more credentialing entities as a certifying organization for peer specialists, in accordance with section 397.417, F.S. A list of Department recognized credentialing organizations for peer specialists can be found at the following link: <http://www.myflfamilies.com/service-programs/licensing/samh/>. An organization that desires recognition by the Department as a certifying organization for peer specialists shall request such approval in writing from the Department. Organizations seeking approval must demonstrate compliance with the following nationally recognized standards for developing and administering professional certification programs to certify peer specialists:

1. Core competencies required for certification of an individual as a peer specialist that include:

a. Advocacy,

b. Mentoring,

c. Recovery support,

d. Cultural and linguistic competence,

e. Motivational interviewing,

f. Vicarious trauma/Self-care,

g. Professional responsibility, and

h. Group facilitation skills.

2. Certification guidelines and requirements, including training requirements;

3. Ability to screen applicants;

4. Capacity to administer exams for certification at proctored test-taking sites, including policies for special accommodations in compliance with the Americans with Disabilities Act;

5. Established code of ethics;

6. Policies and procedures for investigation of complaints and corrective action against a certified peer specialist, which may include suspension and revocation of certification, and appeals;

7. Procedures for continuing education requirements for, and a process for, biennial certification renewal; and

8. Publicly available fee schedule and payment process for costs associated with certification, exam, recertification, and continuing education units.

Rulemaking Authority 397.321(5) FS. Law Implemented 397.321(6), (15), 397.403, 397.417, 397.4871 FS. History—New 8-29-19, Amended.

65D-30.004 Common Licensing Standards.

(1) Operating Procedures. Providers shall demonstrate organizational capability required by section 397.403(1) paragraph ~~65D-30.0036(1)(e)~~, F.A.C., through a written, indexed system of policies and procedures that are descriptive of services, and the population served. Administrative and clinical services must align with current best practices as defined in subsection 65D-30.002(7), F.A.C. All staff shall have a working knowledge of the operating procedures. These operating procedures shall be submitted with new applications and applications for new components to be available for review by the Department at any time.

(2) No change.

(3) Provider Governance and Management.

(a) Governing Body. Any provider that applies for a license, shall be a legally constituted entity. Providers that are government-based and providers that are for-profit and not-for-profit, as defined in section 397.311, F.S., shall have a governing body that shall set policy for the provider. The governing body shall maintain a record of all meetings where business is conducted relative to provider operations. These records shall be available for review by the Department department.

(b) Insurance Coverage. Regarding ~~In regard to~~ liability insurance coverage, providers shall assess the potential risks associated with the delivery of services to determine the amount of coverage necessary and shall purchase policies accordingly.

(c) Chief Executive Officer. A chief executive officer shall be appointed. If the entity is operated by a governing board, the governing body shall appoint a chief executive officer. The qualifications and experience required for the position of chief executive officer shall be defined in the provider's operating procedures. Documentation shall be available from the governing body providing evidence that a background screening has been completed in accordance with chapters 397 and 435, F.S., and there is no evidence of a disqualifying offense. Providers shall notify the regional office in writing within 24 hours when a new chief executive officer is appointed.

(d) ~~(Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, or the Department of Management Services and are exempt from the requirements in this paragraph. Juvenile Justice Commitment Programs and detention facilities operated by the Department of Juvenile Justice, are exempt from the requirements of subsection (3). this paragraph.)~~

(4) Personnel Policies. Personnel policies shall clearly address recruitment and selection of prospective employees, promotion and termination of staff, code of ethical conduct, sexual harassment, confidentiality of individual records, attendance and leave, employee grievance, non-discrimination, abuse reporting procedures, and the orientation of staff to the agency's universal infection control procedures. The code of ethical conduct shall prohibit employees and volunteers from engaging in sexual activity with individuals receiving services for a minimum of two (2) years after the last professional contact with the individual. Providers shall also have a drug-free workplace policy for employees and prospective employees.

(a) Personnel Records. Records on all personnel shall be maintained. Each personnel record shall contain:

1. through 6. No change.

7. Documentation of required staff training (~~Inmate Substance Abuse Programs operated by the Department of Corrections are exempt from the provisions of this subparagraph).~~

8. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, or the Department of Management Services, and Juvenile Justice Commitment Programs and detention facilities operated by the Department of Juvenile Justice, are exempt from the requirements of subparagraph (a)7.

(b) Background Screening Requirements of Staff.

1. Providers shall ensure compliance with background screening in accordance with section 397.4073, F.S.

2. Providers shall ensure that peer specialists are screened in accordance with section 397.417, F.S.

3. Individuals subject to screening in this subsection shall be re-screened within five (5) years from the date of their last screening results and every five (5) years thereafter. At the time of the initial screening, and with every re-screening, an Affidavit of Good Moral Character, form CF 1649, (April 2021), which is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>, shall be submitted by individuals who are subject to level 2 background screenings.

4. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, or the Department of Management Services, and Juvenile Justice Commitment Programs and detention facilities operated by the Department of Juvenile Justice, are exempt from the requirements of subparagraph 3., unless the service provider personnel have direct contact with unmarried inmates under the age of 18 or with inmates who are intellectually disabled, pursuant to section 397.4073(1)(e), F.S.

~~All owners, chief financial officers, chief executive officers, and clinical supervisors of service providers are~~

~~subject to level 2 background screening and local background screening as provided under chapters 435 and 397, F.S. All service provider personnel, and volunteers who have direct contact with children receiving services or with adults with intellectual disabilities receiving services are subject to level 2 background screening as provided under chapter 435, and section 397.4073, F.S. In addition, individuals shall be re-screened within five (5) years from the date of their last screening and shall include a local background screening. Re-screening shall include a level 2 screening in accordance with chapter 435, F.S. Service provider personnel who request an exemption from disqualification must submit the request within 30 days after being notified of the disqualification. If five (5) years or more have elapsed since the most recent disqualifying offense, service provider personnel may work with adults who have substance use disorders under the supervision of a qualified professional until the Department makes a final determination regarding the request for an exemption from disqualification. (Personnel operating directly with local correctional agency or authority, Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections or the Department of Management Services are exempt from the requirements in this paragraph, unless they have direct contact with unmarried inmates under the age of 18 or with inmates who are intellectually disabled.)~~

(c) A person who is disqualified pursuant to the background screening conducted in paragraph (4)(b) of this rule may request an exemption from disqualification pursuant to section 435.07, F.S. or, if applicable, section 397.4073(4)(b), F.S.

~~(d)(e) Employment History Checks and Reference Checks of References.~~ The chief executive officer or designee, such as human resources staff, shall assess employment history ~~checks~~ and ~~reference~~ checks ~~of references~~ for each employee who has direct contact with children receiving services or ~~intellectually disabled~~ adults who are ~~intellectually disabled~~ receiving services.

(5) No change.

(6) Medical Director. Providers licensed to operate This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, and methadone and medication-assisted treatment for opioid use disorder shall have a medical director addiction. Providers shall designate a medical director who shall oversee all medical services. The medical director's responsibilities shall be clearly described.

(a) through (c) No change.

(d) A medical director may not serve in that capacity for more than a maximum of the indicated number of individuals for the treatment types listed below:

1. through 6. No change.

7. Methadone medication-assisted treatment for opioid use disorder ~~Medication and methadone maintenance treatment~~ – a cumulative total of 1,745 individuals at any given time.

(e) through (f) No change.

(g) In cases where a provider operates treatment components that are not identified in this subsection, the provider shall have access to a physician or APRN through a written agreement who will be available to consult on any medical services required by individuals involved in those components. Physicians or APRN's serving as a medical consultant shall adhere to all requirements and restrictions as described for medical directors in this chapter.

(h) A medical director or medical consultant in violation of any of the requirements set forth in chapter 65D-30, F.A.C., or chapter 397, F.S., is permanently barred from being employed by or contracting with a service provider licensed under chapter 65D-30, F.A.C.

(7) Medical Services.

(a) No change.

(b) The medical protocols shall also include:

1. The manner in which certain medical functions may be delegated to appropriate licensed practitioners ~~Advanced Registered Nurse Practitioners and Physician's Assistants~~ in those instances where these practitioners are utilized as part of the clinical staff;

2. through 4. No change.

(c) Supervision of self-administration of medication may be provided, including at the community housing location, under the following conditions:

1. No change.

2. Individuals must receive prescription medication in accordance to the prescriptions of appropriate licensed practitioners ~~qualified physicians~~, as required by law;

3. through 4. No change.

(d) No change.

(e) Emergency Medical Services. All licensed providers shall describe the manner in which medical emergencies shall be addressed. ~~(Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections or the Department of Management Services are exempt from the requirements of subsection 65D-30.004(7), F.A.C. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection.)~~

(f) Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, or the Department of Management Services, and Juvenile Justice Commitment Programs and detention facilities operated by the Department of Juvenile Justice, are exempt from the requirements of subsection (7).

(8) State Approval Regarding Prescription Medication. In instances where the provider utilizes prescription medication, medications shall be purchased, handled, dispensed, administered, and stored in compliance with the State of Florida Board of Pharmacy requirements for facilities which hold Modified Class II Institutional Permits and in accordance with chapter 465, F.S. This shall be implemented in consultation with a state-licensed consultant pharmacist and approved by the medical director. The provider shall ensure that policies implementing this subsection are reviewed and signed and dated annually by a state-licensed consultant pharmacist. ~~(Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, the Department of Juvenile Justice, or the Department of Management Services are exempt from the requirements of this subsection.)~~

(a) All providers purchasing, dispensing, handling, administering, storing, or observing self-administration of medications shall adhere to best practices, state and federal regulations.

(b) Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, or the Department of Management Services, and Juvenile Justice Commitment Programs and detention facilities operated by the Department of Juvenile Justice, are exempt from the requirements of subsection (8).

(9) Universal Infection Control. Providers licensed to operate ~~This requirement applies to~~ addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication-assisted treatment for opioid addiction shall implement an exposure control plan and universal infection control services.

(a) No change.

(b) Required Services. The following Universal Infection Control Services shall be provided:

1. through 2. No change.

3. Reporting of communicable diseases to the Department of Health in accordance with sections 381.0031 and 384.25, F.S.

~~(Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections or Department of Management Services are exempt from the requirements of this subsection but shall provide such services as required by chapter 945, F.S., titled Department of Corrections. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.)~~

(c) Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, or the Department of Management Services, and Juvenile Justice Commitment Programs and detention facilities operated by the Department of Juvenile Justice, are exempt from the requirements of subsection (9).

(10) Universal Infection Control Education Requirements for Employees and Individuals. Providers shall meet the educational requirements for HIV and AIDS pursuant to section 381.0035, F.S., and all infection prevention and control educational activities shall be documented. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, or the Department of Management Services, and Juvenile Justice Commitment Programs and detention facilities operated by the Department of Juvenile Justice, are exempt from the requirements of this subsection. ~~(Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, the Department of Juvenile Justice, or the Department of Management Services are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.)~~

(11) Meals. Providers licensed to operate addictions receiving facilities, inpatient detoxification, intensive inpatient treatment, and residential treatment shall provide at least three (3) meals per calendar day shall be provided to individuals in addictions receiving facilities, inpatient detoxification, intensive inpatient treatment, and residential treatment. In addition, at least one (1) snack shall be provided each day. Providers licensed to operate For day or night treatment with community housing and day or night treatment, the provider shall make arrangements to serve a meal to individuals involved in services a minimum of five (5) hours at any one time. Individuals with special dietary needs shall be reasonably accommodated. Under no circumstances may food be withheld for disciplinary reasons. The provider shall document and ensure that nutrition and dietary plans are reviewed and approved by a dietitian/nutritionist licensed under section 468.509, F.S., at least annually. If the provider contracts with a third party for food services, a copy of the provider's contract with the company and the company's current health inspection shall be provided to the Department upon application and renewal. ~~(Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, the Department of Juvenile Justice, or the Department of Management Services are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the respective department.)~~

(12) Verbal De-escalation. Providers licensed to operate This applies to all components except for with the exception of universal direct and indirect prevention services. ~~Providers shall have written policies and procedures of the specific verbal de-escalation technique(s) to be used. Direct care staff shall be trained in verbal de-escalation techniques as required in paragraph 65D-30.0046(1)(b), F.A.C. The provider shall provide proof to the Department that affected staff have completed training in those techniques.~~

(13) Compulsory School Attendance for Minors. Providers which admit juveniles between the ages of 6 and 16 shall comply with chapter 1003, Part III 232, F.S., entitled School Attendance Compulsory School Attendance; Child Welfare.

(14) through (16) No change.

(17) Critical Incident Reporting pursuant Pursuant to paragraph 397.4103(2)(f), F.S.

(a) through (b) No change.

(18) No change.

(19) Certified Recovery Residence Referrals. Providers shall comply with the statutory requirements established in sections 397.4104 and section 397.4873, F.S., regarding referrals to and admissions from certified recovery residences.

(a) Pursuant to section 397.4873, F.S., all All providers shall maintain an active referral log of each individual referred to a recovery residence. The log shall include the individual's name being referred or accepted, name and address of the certified recovery residence, signature of the employee making the referral, and date of the referral. The log shall be made available for review by the Department. (Service Providers under contract with the Managing Entities are exempt from this requirement.)

(b) Pursuant to section 397.4104(1), F.S., all providers shall maintain an updated record of recovery residence referrals in the Department's statewide electronic system specific to licensure.

(20) Telehealth Services.

(a) Providers shall maintain policies and Prior to initiating services utilizing telehealth, providers shall submit detailed procedures outlining how they will provide services through telehealth which services they intend to provide as described in paragraph 65D-30.0036(1), F.A.C. 65D-30.003(1)(4), F.A.C.

(b) Providers delivering services through telehealth shall provide the service to the same extent the service would be delivered if provided through an in-person service delivery with a provider.

(c) Providers delivering any services by telehealth are responsible for the quality of the equipment and technology employed, and Providers are responsible for its safe use. Providers utilizing telehealth equipment and technology must be able to meet or exceed the prevailing standard of care.

Service providers must meet the following additional requirements:

(a) through (b) are redesignated (d) through (e) No change.

~~(c) Clinical screenings, assessments, medication management, and counseling are the only services allowable through telehealth; and~~

~~(d) Telehealth services must be provided within the state of Florida except for those licensed for outpatient, intervention, and prevention.~~

(21) through (22) No change.

Rulemaking Authority 397.321(5) FS. Law Implemented 397.321, 397.4014, 397.4073, 397.4075, 397.410, 397.4103, 397.4104, 397.411 FS. History—New 5-25-00, Amended 4-3-03, 12-12-05, 8-29-19. Amended

65D-30.0046 Staff Training, Qualifications, and Scope of Practice.

(1) Staff Training. Providers shall develop and implement a staff development plan. At least one (1) staff member with skill in developing staff training plans shall be assigned the responsibility of ensuring that staff development activities are implemented.

(a) through (c) No change.

(d) General Training Requirements. All staff and volunteers who provide direct care or prevention services shall participate in a minimum of 10 hours of documented training per year related to their duties and responsibilities. This includes training conducted annually in the following areas:

1. through 3. No change.

4. Rights of individuals served; and

5. No change.

(e) through (i) No change.

(2) Clinical Supervision. A qualified professional shall supervise clinical services, as permitted within the scope of their qualifications. In addition, all licensed and unlicensed staff shall be supervised by a clinical supervisor qualified professional. In the case of medical services, medical staff may provide supervision within the scope of their license. Supervisors shall conduct regular reviews of work performed by subordinate employees. Clinical supervision may include supervisory participation in treatment planning meetings, staff meetings, observation of group sessions and private feedback sessions with personnel. The date, duration, and content of supervisory sessions shall be clearly documented for staff in each licensed component and made available for Department review.

(3) Scope of Practice for all staff. All staff must provide services within the scope of their professional licensure or certification, training, and competence in accordance with applicable clinical protocols.

(4) Scope of Practice for staff who provide services specific to substance use but who are not licensed or certified as qualified professionals.

(a) The scope of practice is more limited for certain staff working for providers licensed under this Chapter who do not meet the definition of a qualified professional. This staff is comprised of:

1. Bachelor’s or master’s degree level practitioners. Practitioners must hold a degree from an accredited university or college with a major in counseling, social work, psychology, nursing, rehabilitation, special education, health education, or a related human services field (a related human services field is one in which major course work includes the study of human behavior and development);

2. Registered interns for marriage and family therapy, clinical social work, and mental health counseling;

3. Certified addiction counselors who are certified by the Florida Certification Board; and

4. Certified behavioral health technicians who are certified by the Florida Certification Board.

(b) The staff listed in subsection (4)(a) of this rule shall be directly supervised by a qualified professional.

(c) When providing services specific to substance use, the staff listed in subsection (4)(a) of this rule are limited to the following tasks:

1. Screening,

2. Psychosocial assessment,

3. Treatment planning,

4. Referral and linkage,

5. Service coordination,

6. Consultation,

7. Continuing assessment and treatment plan reviews,

8. Recovery support services,

9. Crisis intervention,

10. Individual, family, and community education,

11. Documentation of progress,

12. Any other tasks permitted in these rules and appropriate to that licensable component, and

13. Supportive counseling.

(d) Individual and family therapy may only be provided by master’s degree level practitioners and registered interns, and student interns seeking their master’s degree from an accredited university.

(5) Scope of Practice for staff who are peer specialists who provide services specific to substance use disorder treatment.

(a) Peer specialists providing Department-funded peer support services shall be certified by a peer specialist credentialing organization that is recognized by the Department, or the peer specialists shall be working towards certification for up to one year.

(b) Peer specialists may provide the following services:

1. Referral and linkage,
2. Service coordination,
3. Recovery support services,
4. Facilitation of recovery group meetings, excluding twelve-step meetings and therapeutic or clinical group counseling sessions,
5. Non-clinical crisis support,
6. Individual, family, and community education,
7. Outreach,
8. Recovery goal setting and planning assistance,
9. Advocacy,
10. Documentation of recovery plan progress, and
11. Participation in treatment team planning and process.

(3) Scope of Practice. Staff not licensed under chapter 458, 459, 464, 490 or 491, F.S., providing services specific to substance use are limited to the following tasks unless otherwise specified in this rule:

- (a) Screening;
- (b) Psychosocial assessment;
- (c) Treatment planning;
- (d) Referral;
- (e) Service coordination;
- (f) Consultation;
- (g) Continuing assessment and treatment plan reviews;
- (h) Recovery support services;
- (i) Crisis intervention;
- (j) Individual, family, and community education;
- (k) Documentation of progress;
- (l) Any other tasks permitted in these rules and appropriate to that licensable component; and
- (m) Counseling, including:
 1. Individual counseling;
 2. Group counseling; and
 3. Counseling with families, couples, and significant others.

(4) Staff Qualifications. Staff must provide services within the scope of their professional licensure certification; or training and competence in applicable clinical protocols.

(a) The scope of practice limitations listed in subsection (3) apply to the following unlicensed staff who must work directly under the supervision of a qualified professional:

1. Bachelor's or master's degree level practitioners. Practitioners must hold a degree from an accredited university or college with a major in counseling, social work, psychology, nursing, rehabilitation, special education, health education, or a related human services field;
2. Registered marriage and family therapy, clinical social work, and mental health counseling interns;
3. Certified master's degree level addiction professionals who are certified by the Florida Certification Board;

4. Certified addictions professionals who are certified by the Florida Certification Board;

5. Certified addiction counselors who are certified by the Florida Certification Board.

(b) Certified recovery peer specialists and specialist or certified recovery support specialists who are certified by the Florida Certification Board may provide all services listed in subsection (3) of this rule, except counseling listed in paragraph (3)(l), under the supervision of a qualified professional or a certified recovery peer specialist with a minimum of three (3) years of experience providing recovery support services to individuals with substance use disorders. Recovery support specialists and recovery peer specialists are allowed one year from the date of their employment to obtain certification through the Florida Certification Board.

Rulemaking Authority 397.321(5) FS. Law Implemented 397.321, 397.410 FS. History—New 8-29-19. Amended _____.

65D-30.013 Standards for Prevention.

Prevention includes activities and strategies that are used to preclude the development of substance use problems. In addition to rule 65D-30.004, F.A.C., the following standards apply to prevention.

(1) Categories of Prevention. For the purpose of these rules, prevention services are categorized as indicated, selective, or universal direct, or universal indirect, as defined in paragraphs 65E-14.021(4)(v) ~~(x)(y)~~, F.A.C., incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10900>. While the Department covers universal indirect as a prevention service under rule 65E-14.021, F.A.C., this service is not regulated under this rule.

(a) Indicated prevention services are provided to at-risk individuals who are identified as having minimal but detectable signs or symptoms foreshadowing mental health or substance use disorders. Target recipients of indicated prevention services are at-risk individuals who do not meet clinical criteria for mental health or substance use disorders. Indicated prevention services are designed to preclude, forestall, or impede the development of mental health or substance use abuse disorders.

(b) Selective prevention services are provided to a population subgroup whose risk of developing mental health or substance use disorders is higher than average. Target recipients of selective prevention services do not meet clinical criteria for mental health or substance use disorders. Selective prevention services are designed to preclude, forestall, or impede the development of mental health or substance use disorders.

(c) Universal direct prevention services are provided to the general public or a whole population that has not been identified on the basis of individual risk. These services are designed to preclude, forestall, or impede the development of mental health

or substance use disorders. Universal direct services directly serve an identifiable group of participants who have not been identified on the basis of individual risk. These services include interventions involving interpersonal and ongoing or repeated contacts such as curricula, programs, and classes.

- (2) No change.
- (3) General Requirements.

(a) Staffing Patterns. Providers shall delineate reporting relationships and staff supervision. This delineation shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified prevention professional on staff who is:

- 1. A Certified Prevention Professional under the Florida Certification Board; or
- 2. A Certified Prevention Specialist under the International Certification & Reciprocity Consortium; or
- 3. A Qualified Professional with at least one year of experience in the delivery of prevention services.

- (b) No change.

~~(c) Referral. Providers shall have a plan for assessing the appropriateness of prevention services and conditions for referral to other services. The plan shall include a current directory of locally available substance abuse services and other human services for referral of prevention program participants, or prospective participants.~~

(4) Requirements for Providers of Universal Direct ~~and Universal Indirect~~ Prevention Services.

(a) Program Description. Providers of universal direct ~~and universal indirect~~ prevention services shall describe the prevention services that will be available. This description shall include:

- 1. through 5. No change.
- (b) Activity Logs for Providers of Universal Direct ~~and Universal Indirect~~ Prevention Services. Providers shall collect and maintain records of all universal direct ~~and universal indirect~~ prevention services, including the following:

- 1. through 7. No change.

(5) Requirements for Providers of Selective Prevention Services.

- (a) No change.
- (b) Activity Logs for Providers of Selective Prevention Services. Providers shall collect and maintain records of all universal direct ~~and universal indirect~~ prevention services, including the following:

- 1. through 7. No change.

- (6) No change.

Rulemaking Authority 397.321(5) FS. Law Implemented 397.311(26), 397.321, 397.410 FS. History—New 5-25-00, Amended 4-3-03, 8-29-19. Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Hardin, Heather Allman
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shevaun L. Harris
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2022

Section III Notice of Changes, Corrections and Withdrawals

NONE

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

FLORIDA HOUSING FINANCE CORPORATION
RULE NO.: RULE TITLE:
67-48.0072 Credit Underwriting and Loan Procedures
The Florida Housing Finance Corporation hereby gives notice: On December 9, 2022, the Florida Housing Finance Corporation issued an order granting the waiver from paragraph 67-48.0072(21)(b), Florida Administrative Code for RGC Phase I, LLC, to allow Petitioner to extend its firm loan commitment issuance deadline from January 15, 2023 to July 15, 2023. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 21, 2022 and notice of the receipt of petition was published on November 23, 2022 in Vol. 48, Number 228 F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
RULE NO.: RULE TITLE:
73C-23.0041 Application Process
The Department of Economic Opportunity hereby gives notice: On December 13, 2022, the Department of Economic

Opportunity (“Department”) issued a Final Order in DEO Case No. 22-098, granting Holmes County (“Petitioner”) a waiver from the requirements of Fl. Admin. Code paragraph 73C-23.0041(2)(c), which sets a funding ceiling for Economic Development subgrants under the Small Cities Community Development Block Grant (“CDBG”) Program. The Department is granting the petition to enable the Petitioner to engage in economic development activity that it would have not otherwise been able to accomplish with the maximum amount of funds available under the CDBG Program. The Department received the petition for rule waiver on August 4, 2022, and notice of receipt of the petition was published on August 12, 2022 in Vol. 48, No. 157 of the F.A.R. No comments were received on the Petition.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Economic Opportunity, Office of the General Counsel, 107 East Madison Street, MSC-110, Tallahassee, Florida 32399; Agency.Clerk@deo.myflorida.com; or by facsimile at (850)921-3230.

Section VI

Notice of Meetings, Workshops and Public Hearings

REGIONAL PLANNING COUNCILS

Emerald Coast Regional Council

The Regional Rural Transportation Plan (RRTP) Technical Advisory Committee (TAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 16, 2022, 10:00 a.m.

PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Regional Rural Transportation Plan (RRTP) Technical Advisory Committee (TAC) will hold a public meeting Friday, December 16, 2022, at 10:00 a.m. to discuss the draft proposal for the Plan's Project Priorities. This meeting will be held virtually. Please visit www.ecrc.org/rrtptac for the agenda and meeting information.

The TAC will review the draft proposal of the Regional Rural Transportation Plan (RRTP) Project Priorities.

PUBLIC FORUM

Public input is valuable to ECRC, we encourage our communities to submit input through a variety of avenues. Comments can be submitted via eComment Card, email, or phone. Visit www.ecrc.org/RRTP to learn more.

Participation is asked for without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who believe they have been discriminated against on these

conditions may file a complaint with the Title VI Coordinator, (850)332-7976.

A copy of the agenda may be obtained by contacting: Angela Bradley, (850)332-7976, or angela.bradley@ecrc.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 48 hours before the workshop/meeting by contacting: Public Involvement at toll-free at 1(800)226-8914 or TTY 711, or by emailing publicinvolvement@ecrc.org. Para informacion en espanol, puede llamar a Ada Clark al (850)332-7976, ext. 278 o TTY 711. Si necesita acomodaciones especiales, por favor llame 48 horas de antemano. 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).

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 18, 2023, 10:00 a.m.

PLACE: 260 N. Country Club Road, Lake Mary, FL 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: The ECF Diamond Awards

A copy of the agenda may be obtained by contacting: Ken Storey at KStorey@ECFRPC.org or (407)245-0300, ext. 300.

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: Ken Storey at KStorey@ECFRPC.org or (407)245-0300, ext. 300. 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: Ken Storey at KStorey@ECFRPC.org or (407)245-0300, ext. 300.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

The Board of Podiatric Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: January 17, 2023, 8:00 a.m. EST

PLACE: Teleconference Meeting – Dial-in number: 1(888)585-9008, Participant Code: 123-475-828#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting with Public Disciplinary Cases.

A copy of the agenda may be obtained by contacting: the board office at (850)245-4292 or by visiting our website at <https://floridaspodiatricmedicine.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 office at (850)245-4292. 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 office at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology
 The Board of Speech-Language, Pathology & Audiology announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2023, 9:00 a.m.

PLACE: Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/282225845>

You can also dial in using your phone. (For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1(866)899-4679 - One-touch: tel:+18668994679,,282225845#

United States: (571)317-3116 - One-touch: tel:+15713173116,,282225845#, Access Code: 282-225-845

GENERAL SUBJECT MATTER TO BE CONSIDERED: The general business of the board

A copy of the agenda may be obtained by contacting: <https://floridasspeechaudiology.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: MQA.SpeechLanguage@flhealth.gov at (850)245-4161 or 4052 Bald Cypress Way, Bin C-06, Tallahassee, FL 32399. 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: Derek Nieves, Regulatory Specialist III at (850)245-4161 or mqa.speechlanguage@flhealth.gov or 4052 Bald Cypress Way, Bin C-06, Tallahassee, FL 32399.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from D. Andrew Smith, III, Esq., on behalf of Town of Ponce Inlet, Florida, filed on November 21, 2022. The petition seeks the agency's opinion as to the applicability of Section 489.103(7)(a)(1), Florida Statutes, as it applies to the petitioner.

Petitioner seeks a determination from the Board regarding the question: "Is the owner exemption of Section 489.103(7)(a)(1), Florida Statutes, applicable to the owner of a townhouse unit within buildings comprised of more than two total dwelling units?" Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Donald Shaw, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Donald.Shaw@myfloridalicense.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

DEPARTMENT OF EDUCATION

University of Florida

UF-687 Broward Dining - Renovation & Expansion

ADVERTISEMENT FOR DESIGN/BUILD SERVICES

NOTICE TO DESIGN/BUILDER:

The University of Florida Board of Trustees announces that Design/Build services will be required for the project listed below:

Project: UF-687, Broward Dining Renovation and Expansion, (UF Main Campus)

Business Services is proposing to renovate and expand the Broward dining facility into a state-of-the-art concept to meet current and future student demand and needs in residential dining.

The project consists of complete interior renovation of existing dining areas including but not limited to finishes (flooring, walls, ceilings), mechanical, electrical work including lighting, fire protection, controls, furnishings, equipment... As part of this project, the building will be expanded to include added interior and programming capacity, as well as integration of outdoor seating areas.

The total project budget is \$20,000,000, including site improvement, underground utilities, fees, surveys and tests, total building commissioning, furnishings & equipment, and contingencies. Construction shall be "fast-tracked" to begin January 2024 with occupancy and operation for beginning of Fall semester 2024. Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP), early procurement of all long lead material for storage prior to construction start based on DD or 60% Construction Documents.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/builder

becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/builder's contract.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection, structural, and for civil engineering consultants for this project and will be provided as a part of Basic Services. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, Workers' Compensation, and Builder's Risk.

Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design and construction ability, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and the applicant or its architectural, landscape architectural, and engineering consultants must possess current design licenses (individual) from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide design/build services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the DBQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "Design/Builder Qualifications Supplement" (DBQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
5. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for all construction, architectural, landscape architectural, and engineering entities (applicant firm and consulting firms) from the appropriate governing board.

6. Proof of bonding capacity and proof of design consultants’ (architecture and engineering) ability to be insured for the level of professional liability coverage demanded for this project. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design/builder must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific DBQS forms, instructions, Project Fact Sheet, facilities program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Design/Builder agreement, and other project and process information – can be found on the Planning Design& Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning, Design & Construction office by 3:00 PM local time on Tuesday, January 24th, 2023. Facsimile (FAX) submittals are not acceptable and will not be considered.

Planning Design& Construction, 245 Gale Lemerand Drive / P.O. Box 115050, Gainesville, FL 32611-5050, Telephone: (352)273-4000, Internet: www.facilities.ufl.edu

**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., Wednesday, December 6, 2022 and 3:00 p.m., Tuesday, December 13, 2022.

| Rule No. | File Date | Effective Date |
|-----------|-----------|----------------|
| 5E-14.149 | 12/6/2022 | 12/26/2022 |
| 5J-17.022 | 12/7/2022 | 12/27/2022 |
| 5J-17.029 | 12/7/2022 | 12/27/2022 |
| 5J-17.037 | 12/7/2022 | 12/27/2022 |

| | | |
|---------------|------------|------------|
| 5J-17.039 | 12/7/2022 | 12/27/2022 |
| 5J-17.086 | 12/7/2022 | 12/27/2022 |
| 55-11.003 | 12/13/2022 | 1/2/2023 |
| 55-11.005 | 12/13/2022 | 1/2/2023 |
| 61G19-6.0085 | 12/9/2022 | 12/29/2022 |
| 61J2-17.011 | 12/12/2022 | 1/1/2023 |
| 64B21-504.001 | 12/9/2022 | 12/29/2022 |
| 65C-28.009 | 12/7/2022 | 12/27/2022 |

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

| Rule No. | File Date | Effective Date |
|-------------|------------|----------------|
| 5K-4.020 | 12/10/2021 | **/**/**** |
| 5K-4.035 | 12/10/2021 | **/**/**** |
| 5K-4.045 | 12/10/2021 | **/**/**** |
| 60FF1-5.009 | 7/21/2016 | **/**/**** |
| 62-6.001 | 5/10/2022 | **/**/**** |
| 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 | **/**/**** |
| 64B8-10.003 | 12/9/2015 | **/**/**** |

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of JB Golf Carts, LLC, line-make ROYV

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to section 320.642, Florida Statutes, notice is given that Royal Electric Vehicles, LLC, intends to allow the establishment of JB Golf Carts, LLC, as a dealership for the sale of low-speed vehicles manufactured by Royal Electric Vehicles, LLC, (line-make ROYV) at 1919 Northeast

Jacksonville Road, Ocala, (Marion County), Florida 34470, on or after January 9, 2023.

The name and address of the dealer operator(s) and principal investor(s) of JB Golf Carts, LLC are dealer operator(s): Jason Devilbiss, 5750 Southwest 43rd Place, Ocala, Florida 34470; principal investor(s): Jason Devilbiss, 5750 Southwest 43rd Place, Ocala, Florida 34470.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Sondra L. Howard, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jason Torchia, Royal Electric Vehicles, LLC, 632 Richardson Road Southeast, Calhoun, Georgia 30701.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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.
