

Section I  
 Notice of Development of Proposed Rules  
 and Negotiated Rulemaking

NONE

Section II  
 Proposed Rules

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:       RULE TITLE:

6A-1.0955       Education Records

PURPOSE AND EFFECT: To protect student privacy when students are required to use online educational services or when districts contract with third party vendors or service providers. This rule will strengthen the privacy and rights of students and safeguard their educational record in accordance with state and federal law.

SUMMARY: The rule adds definitions for clarity and criteria for the circumstances when reported threats, which do not rise to a transient level, may be maintained in a student’s file. In addition, the rule requires school districts to adopt policies to protect student information when students are required to use online services. The rule will also require districts to ensure their contracts with vendors protect student information.

**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 the rule changes.

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), 1002.22(3), 1003.25(2), F.S.

LAW IMPLEMENTED: 1001.52(2), (3), 1002.22(2), (3), 1002.221, 1003.25, 1008.405, F.S.

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

DATE AND TIME: October 19, 2022, 9:00 a.m.

PLACE: Caribe Royale, 8101 World Center Drive, Orlando, FL 32821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Andre Smith, Deputy Commissioner, Division of Technology and Innovation, Andre.Smith@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

**6A-1.0955 Education Records.**

(1) Purposes. This rule applies to education records maintained to facilitate the instruction, guidance, and educational progress of ~~pupils and adult~~ students in programs operated under the authority and direction of a district school board or other agency or institution as defined in Section 1002.22(1), F.S. This rule is intended to further the intent of Section 1002.22(2), F.S., that the rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and agencies must ~~shall~~ be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, the implementing regulations issued pursuant thereto, and Sections 1002.22 and 1002.221, F.S. ~~For the purpose of this rule, the term “education records” refers to those records that are included in the definition of “education records” found in 34 CFR §99.3.~~

(2) Definitions.

(a) “Education records” means records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution, as defined in 20 U.S.C. s. 1232g(a)(4).

(b) “Eligible student” means a student who has reached 18 years of age or is attending a postsecondary institution, at any age.

(c) “Institution” means any public school, center, or other entity that is part of Florida’s education system under Section 1000.04(2), (4), and (5), F.S.

(d) “Online educational service” means computer software, mobile applications (apps), and web-based tools that students or parents are required to use and access through the internet and as part of a school activity or function. Examples include online services that students or parents use to access class readings, assignments, or videos, to view learning progression, or to complete assignments. This does not include online

services that students or parents may use in their personal capacity or to online services that districts or schools may use to which students or parents do not have access, such as a district student information system.

(e) “Parent” includes parents or guardians of students who are or have been in attendance at a school or institution as defined in paragraph (2)(c).

(f) “Personally identifiable information” or “PII” means information that can be used to distinguish or trace a student’s identity either directly or indirectly through linkages with other information, as defined in 34 CFR §99.3. PII includes, but is not limited to direct identifiers (such as a student’s or other family member’s name), indirect identifiers (such as a student’s date of birth, place of birth, or mother’s maiden name), and other personal identifiers (such as a student’s social security number or Florida Education Identifier (FLEID) number). PII also includes information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

(g) “School Board or School District” means a Florida school district or district school board, charter school governing board, the Florida Virtual School (Section 1002.37, F.S.), the Florida School for the Deaf and the Blind (Section 1002.36, F.S.), and Developmental Research (Laboratory) Schools (Section 1002.32, F.S.).

(h) “School day(s)” means any weekday that school is in session, based on the school district’s calendar;

(i) “Student” means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

(j)(a) “Therapeutic treatment plan” means a plan that identifies the mental health diagnosis, or condition, the therapy or intervention goal(s), the type of school-based mental health intervention, and the school-based mental health services provider responsible for providing the mental health intervention or therapy.

(k)(b) “Therapy progress notes” means notes maintained by a school-based mental health services provider that summarize the focus and progress toward treatment goals(s) of each therapy or intervention session.

(l) “Third-party vendor” or “Third-party service provider” means any entity, whether public or private, that provides services to a school board or institution through a contract or agreement. The term does not include the Florida Department of Education or the Department’s contractors and subcontractors.

(3) Information contained in education records ~~must shall~~ be classified and retained as follows:

(a) Category A: Information for each student which ~~must shall~~ be kept current while the student is enrolled and retained permanently in the manner prescribed by Section 1001.52(2), F.S.

(b) Category B: Information which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by Section 1001.52(3), F.S.

(4) Content of Category A records. The following information ~~must shall~~ be maintained for each student:

(a) through (i) No change.

(5) Content of Category B records. These records may include but are not limited to the following:

(a) through (j) No change.

(k) Except as provided in subsection (6), tThreat assessments done by the threat assessment team pursuant to Section 1006.07(7), F.S.,

(l) through (s) No change.

(6) Threat assessments.

(a) Transient or Substantive Threats. Threat assessments determined to be transient or substantive, as defined in Rule 6A-1.0018, Fla Admin. Code, are Category B records and shall be maintained in a student’s file as long as determined useful by a threat assessment team, pursuant to Section 1006.07(7), F.S., and Rule 6A-1.0018, Fla. Admin. Code.

(b) Non-Threats. In order to protect students from stigma and unintended consequences, reported threats which are determined by a threat assessment team not to be a threat at all, meaning the threat does not rise to the level of transient or substantive, may be maintained by the threat assessment team, but must not be maintained in a student’s file, unless one of the following conditions are met:

1. The parent of the student who was the subject of a non-threat finding requests that the record be retained in the student’s file; or

2. The threat assessment team has made a determination that the non-threat finding must be retained in order to ensure the continued safety of the school community or to ensure the well-being of the student.

a. Such determination and reasoning for maintaining the record must be documented with the non-threat finding.

b. Where such a determination is made, the threat assessment team must re-evaluate the decision on an annual basis to determine if the record is no longer useful. The student’s age and length of time since the original assessment must be considered in those evaluations.

(7) ~~(6)~~ School districts ~~must shall~~ maintain sufficient information, to include social security numbers for ~~adult~~ students enrolled in a postsecondary program so that they can be located after they have either withdrawn or completed a program of study.

(8) ~~(7)~~ Each school board ~~must shall~~ adopt a policy for educational records which ~~must shall~~ include:

(a) Provisions for an annual written notice and other notices necessary to inform ~~parents and eligible the adult students or the parent or guardian of students~~ of their rights as defined in Section 1002.22(2), F.S., and FERPA. The district ~~must shall~~ develop methods of notice for informing ~~parents and eligible the parent or guardian of students, or adult students~~ unable to comprehend a written notice in English;

(b) Provisions for permitting ~~parents and eligible students the adult student or the parent or guardian of the student who is or has been in attendance in the school district~~ to inspect and review the education records of the student. The district ~~must shall~~ comply with a request within a reasonable period of time, but in no case more than thirty (30) days after it has been made;

(c) Provisions for ~~parents and eligible adult students or the parent or guardian of students~~ to exercise the right of waiver of access to confidential letters or statements. School districts must not require that ~~parents or eligible adult students or the parent or guardian of students~~ waive any of their rights under Section 1002.22(2), F.S. and FERPA;

(d) A schedule of fees and charges for copies of education records which charges no more than the fees and charges for public records as set forth in Section 119.07, F.S. In no circumstance ~~must shall~~ the cost reflect the costs to retrieve the education records;

(e) A listing of the types and locations of education records maintained by the educational agency ~~or institution~~ and the titles and addresses of the officials responsible for those records;

(f) Provisions for disclosure of personally identifiable information where prior written consent of ~~the parent or eligible adult student or the parent or guardian of students~~ is not required;

(g) Provisions for disclosure of personally identifiable information where prior written consent of the ~~parent or eligible adult student or the parent or guardian of a student, as appropriate,~~ is required, and provisions for maintaining records of requests and disclosures;

(h) Provisions for the maintenance and security of student records, including procedures to ensure the confidentiality of student records and safeguard records from unauthorized or unintentional access;

(i) Provisions for disclosure of personally identifiable information in health and safety emergencies;

(j) Provisions for disclosure of directory information;

(k) Provisions for challenging the content of any record which the ~~parent or eligible adult student or the parent or guardian of a student~~ believe to be inaccurate, misleading or a violation of the right of privacy and for providing an opportunity for amendment of such information;

(1) Provisions for ensuring the accuracy of information maintained and for periodic review and elimination of information no longer useful, ~~in the manner prescribed by Section 1001.52(3), F.S.~~

(9) School board and charter school governing board policies for required use of online educational services by students and parents. In order to protect a student's PII from potential misuse and in order to protect students from data mining or targeting for marketing or other commercial purposes, school boards and charter school governing boards must adopt policies that provide for review and approval of any online educational service that students or their parents are required to use as part of a school activity. These policies are required whether or not there is a written agreement governing student use, and whether or not the online educational service is free. These policies are required even if the use of the online educational service is unique to specific classes or courses.

(a) These policies must include the following:

1. Review of the online educational service's terms of service and privacy policy to ensure compliance with state and federal privacy laws, including FERPA and its implementing regulations, the Children's Online Privacy Protection Act (COPPA), 15 U.S.C. ss. 6501-6506, and Section 1002.22, F.S.;

2. Designation of a person or persons responsible for the review and approval of online educational services that will be required for students to use and the procedure for seeking such approval;

3. Procedures for notifying parents and eligible students if student PII will be collected by the online educational service;

4. Where student PII will be collected by the online educational service, procedures for notifying parents and eligible students of information that will be collected, how it will be used, when and how it will be destroyed, and the terms of re-disclosure, if any; and

5. An explicit prohibition against using any online educational service that will share or sell a student's PII for commercial purposes without providing parents a means to either consent or disapprove.

(b) For any online educational service that a student is required to use, a district must provide notice on its website of the PII information that may be collected, how it will be used, when it will be destroyed and the terms of re-disclosure. This notice must include a link to the online service's terms of service and privacy policy, if publicly available.

(10) ~~(8)~~ Procedures for transfer of education records.

(a) The transfer of records ~~must shall~~ be made immediately upon written request of an ~~eligible adult student, a parent or guardian of a student~~ or a receiving school. The principal or designee ~~must shall~~ transfer a copy of all Category A and Category B information and ~~must shall~~ retain a copy of Category A information; however, student records which are

required for audit purposes for programs listed in Section 1010.305, F.S., ~~must shall~~ be maintained in the district for the time period indicated in Rule 6A-1.0453, F.A.C.

(b) The transfer of education records ~~must shall~~ not be delayed for nonpayment of a fee or fine assessed by the school.

(c) The transfer of records of students who transfer from school to school must occur within three (3) school days of receipt of the request for records from the new school or district, or receipt of the identity of the new school and district of enrollment, whichever occurs first. Student records must contain verified reports of serious or recurrent behavior patterns, including substantive and transient threat assessments and intervention services, and psychological evaluations, including therapeutic treatment plans and therapy progress notes created or maintained by district or charter school staff. Non-threats as described in subsection (6) must not be transferred with a student's educational record unless one of the conditions described in subparagraph (6)(b)1. and 2. are met.

(11) School district and charter school contracts or agreements with third-party vendors.

(a) All contracts or agreements executed by or on behalf of a school district or charter school with a third-party vendor or a third-party service provider must protect the privacy of education records and student PII contained therein. Any agreement that provides for the disclosure or use of student PII must:

1. Require compliance with FERPA, its implementing regulations, and Section 1002.22, F.S.:

2. Where applicable, require compliance with COPPA, 15 U.S.C. ss. 6501-6506, and its implementing regulations;

3. Ensure that only the PII necessary for the service being provided will be disclosed to the third party;

4. Prohibit disclosure or re-disclosure of student PII unless one of the conditions set forth in paragraph (11)(b) has been met;

(b) Contracts or agreements with a third-party vendor or third-party service provider may permit the disclosure of PII to the third party only where one or more of the following conditions has been met:

1. The disclosure is authorized by FERPA and 34 CFR § 99.31;

2. The disclosure is authorized by the school board or charter governing board's directory information policy implemented in accordance with FERPA and 34 CFR § 99.37; or

3. The disclosure is authorized by written consent of an eligible student or parent. Consent must include, at a minimum, an explanation of who the PII would be disclosed to, how it would be used, and whether re-disclosure is permitted. Any re-disclosure must meet the requirements of paragraph (11)(b) and

must be authorized by the school board or charter school governing board.

~~(12)(9)~~ Security of education records.

(a) The school principal or designee ~~must shall~~ be responsible for the privacy and security of all student records maintained in the school.

(b) The superintendent of schools or designee ~~must shall~~ be responsible for the privacy and security of all student records that are not under the supervision of a school principal.

(c) Institutions and agencies that are not part of a school district ~~must shall~~ designate the office or position responsible for the privacy and security of all student records.

Rulemaking Authority 1001.02(1), 1002.22(3), 1003.25(2), 1008.405 FS. Law Implemented 1001.52(2), (3), 1002.22(2), (3), 1002.221, 1003.25, 1008.405 FS. History—New 4-11-70, Repromulgated 12-5-74, Revised 6-1-75, Amended 10-7-75, 2-21-77, 3-1-78, 5-24-81, Formerly 6A-1.955, Amended 6-17-87, 1-2-95, 10-25-10, 5-5-20,

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Andre Smith, Deputy Commissioner, Division of Technology and Innovation.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 5, 2022

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:           RULE TITLE:

6A-1.094124       Required Instruction Planning and Reporting  
PURPOSE AND EFFECT: To revise references to Florida's state academic standards and update the mental health education and character education components of required instruction. The purpose of aligning these two components of statutorily required instruction is to initiate a first in the nation approach to connecting the concepts of students' readiness, resiliency and, when necessary, response and recovery.

SUMMARY: Update of the content for instruction related to Mental Health and Character Development Education.

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 the rule changes.

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), 1003.42(2), F.S.

LAW IMPLEMENTED: 1003.42, F.S.

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

DATE AND TIME: October 20, 2022, 9:00 a.m.

PLACE: Caribe Royal, 8101 World Center Drive, Orlando, Florida 32821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Victoria Gaitanis, Chief, Bureau of Exceptional Education and Student Services, (850)245-0475.

THE FULL TEXT OF THE PROPOSED RULE IS:

**6A-1.094124 Required Instruction Planning and Reporting.**

(1) through (2) No change.

(3) As provided in Section 1003.42(2), F.S., members of instructional staff in public schools must teach the required instruction topics efficiently and faithfully, using materials that meet the highest standards of professionalism and historical accuracy.

(a) Efficient and faithful teaching of the required topics must be consistent with the state academic Next Generation Sunshine State Standards and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards.

(b) No change.

(c) Efficient and faithful teaching further means that any discussion is appropriate for the age and maturity level of the students, and teachers serve as facilitators for student discussion and do not share their personal views or attempt to indoctrinate or persuade students to a particular point of view that is inconsistent with the state academic Next Generation Sunshine State Standards and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards.

(4) Resiliency Education: Civic and Character Mental and Emotional Health Education and Life Skills Education.

(a) Civic and character education, and life skills education that builds confidence and supports mental health, are

combined to develop and prepare more resilient students. The purpose of aligning these two components of statutorily required instruction is to initiate a first in the nation approach to connecting the concepts of students' readiness, resiliency and, when necessary, response and recovery.

~~(b) (a) School districts must annually provide a minimum of five (5) hours of data-driven instruction to students in grades 6-12 related to civic and character education and life skills education through resiliency education youth mental health awareness and assistance, including suicide prevention and the impacts of substance abuse.~~

~~(b) u~~Using the health education standards adopted in Rule 6A-1.09401, F.A.C., Student Performance Standards, ~~the instruction for youth mental and emotional health will advance each year through developmentally appropriate instruction and skill building and must address, at a minimum, the following topics:~~

1. Strategies specific to demonstrating resiliency through adversity, including the benefits of service to the community through volunteerism;

2. Strategies to develop healthy characteristics that reinforce positive core values and foster resiliency such as:

a. Empathy, perseverance, grit, gratitude and responsibility;

b. Critical thinking, problem solving and responsible decision-making;

c. Self-awareness and self-management;

d. Mentorship and citizenship; and

e. Honesty.

~~3. 4. Recognition of signs and symptoms of mental health concerns disorders;~~

~~2. Prevention of mental health disorders;~~

~~3. Mental health awareness and assistance;~~

4. Promotion of resiliency to empower youth to persevere and reverse ~~How to reduce the harmful stigma of mental health by reframing the approach from around mental health education to resiliency education disorders;~~

~~5. Awareness of resources, including local school and community resources;~~

~~6. The process for accessing treatment;~~

~~7. Strategies to develop healthy coping techniques;~~

5. 8. Strategies to support a peer, friend, or family member through adversity with a mental health disorder;

~~6. 9. Prevention of suicide; and~~

7. 10. Prevention of the abuse of and addiction to alcohol, nicotine, and drugs; and-

8. Awareness of local school and community resources and the process for accessing assistance.

(5) through (9) No change.

Rulemaking Authority 1001.02(2)(n), 1003.42(2) FS. Law Implemented 1003.42 FS. History—New 10-24-19, Amended 12-22-20, 7-26-21.

NAME OF PERSON ORIGINATING PROPOSED RULE: Victoria Gaitanis, Chief, Bureau of Exceptional Education and Student Services.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 23, 2022

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.: 6A-6.0791  
 RULE TITLE: Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools

PURPOSE AND EFFECT: To describe the process for a parent to request the appointment of a Special Magistrate when a parent's concern for his child's welfare under the provisions of s. 1001.42(8)(c), F.S., have not been resolved to the parent's satisfaction at the local level by a charter school or by the school district that sponsors the charter school. The effect will be a new rule to implement the provisions of Chapter 2022-22, Laws of Florida, revolving around a Special Magistrate and charter schools.

SUMMARY: The proposed rule sets forth the requirements a parent must meet to request referral of a dispute to a Special Magistrate and incorporates a form a parent must utilize for this purpose. The proposed rule describes the duties of the Department, including review of the request, the grounds for dismissal of the request, and the factors the Commissioner of Education will use to decide whether to appoint a Special Magistrate; as well as duties of the charter school and sponsoring school districts. Additionally, the proposal includes provisions relating to financial costs related to the request for a Special Magistrate. The proposed rule is similar to the one adopted for use in traditional public schools (Rule 6A-1.094125, F.A.C.).

### 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 been prepared by the Agency.

There will be costs for charter schools if and when a Special Magistrate request is made by a parent. Those costs, including

costs a school district incurs on behalf of a charter school, are limited to a district's actual costs. At this time, the number of such disputes and, therefore, potential costs are unknown. However, if the Division of Administrative Hearings were to provide a Special Magistrate, the cost would be \$150.00 per hour plus any travel time for their services 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: 1001.02(1), (2)(n), 1001.42(8)(c)7.b.(I), F.S.

LAW IMPLEMENTED: 1001.42(8)(c), 1002.33(9)(p)2., (16)(a)5., (20)(b), F.S.

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

DATE AND TIME: October 19, 2022, 9:00 a.m.

PLACE: Caribe Royale, 8101 World Center Drive, Orlando, Florida 32821

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Emerson, Executive Director, Office of Independent Education and Parental Choice, Adam.emerson@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

### **6A-6.0791 Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools.**

(1) Purpose. The purpose of this rule is to provide information about the process for a parent of a student enrolled in a charter school to request appointment of a Special Magistrate for disputes involving the student's health, safety, or welfare as described in s. 1001.42(8)(c), F.S.

(2) Definitions. In this rule, the terms have the following meaning:

(a) "Days" means business days and excludes state, federal and school district holidays;

(b) "Department" means the Florida Department of Education;

(c) "Parental Request for Appointment of a Special Magistrate for Charter School Students" or "Parental Request" means the written form adopted by and incorporated into this rule.

(d) "Parent" means the definition of that term provided in s. 1000.21, F.S.;

(e) "Parties" means the parent who submitted a request for appointment of a Special Magistrate and the school district and charter school governing board;

(f) "Special Magistrate" means an administrative law judge provided by the Division of Administrative Hearings under s.

120.65(6), F.S., or a person appointed by the Commissioner of Education who is a member of the Florida Bar in good standing with a minimum of five years of administrative law experience;

(3) Parental Obligations. In order to request appointment of a Special Magistrate, a parent must:

(a) Complete the form entitled “Parental Request for Appointment of a Special Magistrate for Charter School Students;”

(b) Describe the nature of the dispute;

(c) Describe the resolution or relief sought with the charter school principal or designee appointed by the charter school governing board and subsequently, with the school district that sponsor’s the charter school;

(d) Describe the resolution sought from the Special Magistrate and the State Board of Education;

(e) Demonstrate that before filing for the appointment of a Special Magistrate, resolution of the dispute was sought by the parent with:

1. The principal or designee appointed by the charter school governing board to resolve parental disputes; and

2. The school district, all in accordance with the procedures adopted by the school district for resolution of the dispute;

(f) Provide and maintain accurate contact information such as an email address, telephone number and mailing address for the parent.

(4) School District Obligations. Each school district must:

(a) Develop procedures to resolve student health, safety, or welfare complaints under s. 1001.42(8)(c), F.S., for a student who is enrolled in a charter school sponsored by the district. These procedures must include the following:

1. The process for resolution when the charter school principal or designee is unable to resolve the dispute to the parent’s satisfaction;

2. Providing a parent with a statement of the reasons for not resolving the dispute, when the district is unable to resolve the complaint; and

3. The time limits for a response or notice of reasons for not resolving the dispute, which must be no more than 30 days from receipt of the complaint.

(b) Designate at least one person responsible for responding to Departmental inquiries regarding a request for appointment of a Special Magistrate for charter school student complaints and notify the Department of the name and email address of the individual;

(c) Within five (5) days of receipt of notice that a parent has requested the appointment of a Special Magistrate as described in subsection (3), provide to the Department a statement addressing whether any of the grounds for dismissal as described in paragraph (7)(b) of this rule apply to the parental request for appointment of a Special Magistrate; and

(d) Expediently contract for payment of a Special Magistrate appointed by the Commissioner of Education and notify the Department within no more than twenty (20) days after receiving notice of the appointment of a Special Magistrate that an agreement has been reached for payment with the appointed Special Magistrate.

(5) Charter School Governing Board’s Obligations. To ensure that the Special Magistrate process is available to a parent of a student enrolled in a charter school, a charter school governing board must:

(a) Adopt procedures to notify parents of the following:

1. The ability to seek relief from the school principal or designee for a dispute under s. 1001.42(8)(c)1.-7., F.S.;

2. If the parent remains aggrieved after receiving the response from the principal or designee, the ability to seek relief from the school district that sponsors the charter school; and

3. The time limits for a response, which must be no more than seven days from receipt of the complaint for the principal/designee and no more than 30 days from receipt of the complaint for the school district.

(b) Fully cooperate in the district’s resolution procedures and comply with the district’s decision for resolution of the complaint; and

(c) Designate at least one person responsible for responding to Departmental inquiries regarding a request for appointment of a Special Magistrate and notify the Department of the name and email address of the individual.

(6) Financial Costs Related to Disputes Involving Special Magistrate Process for Charter School Students. All costs a district incurs for reviewing and responding to a complaint lodged by a parent of a student enrolled in a charter school under this rule, is a service provided by the school district to the charter school; contracts for such services are limited to the district’s actual costs unless mutually agreed to by the school district and charter school, based upon the provisions of s. 1002.33(20)(b), F.S.

(7) Department of Education Obligations.

(a) Review of “Parental Request for Appointment of a Special Magistrate for Charter School Students.” Upon receipt of the form entitled “Parental Request for Appointment of a Special Magistrate for Charter School Students,” the Department will:

1. Review the form and provide an opportunity for the parent to provide missing or supplemental information within twenty (20) days of receipt of a Departmental notice that missing or supplemental information is needed;

2. Notify the charter and the school district of receipt of the Parental Request for Appointment of a Special Magistrate for Charter Schools; and

3. Provide written notice to the parent, charter school and school district that the request has been provided to the

Commissioner of Education for consideration or provide notice of dismissal of the Parental Request.

(b) Dismissal of Parental Request for Appointment of Special Magistrate by the Department. The Department will dismiss a Parental Request under the following circumstances:

1. The parent notifies the Department that the dispute has been resolved or withdrawn;

2. The Parental Request form has not been substantially completed, after the opportunity to provide missing or supplemental information has been provided;

3. The parent has not demonstrated full and complete use of any charter school and school district procedures for resolving the dispute;

4. The matter in dispute falls under the Individuals with Disabilities Education Act, as amended, and its implementing regulations, or under s. 1003.56, F.S., and rules adopted by the Department to implement s. 1003.56, F.S., or is otherwise outside of the scope of the student welfare requirements set forth in s. 1001.42(8)(c)1.-7., F.S.; or

5. The parent has failed to maintain accurate contact information with the Department or the Special Magistrate.

(c) Obligations Post Appointment of Special Magistrate. Upon appointment of a Special Magistrate by the Commissioner under subsection (8) of this rule, the Department will:

1. Provide the parties notice of the appointment of a Special Magistrate and advise the parties of the following:

a. The name and contact information of the Special Magistrate;

b. The time frame when the Special Magistrate is expected to provide a written recommendation to the State Board of Education; and

c. The requirement to maintain accurate contact information with the Department and the Special Magistrate;

2. Provide to the Special Magistrate the following:

a. The Parental Request and any supplemental information received by the Department upon review of the Parental Request; and

b. To allow sufficient time for review by the State Board of Education of a recommendation rendered by the Special Magistrate, the time frame(s) when a recommended decision is expected to be provided by the Special Magistrate to the parties and the State Board of Education. This timeframe may be extended by agreement of the parties.

(8) Commissioner of Education. The Commissioner of Education will review each pending completed Parental Request and decide whether to appoint a Special Magistrate utilizing the following factors:

(a) Whether there is authority and the ability to provide effective relief to the parent through the Special Magistrate process;

(b) Whether the parent is seeking or has already sought relief in court;

(c) Whether due to a change in circumstances, such as a change in a student's school or grade level or a change in procedures or training, the dispute is moot or not ripe; and

(d) Whether grounds for dismissal of the Parental Request, as described in paragraph (7)(b) of this rule, are found to exist.

(9) Special Magistrate Procedures.

(a) Where an administrative law judge provided by the Division of Administrative Hearings is available and assigned to act as the Special Magistrate, proceedings before the Special Magistrate will be held in accordance with the rules of the Division of Administrative Hearings, except where inconsistent with this rule or s. 1001.42(8)(c), F.S.

(b) Where a Division of Administrative Hearings administrative law judge is unavailable or the Commissioner appoints the Special Magistrate, the following procedures apply:

1. The Special Magistrate shall set and notify all parties of the time and place of the hearings.

2. Any party directly involved in the proceeding may appear at the hearing with or without counsel or by other representative.

3. The parties or the Special Magistrate may call, examine, and cross-examine witnesses and enter evidence into the record. Witnesses shall be examined under oath. Evidentiary matters before the Special Magistrate shall be governed by the Administrative Procedure Act.

4. The Special Magistrate may permit the submission of written memorandum by the parties.

(c) Following the close of the hearing, the Special Magistrate shall prepare a recommended decision, determining whether a parent has demonstrated a violation of the requirements of s. 1001.42(8)(c), F.S., by the charter school. The Special Magistrate's recommended decision shall be based upon the evidence presented and argument made before the Special Magistrate. The recommendation shall include findings of fact and recommendations for resolution of the dispute by the parties.

(d) The Special Magistrate's recommended decision is due within thirty (30) days of the date a parent request is received by the Special Magistrate from the Department. The 30-day time frame can be extended upon agreement. A party may be deemed to have agreed to an extension if unavailable for hearing at the date and time set or where a party fails to timely respond to scheduling orders issued by the Special Magistrate.

(10) The following form is incorporated by reference and may be obtained at <https://www.fldoe.org/schools/k-12-public-schools/>: Parental Request for Appointment of a Special Magistrate for Charter School Students, Form No. CSSM-1 (effective November 2022).



Rulemaking Authority 1001.02(1), (2)(n), 1001.42(8)(c)7.b. FS. Law Implemented 1001.42(8)(c)7.b., 1002.33(9)(p)2. FS. History - New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Adam Emerson, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 5, 2022

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:  
6A-7.0713 Elementary School Website Listing of Library Materials and Reading Lists

PURPOSE AND EFFECT: To describe the process and format for school district elementary schools to post materials maintained in elementary school media centers and materials found on a required school or grade-level reading list in a searchable format.

SUMMARY: This new rule describes the searchable format for books, ebooks, periodicals, videos, and all other materials, as well as reading lists. In addition, the rule contains definitions to identify schools that must comply with the posting 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: 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 set forth in s. 120.541(2), F.S., and will not require legislative ratification. This is based upon the nature of the proposed rule, which describes the process and format for school district elementary schools to post library media materials on their website.

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), 1006.28(2)(d)3., F.S.

LAW IMPLEMENTED: 1006.28(2) F.S.

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

DATE AND TIME: October 19, 2022, 9:00 a.m.

PLACE: Caribe Royal, 8101 World Center Drive, Orlando, Florida 32821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amber Baumbach, Bureau of Standards and Instructional Support, 850-245-9115 or Amber.Baumbach@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

**6A-7.0713 Elementary School Website Listing of Library Materials and Reading Lists.**

(1) Purpose. The purpose of this rule is to provide school districts with the requirements for the format districts must use on elementary school websites in order to post, and permit searches of, materials maintained in elementary school library media centers and materials found on a required school or a grade-level reading list in an elementary school.

(2) Definitions. In this rule, the following definitions apply:

(a) “Elementary school” means a district-run public school that includes one or more grade levels from prekindergarten through grade five or a district-run school that includes any elementary school grade level;

(b) “Elementary school grade level” means kindergarten through grade five;

(c) “Library media center” means any collection of books, ebooks, periodicals, and videos maintained and accessible on the site of an elementary school including classrooms.

(d) “School or grade-level reading list” means a list of required reading material for a student in an elementary school; it must be required at one or more elementary school grade levels; and

(e) “School District” means the Florida Virtual School under s. 1002.37, F.S. the Florida School for the Deaf and the Blind under s. 1002.36, Developmental research (laboratory) schools under s. 1002.32, F.S. and districts set forth in Article IX, Section 4, of the Florida Constitution.

(3) Format. The format that must be used by school districts for materials maintained in an elementary school library media center which can be checked-out or used by a student in any elementary school grade level must:

(a) Identify the type of material maintained in the library media center by category, such as books, ebooks, periodicals and videos; and

(b) List, at a minimum, the following information:

1. The title and author for books and ebooks;

- 2. The name or title for periodicals and videos; and
- 3. The title for any other material maintained in the media center.

(c) Books and ebooks must be searchable by, at a minimum, author and title. All other materials must be searchable by, at a minimum, title.

(4) Reading Lists. A school or grade level reading list must meet the same requirements set forth in subsection (3) of this rule.

Rulemaking Authority 1001.02(1), (2)(N), 1006.28(2)(D)3. FS. Law Implemented 1006.28(2) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Amber Baumbach, Bureau of Standards and Instructional Support.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2022

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.081  
RULE TITLE: Principles of Professional Conduct for the Education Profession in Florida

PURPOSE AND EFFECT: The Principles of Professional Conduct for the Education Profession exist to provide ethical guidelines for Florida Educators to practice and be held accountable for, if there is a violation of the principles. The Commissioner may pursue disciplinary action against the license of an educator who violates the principles.

SUMMARY: The amendment prohibits classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity and protects all students by expanding the definition of discrimination to include subjecting students to training or instruction that espouses, promotes, advances, inculcates, or compels any of the concepts listed in Section 1000.05(4)(a), F.S.

**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, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S., and is not expected to require legislative ratification. The proposed rule is not anticipated to result in any new costs.

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), 1012.795(1)(j), F.S.

LAW IMPLEMENTED: 1012.795, F.S.

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

DATE AND TIME: October 19, 2022, 9:00 a.m.

PLACE: Caribe Royale, 8101 World Center Drive, Orlando, FL 32821.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Randy Kosec, Jr., Chief, Office of Professional Practices Services, (850)245-0438.

THE FULL TEXT OF THE PROPOSED RULE IS:

**6A-10.081 Principles of Professional Conduct for the Education Profession in Florida.**

(1) No change.

(2) Florida educators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator’s certificate, or the other penalties as provided by law.

(a) Obligation to the student requires that the individual:

1. through 5. No change.

6. Shall not intentionally provide classroom instruction to students in kindergarten through grade 3 on sexual orientation or gender identity.

~~7. 6-~~ Shall not intentionally violate or deny a student’s legal rights.

~~8. 7-~~ Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination. Discrimination on the basis of race, color, national origin, or sex includes subjecting any student to training or instruction that espouses, promotes, advances, inculcates, or compels such student to believe any of the concepts listed in Section 1000.05(4)(a), F.S.

~~9. 8-~~ Shall not exploit a relationship with a student for personal gain or advantage.

10. ~~9.~~ Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

(b) through (c) No change.

Rulemaking Authority 1001.02, 1012.795(1)(j) FS. Law Implemented 1012.795 FS. History—New 7-6-82, Amended 12-20-83, Formerly 6B-1.06, Amended 8-10-92, 12-29-98, Formerly 6B-1.006, Amended 3-23-16,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Randy Kosec, Jr., Chief, Office of Professional Practices Services.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 4, 2022

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-55.003 Terms of Probation

PURPOSE AND EFFECT: To conform to Joint Administrative Procedures committee concerns.

SUMMARY: To conform to Joint Administrative Procedures committee concerns.

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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board 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: 456.079, 478.52(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 478.52 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: Allen Hall, Executive Director, Board of Medicine Electrolysis Council, 4052 Bald Cypress Way, Bin # A04, Tallahassee, Florida 32399-3253.

THE FULL TEXT OF THE PROPOSED RULE IS:

**64B8-55.003 Terms of Probation.**

Any licensee determined to have violated the provisions of chapter 478, F.S., may be ordered to serve probationary terms including any or all of the following:

(1) Through (2) No Change.

(3) The licensee’s probation shall be subject to the following terms and conditions:

(a) through (d) No Change.

(e) Probationer shall submit quarterly reports to the Board. The reports shall include:

1. through 6. No Change.

7. ~~Notarized c~~Copies of a number of patient records of patients examined or treated by the Probationer within the previous sixty (60) days with all identification of patient suitably obliterated.

(f) through (m) No Change.

(4) Probationer shall pay an administrative fine in the amount set by the Board, said fine to be paid to the Board within ~~a certain number of~~ 90 days of the effective date of the Final Order unless otherwise specified by the Board.

(5) This rule shall be reviewed, and if necessary, repealed, modified or renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 456.079, 478.52(4) FS. Law Implemented 456.072, 456.079, 478.52 FS. History—New 11-16-93, Formerly 61F6-80.003, 59R-55.003, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Medicine Electrolysis Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine Electrolysis Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: September 9, 2022

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

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NOS.:      RULE TITLES:  
 65C-16.013      Determination of Maintenance Subsidy  
                             Payments

65C-16.0131     Determination of Extension of Maintenance  
                             Subsidy Payments

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 48 No. 144, July 26, 2022 issue of the Florida Administrative Register.

SUMMARY OF STATEMENT OF ESTIMATED  
 REGULATORY COSTS AND LEGISLATIVE  
 RATIFICATION:

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

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 conducted 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. The Department has determined there are no regulatory costs.

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Agency for Persons with Disabilities**

RULE NO.: RULE TITLE:  
 65G-14.002: Qualifications

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 48 No. 172, September 2, 2022 issue of the Florida Administrative Register.

SUMMARY: Defining the Medicaid Waiver Service Agreement (“MWSA”) as a voluntary contract between the Agency for Persons with Disabilities (“Agency”) and the provider, as described in section 409.907(2), F.S.; removing the

incorporation of the Support Coordinator Dual Employment Medicaid Waiver Services Agreement Attachment, APD Form 65G-14.004 A; removing any reference to the MWSA between and Qualified Organization and the Agency; removing the incorporation of Qualified Organization Medicaid Waiver Services Agreement, APD Form 65G-14.002 B; removing the termination of a MWSA from the disciplinary chart; removing redundant violations from the disciplinary chart; ~~updating the Qualified Organization Application, APD Form 65G-14.002 A, to allow for electronic verification of college transcripts;~~ removing Qualified Organizations after it ceases to provided services for 180 days.

**Section IV**  
**Emergency Rules**

NONE

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

**DEPARTMENT OF FINANCIAL SERVICES**

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-18.004 Intern Training Agencies.

NOTICE IS HEREBY GIVEN that on September 22, 2022, the Division of Funeral, Cemetery, and Consumer Services, received a petition for waiver of certain requirements of subsection 69K-18.004(3), FAC. The petitions were filed on behalf of Foundation Partners of Florida, LLC d/b/a Beckman-Atlantic Funeral Homes & Crematory Inc. (FPG), which is acquiring multiple funeral establishments that are currently training agencies. FPG seeks a waiver such that the number of cases done by the prior owners of the funeral establishments should count against the requirement of the cited rule, so that the training agency status of the funeral establishments may be continued, thus preventing the imposition of serious hardship to the interns currently training at the said funeral establishment. A copy of the Petition for Variance or Waiver may be obtained by contacting: Jasmin Richardson at 850-413-3039.

## Section VI Notice of Meetings, Workshops and Public Hearings

### PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled Commission Conference, to which all interested persons are invited.

**DATE AND TIME:** Tuesday, October 4, 2022, 9:30 a.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider those matters ready for decision.

**LEGAL AUTHORITY AND JURISDICTION:** Chapters 120, 350, 364, 366, and 367, F.S. Persons who may be affected by Commission action on certain items on the Conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C. The Commission Conference Notice, Agenda, related documents, and FPSC contact information are available at [www.floridapsc.com](http://www.floridapsc.com).

**ADA:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

**EMERGENCY CANCELLATION OF CONFERENCE:** If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website ([www.floridapsc.com](http://www.floridapsc.com)) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

### REGIONAL PLANNING COUNCILS

#### Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council (TBRPC) announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 10, 2022, 10:00 a.m.

**PLACE:** This meeting will be held via a virtual communication platform and/ or in-person at 4000 Gateway Centre Blvd. Ste. 100 Pinellas Park, Florida 33782. Persons wishing to participate in this meeting should dial: 1-786-635-1003. The meeting ID

is: 858 7193 7581. The Passcode is: 100200. The Zoom Meeting Link is:

<https://us02web.zoom.us/j/85871937581?pwd=N1pUOG9jZmhzdmRGaWlUEczbGN0UT09>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: Wren Krahl, [Wren@tbrpc.org](mailto:Wren@tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl, [Wren@tbrpc.org](mailto:Wren@tbrpc.org). 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: Wren Krahl, [Wren@tbrpc.org](mailto:Wren@tbrpc.org)

### REGIONAL PLANNING COUNCILS

#### Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council (TBRPC) announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 10, 2022, Immediately after TBRPC Council meeting, or 12:00 p.m. – 1:00 p.m.

**PLACE:** This meeting will be held via a virtual communication platform and/ or in-person at 4000 Gateway Centre Blvd. Ste. 100 Pinellas Park, Florida 33782. Persons wishing to participate in this meeting should dial: 1-786-635-1003. The meeting ID is: 858 7193 7581. The Passcode is: 100200. The Zoom Meeting Link is:

<https://us02web.zoom.us/j/85871937581?pwd=N1pUOG9jZmhzdmRGaWlUEczbGN0UT09>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the TBRPC Tampa Bay Regional Resiliency Coalition Steering Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl, [Wren@tbrpc.org](mailto:Wren@tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl, [Wren@tbrpc.org](mailto:Wren@tbrpc.org). 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: Wren Krahl, [Wren@tbrpc.org](mailto:Wren@tbrpc.org)

**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

The Tampa Bay Regional Planning Council’s Executive Budget Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 10, 2022, 9:00 a.m.

**PLACE:** This meeting will be held via a virtual communication platform and/ or in-person at 4000 Gateway Centre Blvd. Ste. 100 Pinellas Park, Florida 33782. Persons wishing to participate in this meeting should dial: 1-786-635-1003. The meeting ID is: 862 2754 4594. The Passcode is: 100200. The Zoom Meeting Link is:

<https://us02web.zoom.us/j/86227544594?pwd=aHBkNVZxaTl5UUo5dnYlMmMzKzcxdz09>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Tampa Bay Regional Planning Council Executive Budget Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl, Wren@tbrpc.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 4 days before the workshop/meeting by contacting: Wren Krahl, Wren@tbrpc.org. 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: Wren Krahl, Wren@tbrpc.org

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, October 11, 2022, 10:00 a.m.

**PLACE:** This is a meeting conducted by means of communications media technology via Microsoft Teams. The link is available at <https://www.swfwmd.state.fl.us/about/calendar/environmental-advisory-committee-64>. An additional telephone connection is available at 786-749-6127 conference code 98966387#.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Environmental Advisory Committee Meeting. To discuss committee business. All or part of this meeting may be conducted by means of communications media technology to permit maximum participation of committee members. Additional instructions regarding viewing of and participation in the meeting are available at WaterMatters.org or by calling 1-800-423-1476 and requesting assistance.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211

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: SWFWMD Human Resources Office Chief at 2379 Broad St., Brooksville, FL 34604-6899; telephone 352-269-3929 or email ADACoordinator@WaterMatters.org. 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: Barbara.Matrone@WaterMatters.org; 352-325-5772 (Ad Order) EXE0855

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

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

**DATE AND TIME:** October 4, 2022, 5:00 p.m. EST

**PLACE:** Please join my meeting from your computer or tablet using GoToMeeting at <https://meet.goto.com/832436685> or by phone (Toll Free) (877) 309 2073 or (646) 749-3129 using Access Code: 832-436-685

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General board business involving discussion and actions, including, but not limited to general board business, licensure applications, rules and disciplinary matters.

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

**MARION SOIL AND WATER CONSERVATION DISTRICT**

The Marion Soil & Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2022, 9:30 a.m.

PLACE: 2710 E Silver Springs Blvd., Ocala

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, 9:30 a.m., then, Local Working Group, 10:30 a.m.

A copy of the agenda may be obtained by contacting: (352) 438-2475

**FLORIDA SPORTS FOUNDATION**

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

DATE AND TIME: September 28, 2022, 9:00 a.m.

PLACE: Art Ovation Hotel, 1255 North Palm Avenue - Sarasota, FL 34236 & Via Zoom

Join Zoom Meeting:

<https://us06web.zoom.us/j/89687701722?pwd=dG5xeHJRYkh nOThMNhdMaGVKb1VIUT09>

Meeting ID: 896 8770 1722, Passcode: 710646

One tap mobile:

+13462487799,,89687701722#,,,,\*710646# US (Houston)

+16699006833,,89687701722#,,,,\*710646# US (San Jose)

Dial by your location:

(346)248-7799 US (Houston)

(669)900-6833 US (San Jose)

(719)359-4580 US

(253)215-8782 US (Tacoma)

(669)444-9171 US

(564)217-2000 US

(646)931-3860 US

(929)205-6099 US (New York)

(301)715-8592 US (Washington DC)

(309)205-3325 US

(312)626-6799 US (Chicago)

(386)347-5053 US

Meeting ID: 896 8770 1722, Passcode: 710646

Find your local number:

<https://us06web.zoom.us/j/keAHI9vCkz>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Directors Meeting

A copy of the agenda may be obtained by contacting: [jhightower@playinflorida.com](mailto:jhightower@playinflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: [jhightower@playinflorida.com](mailto:jhightower@playinflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: [jhightower@playinflorida.com](mailto:jhightower@playinflorida.com).

**QCAUSA**

The The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 6, 2022, 4:30 p.m.

PLACE: Virtually on GoTo Webinar; By phone at 1-415-930-5229 with passcode 683-312-272; In-Person Drive-Thru at Sun Coast Baptist Church (parking lot)

GENERAL SUBJECT MATTER TO BE CONSIDERED: A hybrid public meeting will be held regarding a proposed median modification and repaving on State Road (SR) 54 from US 19 to Virginia City Drive in New Port Richey, Florida, Financial Project Number (FPN): 443783-1-52-01. The hybrid public meeting is being held to present information and receive community feedback.

To allow for maximum participation, the public meeting will be held in three formats including virtually over the internet, by phone, and at an in-person, drive-thru location. Information presented will be identical at all options.

The meeting will start at 4:30 p.m. and include a presentation. After the presentation has concluded, there will be an opportunity to ask questions and provide comments that will be included in the official public meeting record.

Virtual/Online: Presentation will begin at 4:30 p.m.

The presentation will be played at 4:30 p.m., 5:00 p.m. and 5:30 p.m. Please follow this link to register and access the virtual meeting:

<https://register.gotowebinar.com/register/5201338037499026958>

In-person drive-thru location:

Hours: Drive-thru will open at 4:30 p.m. and remain open until 6:30 p.m.

Sun Coast Baptist Church  
4726 SR 54 W

New Port Richey, FL 34652 (Parking Area)

Drive-thru attendees will be directed into a clearly identified parking lot, receive project literature, and view the project presentation. Attendees will be asked to remain in their vehicle while attending the meeting. You will have the opportunity to provide written or verbal comments.

Phone:

The presentation will be played at 4:30 p.m., 5:00 p.m. and 5:30 p.m. To participate by phone please call: 1-415-930-5229 and provide the Access Code: 683-312-272 to join. Phone participants will be in "Listen Only" mode during the presentation. Comments may be submitted to the Project Manager following the public meeting by email, mail, or phone/voicemail.

This public meeting is conducted to afford affected property and business owners, interested persons and organizations the opportunity to provide comments to FDOT regarding the proposed improvements on SR 54 between US 19 and Virginia City Dr. in western Pasco County.

The only median affected by this project is at Wiggins Drive. The existing full median opening will be converted to a bi-directional median opening. This means drivers traveling southbound on Wiggins Drive will no longer be able to make a left turn onto eastbound SR 54; they will be restricted to a right turn only. Eastbound SR 54 drivers will still be able to make a left turn onto northbound Wiggins Drive, and westbound SR 54 drivers will still be able to make a U-Turn at the intersection.

FDOT is sending notices to all property owners, business owners, interested persons and organizations to provide the opportunity to offer comments and express their views regarding this project and the proposed improvements.

This Hybrid Public Meeting is held pursuant to Chapters 120, 335.18 and 335.199, Florida Statutes. FDOT will receive verbal/written comments at the public meeting drive-thru location and online from registered webinar participants. Additionally, written or emailed comments may also be submitted following the meeting to Kevin.Lee@dot.state.fl.us or mailed to Kevin Lee, Design Project Manager, Florida Department of Transportation, 11201 N. McKinley Dr., MS 7-600, Tampa, Florida 33612 or by phone at (813) 975-6426. Comments received or postmarked by October 17, 2022, will be included in the official meeting record.

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

Comuníquese Con Nosotros: Nos importa mucho la opinión del público sobre el proyecto. Si usted tiene preguntas o comentarios, o si simplemente desea más información, por favor comuníquese con nuestro representante, Manuel Flores, (813) 975-4248, Manuel.Flores@dot.state.fl.us, Departamento de Transporte de Florida, 11201 North McKinley Drive, Tampa, FL 33612.

A copy of the agenda may be obtained by contacting: Kevin Lee, Design Project Manager, Florida Department of Transportation, 11201 N. McKinley Dr., MS 7-600, Tampa, Florida 33612 or by phone at (813) 975-6426.

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 seven days before the workshop/meeting by contacting: Kevin Lee, Design Project Manager, Florida Department of Transportation, 11201 N. McKinley Dr., MS 7-600, Tampa, Florida 33612 or by phone at (813) 975-6426. 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: Kevin Lee, Design Project Manager, Florida Department of Transportation, 11201 N. McKinley Dr., MS 7-600, Tampa, Florida 33612 or by phone at (813) 975-6426.

For more information about this project, please visit the project webpage at:

<https://www.fdottampabay.com/project/917/443783-1-52-01>

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

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that Department of Business and Professional Regulation, Talent Agencies has received the petition for declaratory statement from Chris Newton, The Newton Agency LLC. The petition seeks the agency's opinion as to the applicability of Sections 468.401(3) and 468.406, Florida Statutes as it applies to the petitioner.

Petitioner's petition, filed on September 7, 2022, asks, "[W]hat is the maximum fee allowed by the State of Florida Talent Agent Board and required submitted fee schedule for all considered licencees [sic] either current or future including [Petitioner] to be charged by said licensed Talent Agents?"

A copy of the Petition for Declaratory Statement may be obtained by contacting: Darrell Garvey, Assistant General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399, or by electronic mail to Darrell.Garvey@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**

NONE

**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., Monday, September 19, 2022 and 3:00 p.m., Friday, September 23, 2022.

Rule No.	File Date	Effective Date
14-60.012	9/21/2022	10/11/2022

19-8.010	9/21/2022	10/11/2022
61G14-15.004	9/20/2022	10/10/2022
61H1-21.001	9/20/2022	10/10/2022
61H1-36.005	9/23/2022	10/13/2022
64D-4.002	9/22/2022	10/12/2022
64D-4.003	9/22/2022	10/12/2022

**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	**/**/****

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Medicaid

Medicaid

The Agency for Health Care Administration (Agency) announces receipt of a Program of All-inclusive Care for the Elderly (PACE) application.

APPLICANT ORGANIZATION: **BoldAge PACE**

COUNTIES APPLIED FOR: Hillsborough/Hernando/Pasco

DATE OF RECEIPT: 06/20/2022

QUESTIONS AND COMMENTS: Please contact the Bureau of Medicaid Policy at (850) 412-4003 or at FLMedicaid\_PACE@ahca.myflorida.com if you have questions or need additional information.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

Medicaid

The Agency for Health Care Administration (Agency) announces receipt of a Program of All-inclusive Care for the Elderly (PACE) application.

APPLICANT ORGANIZATION: Hope PACE

COUNTIES APPLIED FOR: Lee

QUESTIONS AND COMMENTS: Please contact the Bureau of Medicaid Policy at (850) 412-4003 or at FLMedicaid\_PACE@ahca.myflorida.com if you have questions or need additional information.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

Notice of Publication of Annual Regulatory Plan

As required by F.S. 120.74, the Florida Mobile Home Relocation Corporation (FMHRC) published its Annual Regulatory Plan (ARP) on its website on August 31, 2022. Interested parties may access the ARP on FMHRC's website at the following link: [http://dev.fmhrc.org/test-web/forms/Annual%20Regulatory%20Plan%202022-2023%20\(fully%20executed\).pdf](http://dev.fmhrc.org/test-web/forms/Annual%20Regulatory%20Plan%202022-2023%20(fully%20executed).pdf)

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**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.

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