

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS:	RULE TITLES:
5M-8.002	Documents Incorporated by Reference
5M-8.003	Presumption of Compliance
5M-8.004	Notice of Intent to Implement Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops
5M-8.005	Notice of Intent to Implement Best Management Practices for Everglades Agricultural Area or C-139 and Western Basins Area
5M-8.006	Record Keeping
5M-8.007	Notices of Intent to Implement Submitted Prior to October 7, 2015

PURPOSE AND EFFECT: The purpose of the proposed rules is to adopt a revised version of the Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (2015 Edition, FDACS-P 01268) manual by reference. The new edition updates language to reflect statutory changes impacting the Best Management Practices program, provides more specific direction and expectation regarding the best management practices, and removes language not related to water quality or water conservation.

SUBJECT AREA TO BE ADDRESSED: The subject areas of the proposed rules are water quality and water conservation best management practices for Florida vegetable and agronomic crop production, enrollment in the program, and implementation verification site visit requirements. Proposed rule revisions remove language that is duplicative with Chapter 5M-1, F.A.C., and clarifies the intent of BMP Program enrollment and checklist requirements.

RULEMAKING AUTHORITY: 403.067(7)(c)2., 403.067(7)(d)2.c., 570.07(10), 570.07(23), F.S.

LAW IMPLEMENTED: 403.067(7)(c)2., 403.067(7)(d)2.c., 403.067(7)(d)3., F.S.

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: Angela Chelette, Chief of Policy, Planning and Coordination at

Angela.Chelette@FDACS.gov, (850)617-1719, or online at <https://www.fdacs.gov/Divisions-Offices/Agricultural-Water-Policy/Rule-Development-Activities>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09430	Statewide, Standardized Alternate Assessment Program Requirements

PURPOSE AND EFFECT: The purpose of this amendment is to define achievement level 3 as “on grade level” in accordance with s. 1008.22(3)(e)1., F.S., to revise the name of the statewide, standardized alternate assessment from the Florida Standards Alternate Assessment (FSAA) to the Florida Alternate Assessment (FAA), to adjust the scoring pattern for the FAA—Datafolio; and to specify score ranges that define the Achievement Levels for the FAA—Performance Task aligned to the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards Access Points in English Language Arts (ELA) and Mathematics.

SUBJECT AREA TO BE ADDRESSED: Statewide, Standardized Alternate Assessments

RULEMAKING AUTHORITY: 1001.02(2)(n), 1003.433(3)(b), 1008.22(15), 1008.25(11), F.S.

LAW IMPLEMENTED: 1001.02, 1001.11, 1003.4282, 1003.433, 1008.22, 1008.25, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 10, 2024, 4:00 p.m. - 5:00 p.m. EDT, or until the conclusion of business.

PLACE: Via Microsoft Teams Meets at <https://events.teams.microsoft.com/event/b25a1d48-5aa3-46e9-9d29-07d7b8de2169@63bf107b-cb6f-4173-8c1c-1406bb5cb794>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vince Verges, Assistant Deputy Commissioner, Office of Assessment, 325 W. Gaines Street, Suite 501, Tallahassee, FL 32399, (850)245-0513. To comment on this rule development or to request a rule development workshop, please go to <https://web02.fldoe.org/rules> or contact: Chris Emerson, Director, Office of Executive Management, Christian.Emerson@fldoe.org.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-10.040 Basic Skills Requirements for Postsecondary Career Certificate Education

PURPOSE AND EFFECT: The rule amendment adds clarifying language that establishes new cut scores, for meeting Basic Skills requirements, to reflect changes implemented by the test publisher. It also changes the exemptions section to include private school students and home education students due to legislative changes from SB 7004 (2024). Additional changes to the basic skills requirements may also be considered.

SUBJECT AREA TO BE ADDRESSED: Postsecondary Career Certificate Education

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1004.91(1), F.S.

LAW IMPLEMENTED: 1004.91, F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 18, 2024, 2 p.m.- 3 p.m.

PLACE:

<https://attendee.gotowebinar.com/register/2796061809116655451>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christine Walsh, Program and Policy Coordinator, Division of Career and Adult Education, 325 West Gaines S. Tallahassee, FL 32399, (850)245-9056, Christine.Walsh@fldoe.org. To comment on this rule development, please go to <https://web02.fldoe.org/rules> or contact: Chris Emerson, Director, Office of Executive Management, Christian.Emerson@fldoe.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available at

<https://web02.fldoe.org/rules>.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: RULE TITLES:
 6A-23.002 Definitions
 6A-23.003 Eligibility and Procedure for Apprenticeship Program Registration
 6A-23.004 Standards of Apprenticeship
 6A-23.009 Reinstatement of Program Registration

PURPOSE AND EFFECT: 6A-23.002, this proposed change updates the definition for the apprenticeship agreement and for journeyworker. The definition of ‘journeyworker’ is being updated per statutory changes to s. 446.021, F.S. due to HB 917 (2024). Additional changes may also be considered. 6A-23.003: The proposed change includes updated language regarding the types of program sponsors permitted, per 446.071, F.S., which

was updated in the 2023 Legislative Session due to SB 240 (2023). Additional changes regarding eligibility and registration of programs may also be considered. 6A-23.004: The proposed change will update the required ratio for construction occupations and outline the process for setting ratios for non-construction occupations. Additional changes to apprenticeship standards may be considered. 6A-23.009: The proposed change updates the contact information for the Department. Additional changes may also be considered.

SUBJECT AREA TO BE ADDRESSED: Job Training
 RULEMAKING AUTHORITY: 446.032(1), 446.041(13), 1002.02(1), (2)(n), F.S.

LAW IMPLEMENTED: 446.021, 446.032, 446.041, 446.051, 446.052, 446.071, 446.075, 446.092, F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 9, 2024, 9:00 a.m.

PLACE:

<https://attendee.gotowebinar.com/register/1913402461749925210>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Yopp, Associate Vice Chancellor, Division of Career and Adult Education, Ashley.Yopp@fldoe.org, 325 east Gaines Street, Tallahassee, FL 32399, Office: (850)245-9062. To comment on this rule development please go to <https://web02.fldoe.org/rules> or contact: Chris Emerson, Director, Office of Executive Management, email christian.Emerson@fldoe.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available at

<https://web02.fldoe.org/rules>.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
 64B15-6.003 Physician Assistant Licensure

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate by reference the application for licensure by endorsement pursuant to Section 456.0145(2), F.S. (SB 1600).

SUBJECT AREA TO BE ADDRESSED: Incorporation of the application.

RULEMAKING AUTHORITY: 459.005, 459.022, (12) FS.

LAW IMPLEMENTED: 456.013, 456.0135, 456.031, 456.033, 456.0635, 459.022 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: Stephanie Webster, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by email at Stephanie.Webster@flhealth.gov.

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

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-2.001	Definitions
65G-2.002	License Application and Renewal Procedures
65G-2.003	Length of Licenses
65G-2.0032	Agency Monitoring and Oversight
65G-2.004	License Violations
65G-2.0041	License Violations - Disciplinary Actions
65G-2.005	License Denial, Suspension or Revocation
65G-2.0074	Adult Day Training Program Standards

PURPOSE AND EFFECT: The purpose and effect of these new rules and amendment to rules is to ensure compliance with Chapter 2023-273, Laws of Florida, mandating the licensure of Adult Day Training Programs which includes license application procedures, provider qualifications, facility and client care standards, requirements for client records, requirements for staff qualifications and training, and requirements for monitoring.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these new rules include the applications for licensure, the lengths of licenses, the physical site requirements, monitoring, resident and client records, funds, and supervision, disciplinary actions that may be imposed upon licensees, and safety standards.

RULEMAKING AUTHORITY: 393.066, 393.0662, 393.067, 393.0673, 393.501, 402.33, F.S.

LAW IMPLEMENTED: 393.066, 393.0662, 393.067, 393.0673, 393.13, 402.33, FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, September 9, 2024, at 10:00 a.m.

PLACE: GoToWebinar
<https://attendee.gotowebinar.com/register/7669627308333855580>

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: Brett Taylor, Deputy General Counsel, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335,

Tallahassee, FL 32399, (850)410-1309, Brett.Taylor@apdcares.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brett Taylor, Deputy General Counsel, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399, (850)410-1309, Brett.Taylor@apdcares.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65G-2.001 Definitions.

For the purposes of this chapter, the term:

(1) “Adult Day Training Program” means the same as in section 393.063, F.S.

~~(2)(1)~~ No Change.

~~(3)(2)~~ “Applicant” means a person or entity that has submitted a written application to the Agency for the purposes of obtaining an initial ~~residential facility~~ license or renewing an existing ~~residential facility~~ license in accordance with section 393.067, F.S.

~~(3) “Authorized representative” means any person lawfully authorized to make a decision on behalf of a resident.~~

(4) “Behavior Analyst” means a person certified under ~~Chapter 65G-4, F.A.C.~~

(5) “Benefit payments” has the same meaning as set forth in section 402.33, Florida Statutes (F.S.).

(6) “Change of ownership” means the process set forth in Rule 65G-2.0021, F.A.C., further defined as an event in which the controlling interest licensee changes to a different person or legal entity through sale, lease, contract, gift, etc., or in which 45 percent or more of the ownership, controlling interest, or voting shares in a corporation whose shares are not publicly traded on a recognized stock exchange are transferred or assigned, including the final transfer or assignment of multiple transfers or assignments taking place over a 2-year period that cumulatively total 45 percent or greater.

(7) “Client” has the same meaning as defined in section 393.063, F.S.

~~(8) “Community Based Service Location” means for purposes of the incident reporting requirements under Section 393.067, F.S., any location within the community where the resident or client may be located while the individual is under the supervision of a covered person.~~

~~(8)(9)~~ “Controlling interest entity” means:

(a) through (c) No change.

(d) This term does not include a voluntary board member or the ownership or legal authority of the property on which the

facility is located.

(9) “Corrective Action Plan” is a mutually agreed upon plan prepared by the licensee and approved by the Agency by which the corrective action will be accomplished. Corrective Action Plans may be issued as a part of a Notice of Noncompliance.

(10) “Covered person” is as defined in section 393.135, F.S. means any owner, employee, paid staff member, volunteer, or intern of the licensee, any person under contract with the Agency, and any person providing care or support to a client on behalf of the Agency or its providers.

(11) “Direct Care Core Competency Training” means the training described and mandated by the Florida Medicaid Developmental Disabilities Individual Budget Waiver Services Coverage and Limitations Handbook (“iBudget Handbook”), which is incorporated by reference in Rule 59G-13.070, F.A.C.

(12) No change.

~~(13) “Emotional harm” means an inferred negative emotional state indicated by agitation, withdrawal, crying, screaming, or other behavioral indicators.~~

(13)(14) “Entity” means a partnership, association, joint venture, company, sole proprietorship, corporation, limited liability corporation, professional limited liability corporation, or any other form of business.

(14) “Essential care” means care and follow-up measures that are medically necessary and directed by the resident’s treating physician, health care practitioner, behavior analyst, or mental health professional for the purpose of continuing an ongoing course of treatment or therapy for an illness, injury, medical condition, or diagnosis until such time as such care and follow-up measures are no longer directed or recommended by the treating practitioner.

(15) “Facility” means a foster care facility, group home facility, residential habilitation center, or comprehensive transitional education program as defined in Section 393.063, F.S. The individual centers and units that comprise a comprehensive transitional education program collectively constitute a single “facility.”

(15)(16) No change.

(16) “Governing Authority” shall mean the organization, person, or persons designated to assume full legal responsibility for the determination of policy, management, operation, and financial viability of the ADT program. This includes the licensee.

(17) “Foster care facility” has the same meaning as set forth in section 393.063, F.S.

~~(18) “Group home facility” has the same meaning as set forth in section 393.063, F.S.~~

(17)(19) No change.

(18) “Legal representative” means:

(a) for a resident or participant under the age of 18 years, to include the parents of a minor child whose rights have not been terminated, health care surrogate appointed by a Florida court to represent the child or anyone designated by the parent(s) of the child to act on the parent(s)’ behalf (e.g., due to military absence), or anyone appointed by a Florida court as a guardian or guardian advocate under chapter 393 or 744, F.S.

(b) for resident or participant age 18 years or older, anyone designated by the resident or participant through a Power of Attorney or Durable Power of Attorney, a medical proxy under chapter 765, F.S., health care surrogate, or anyone appointed by a Florida court as a guardian or guardian advocate under chapter 393 or 744, F.S.

~~(19)(20) “Licensee” means a person or entity which that has been issued and currently holds maintains a valid non-expired residential facility license from the Agency.~~

~~(20)(21) “Live-in staff” means a direct service provider(s) providers whose primary residence is the same as that of the residents for whom they are providing supports and services.~~

~~(21)(22) No change.~~

(22) “Monitor” or “monitoring” means an on-site inspection conducted by Agency staff for the purpose of determining compliance with chapter 393 and rules adopted thereunder.

(23) “Notice of Noncompliance” means a notification issued by the Agency to a licensee in response to a minor violation of a rule and prior to imposing an administrative disciplinary action, as described in section 120.695, F.S.

(23) through (25) renumber as (24) through (26) No change.

(27) “Participant” means any person, regardless of whether such person is a client of the Agency, who participates in services provided by the Adult Day Training Program.

~~(28)(26) No change.~~

~~(29)(27) “Physical harm” means a bodily injury or illness requiring first aid or any other medical procedures.~~

(30) “Plan of Remediation” means the plan established by the Agency to be followed by the licensee in order to correct a violation of rule as part of an administrative complaint. Failure to timely complete a Plan of Remediation will constitute an additional rule violation.

(28) through (29) renumbered as (31) through (32) No change.

~~(30) “Repeat violation” means the re-occurrence of a violation of the same standard that occurs within 12 months.~~

~~(33)(31) “Resident” means any person with a developmental disability whose primary place of residence is a facility, as defined in 65G-2.001(14), F.A.C., and section 393.063, F.S., whether or not such person is a client of the Agency.~~

(34)(32) “Residential facility” or “Facility” is as defined

~~has the same meaning as in section 393.063, F.S. A facility includes all buildings and grounds included in the physical address of the license. The following are facilities: foster care facility, group home facility, or residential habilitation center as defined in section 393.063, F.S.~~

(33) through (35) is renumbered as (35) through (37) No change.

~~(38) "Routine or preventive" means physical or mental health care other than essential care, such as routine examinations, annual check-ups, or preventive screenings and dental care and cleanings.~~

(33) through (35) are renumbered as (39) through (41) No change.

~~(42)(36) "Sexually aggressive resident" means a minor who is an alleged juvenile sexual offender, as defined in section 985.475 39-04, F.S., or an adult who is documented to have committed an act of sexual abuse as that term is defined in section 415.102, F.S.~~

~~(40) "Survey" means an on-site inspection conducted by Agency staff for the purpose of determining compliance with facility standards.~~

~~(43)(41) No change.~~

~~(44)(42) "Voluntary board member" means a board member of a not-for-profit corporation or organization who serves solely in a voluntary capacity, does not receive any remuneration for their service services to the corporation or organization, and has no financial interest in the corporation or organization.~~

~~(45)(43) No change.~~

~~(46)(44) "Zero Tolerance" means Agency initiated activities, such as education and training, which are intended to prevent occurrences of abuse, neglect, exploitation, and abandonment involving persons with developmental disabilities and to facilitate quicker identification and reporting of potentially harmful situations and environments in which abuse, neglect, exploitation, or abandonment may arise.~~

~~(47)(45) No change.~~

~~Rulemaking Authority 393.066, 393.0662, 393.067, 393.0673, 393.501(4), 402.33, F.S. Law Implemented 393.066, 393.0662, 393.067, 393.0673, 393.13, 402.33 FS. History—New 7-1-14, Amended 7-1-18, 8-17-23, _____.~~

65G-2.002 License Application and Renewal Procedures.

~~(1) Providers required to be licensed under section 393.067 to provide services must maintain a All facilities in which clients reside must operate under valid license issued by the Agency.~~

(2) Application. All applications for initial licensure as well licensure renewal must be submitted using Facility Application form 65G-2.002-A APD—2014 01

~~http://www.flrules.org/Gateway/reference.asp?No=Ref_04405, (April 1, 2014), _____ which is incorporated herein by reference. A copy of this form may be obtained by contacting the Regional office. The Agency shall review license applications in compliance with the requirements of section 120.60, F.S.~~

(3) License renewals. The licensee shall submit an application for license renewal to the Regional Office at least 45 days prior to the expiration of the prior license. ~~The~~ Failure to submit a complete application at least 45 days prior to the expiration of the prior license shall be considered a Class III violation. No fine shall be imposed if the renewal application is received between 30 and 45 days prior to expiration.

(4) No change.

(5) If the applicant has not provided sufficient supporting information with the application, the Agency shall require the applicant to provide additional information regarding the applicant's qualifications for the types of residents or participants or the level of services the applicant wishes to serve.

(6) No change.

(7) A license to operate a facility or program is not assignable and is valid only for the applicant identified on the application, and for the premises and purposes specified on the license.

(8) The licensee must give at least 30 days' notice to the Regional Office in writing prior to the licensee's intent to close a licensed facility or program, intent to discontinue responsibility for the management of a licensed facility or program, or intent to sell or lease the facility or program to another owner or operator. The applicant's failure to provide adequate and timely notice of a facility's or program's intent to close or the applicant's intent to sell or lease a facility or program shall be considered during the review of future license applications by the applicant.

(a) Notice of a licensee's facility's intent to close that is delivered to the Agency between 20 and 30 days prior to the closure of the facility or program shall be considered a Class III violation for each resident or participant.

(b) Notice of a licensee's facility's intent to close that is delivered to the Agency between 10 and 19 days prior to the closure of the facility or program shall be considered a Class II violation for each facility resident or participant.

(c) Notice of a facility's or program's intent to close that is provided less than 10 days prior to the closure of the facility or program shall be considered a Class I violation for each facility resident or participant.

(9) Each facility or program owned and managed under a single corporation, firm, partnership or association must operate under a separate and distinct license.

~~(10) Agency staff shall review applications for licensure~~

using the following forms: Foster Care Facility Checklist, APD 2014-03, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04406>, (effective April 1, 2014), Group Home Facility Checklist, APD 2014-04, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04407>, (effective April 1, 2014), Residential Habilitation Center Checklist, APD 2014-05, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04408>, (effective April 1, 2014), Comprehensive Transitional Education Program Checklist, APD 2014-06, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04409>, (effective April 1, 2014), and General Facility Checklist, APD 2014-07, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04410>, (effective April 1, 2014), which are hereby incorporated by reference. These forms may be obtained from the Regional Office.

(10)(11) If applicant fails to submit a complete application prior to the expiration of the facility's or program's existing license, the application shall be considered an initial application rather than a renewal application.

(11) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.066, 393.0662, 393.067, 393.501, F.S. Law Implemented 393.0655, 393.067, 393.0673, 393.13, F.S. History—New 7-23-14, Amended _____.

65G-2.003 Length of Licenses.

The Agency shall determine the length of a program or facility's license based on the following:

(1) A one year license shall be issued to residential facilities and a three-year license shall be issued to adult day training programs which meet all applicable licensing criteria.

(2) Residential rFacilities with no current residents but which meet all applicable licensing standards shall be granted a one year license. However, such facilities shall have an on-site licensure review by the Regional Office within 30 days following the admission of their first resident to ensure that they are in compliance with the requirements of Chapter 393, F.S., and with the requirements of this rule chapter which could not be previously monitored.

(3) A one month license shall be issued to facilities or programs that are awaiting administrative actions by the Agency or another state agency in order to complete requirements for Agency licensing. This shall include facilities or programs that are pursuing administrative or judicial appeals of Agency action and facilities or programs which are pending a fire inspection. Subsequent and consecutive one month licenses shall be issued if the matter has not been resolved

within the initial one month licensure period.

(4) A three month license shall be issued to an existing facility or program which does not have any ongoing Class I violations, but fails to meet all requirements necessary for license renewal, for which no waiver has been approved by the Agency. A three month license shall be accompanied by an approved plan of correction. Failure to complete the actions specified in the plan of correction within the time limit specified in the plan shall result in the denial of the facility's or program's application for license renewal.

(a) through (b) no change.

(c) A third consecutive three month license shall only be granted at the approval Agency's Director or the Director's designee and shall only be granted if the licensee has made substantial progress to correct the facility's or program's remaining deficiencies. If the facility or program is not in full compliance with all licensing standards prior to the expiration of their third consecutive three month license, the licensee's facility's application for license renewal shall be denied.

(5) A license shall not be issued to any facility or program whose license has been suspended on an emergency basis.

(6) The issuance of a license does not constitute a waiver of any statutory or rule violations by the licensee and does not prevent the Agency from seeking administrative sanctions against the licensee for violations that occurred during the term of previous licenses, up to a period of two years, for the same facility or program.

(7) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.067, 393.0673, 393.501(1), 393.067 F.S. Law Implemented 393.067, 393.0673, FS. History—New 8-13-78, Formerly 10F-6.05, 10F-6.005, 65B-6.005, Amended 7-1-14, Amended _____.

65G-2.0032 Agency Monitoring and Oversight.

(1) The Agency shall monitor ~~conduct a survey of~~ each facility or program prior to the issuance of an initial license or the renewal of an existing license. In addition, the Agency shall conduct ongoing monitoring surveys of each facility or program, either unannounced or announced, in order to ensure the facility or program is in full compliance with the applicable requirements of Chapter 393, F.S., and the administrative rules adopted pursuant to Chapter 393, F.S. ~~For ongoing surveys, Agency staff shall utilize the Facility Inspection Form APD 2014-02, (effective April 1, 2014) <https://www.flrules.org/Gateway/reference.asp?No=Ref-04210>, which is incorporated herein by reference. A copy of this form may be obtained from the Regional Office.~~ The Agency may temporarily suspend monitoring surveys for a specific time or location if the Agency determines that:

(a) A recent, impending, or ongoing disaster or emergency situation has made the monitoring surveys unsafe or impossible;

(b) The residential facilities identified have no current residents, and may be monitored surveyed on a less frequent basis, or

(c) Monitoring Surveys should be suspended within a designated area or timeframe to promote the health, safety, or welfare of the public.

~~(2) Each licensee shall be monitored prior to initial licensure, renewal licensure, and on an ongoing basis thereafter. Frequency of Surveys. Each facility shall be surveyed by Agency staff on at least a monthly basis. The Agency may survey facilities on a more frequent basis in order to investigate complaints, in situations where it is known or suspected that the facility is not in full compliance with Chapter 393, F.S., or any administrative rules adopted pursuant to Chapter 393, F.S., or in situations where the Agency has reason to believe that the health, safety, or welfare of residents may be at risk.~~

~~(3) Follow-up monitoring may be conducted to verify correction of deficiencies at any time on an unannounced basis.~~

~~(4)(3) Licensees and facility employees of the licensee must permit any Agency staff or designated agent of the State of Florida, who presents proper State of Florida-issued identification, to enter and inspect any part of any facility or program building or to inspect records relating to the operation of the facility or program or the provision of client care at any time that facility staff, management, owners, directors, or residents, or participants are present in the facility. A violation of this subsection shall constitute a Class II violation.~~

~~(5) This Rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.~~

~~Rulemaking Authority 393.501(1), 393.067, 393.0673, 393.501 F.S. Laws Implemented 393.067, 393.0673, FS. History–New 7-1-14, Amended _____.~~

65G-2.004 License Violations.

(1) Notice of noncompliance. The Agency shall issue a notice of noncompliance as provided under Section 120.695, F.S., in response to the first occurrence of a Class II or III violation that is not corrected prior to being monitored the completion of the survey which revealed the aforementioned violation. Within 15 days following receipt of a Notice of Noncompliance, the licensee must submit a written corrective action plan, to the regional office. Failure to submit a corrective action plan within the required timeframe or repeat occurrences of Class II or III violations shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C. For the purposes of this subsection, a first occurrence of a Class II or III violation refers to those violations

which have not been previously observed and cited by Agency staff within the past 12 months.

(2) Corrective action plans. The licensee must develop and submit to the Agency a corrective action plan within 15 days following the receipt of a Notice of Noncompliance. The corrective action plan shall specify the actions the facility or program will take to correct each of the violations identified and to comply with the applicable licensing requirements, the name of the staff person(s) responsible for completing each action, and a timeframe for accomplishing each action. All action taken to correct a violation shall be documented in writing by the licensee. Failure to comply with the corrective action plan shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C. The Agency shall reject any corrective action plan that fails to identify all of the information described above. If the Agency rejects a corrective action plan, the Agency shall notify the licensee in writing of the reasons for rejection and shall state that the licensee has 10 days from receipt of the notification to submit an amended corrective action plan.

(3) Moratoriums. A moratorium on the admission of new clients into a facility or program may be imposed pursuant to the criteria stated in Section 393.0673(6), F.S.

(4) Relinquishment and license expiration. The expiration or relinquishment of a license that is pending administrative sanctions does not render the administrative sanctions moot. The Agency may continue to seek administrative sanctions against a licensee for violations that occurred during a licensee’s management or oversight of a facility even if the licensee ceases to own or lease the facility or program, operate the facility or program, or provide services in the facility or program after the violations have occurred.

~~Rulemaking Authority 393.501(1), 393.067, 393.0673, 393.501 F.S. Laws Implemented 393.067, 393.0673, FS. History–New 7-1-14, Amended _____.~~

65G-2.0041 License Violations – Disciplinary Actions.

(1) No change.

(2) Factors considered when determining sanctions to be imposed for a violation. The Agency shall consider the following factors when determining the sanctions for a violation:

(a) The gravity of the violation, including whether the incident involved the abuse, neglect, exploitation, abandonment, death, or serious physical or mental injury of a resident or participant, whether death or serious physical or mental injury could have resulted from the violation, and whether the violation has resulted in permanent or irrevocable injuries, damage to property, or loss of property or client funds;

(b) through (c) no change.

(d) The number of residents or participants served by the

facility or program and the number of residents or participants affected or put at risk by the violation;

(e) through (h) no change.

(3) Additional considerations for Class I violations, repeated violations or for violations that have not been corrected.

(a) through (c) No change.

(d) Failure to complete corrective action within the designated timeframes may result in revocation or non-renewal of the facility's or program's license.

(4) Sanctions. Fines shall be imposed, pursuant to a final order of the Agency, according to the following three-tiered classification system for the violation of facility standards as provided by law or administrative rule. Each day a violation occurs or continues to occur constitutes a separate violation and is subject to a separate and additional sanction. Violations shall be classified according to the following criteria:

(a) No change.

(b) Class II violations are violations that do not pose an immediate threat to the health, safety or welfare of a resident, but could reasonably be expected to cause harm if not corrected. Class II violations include statutory or rule violations related to the operation and maintenance of a facility or to the personal care of residents which the Agency determines directly threaten the physical or emotional health, safety, or security of facility residents, other than Class I violations.

1. No change.

2. A fine may be levied notwithstanding the correction of the violation during the monitoring visit survey if the violation is a repeat Class II violation.

(c) Class III violations are statutory or rule violations related to the operation and maintenance of the facility or to the personal care of residents, other than Class I or Class II violations.

1. No change.

2. A repeat Class III violation previously cited in a notice of noncompliance may incur a fine even if the violation is corrected before the Agency completes its monotoring survey of the facility or program.

3. If twenty or more Class III violations occur within a one year time period, the Agency may seek the suspension or revocation of the facility's or program's license, nonrenewal of licensure, or moratorium on admissions to the facility or program.

(d) No change.

Rulemaking Authority ~~393.501(4)~~, 393.067, 393.0673, 393.501 F.S. Laws Implemented 393.067, 393.0673, FS. History—New 7-1-14, Amended _____.

65G-2.005 License Denial, Suspension or Revocation.

(1) A license to operate a residential facility or program is

not assignable and is valid only for the entity, premises, and purposes specified in the license.

(2) A change of licensee or a move of the facility or program to another location shall result in the revocation of the license.

Rulemaking Authority ~~393.501(4)~~, 393.067, 393.0673, F.S. Law Implemented 393.067, 393.673, F.S. History—New 8-13-78, Formerly 10F-6.03, 10F-6.003, 65B-6.003, Amended 7-1-14, _____.

65G-2.0074 Adult Day Training Program Standards

(1) Right to use and occupy.

(a) The licensee must have the legal right to use and occupy the property.

(b) If the licensee is not the owner of the property, they must have a fully executed lease.

1. The lease must be current at the time of initial licensure and renewal.

2. The lease must not lapse during the term of the license.

3. The terms of the lease must not preclude the program from being able to operate as an Adult Day Training Program (“ADT”) in accordance with chapter 65G-2, F.A.C.

(c) A violation of this section is a Class II violation.

(2) Physical site standards.

(a) The program is responsible for providing a healthy, safe, and caring environment. The program must have and maintain the minimum physical site standards as established by this Rule. The only exception to the physical site standards is in the event of an emergency, such as a natural disaster or loss of power outside of the control of licensee.

(b) An occupied dwelling, storage units, or garage may not be used for ADT services.

(c) The physical site must be free of dangerous conditions and hazards. Interior and exterior building surfaces must be free of hazardous conditions. Violation of this paragraph constitutes a Class II violation. hazardous conditions include:

1. cracks, holes, tears, uneven projections, protruding nails, splinters;

2. broken, warped, or loose: boards, tile, linoleum, handrails, railings, plaster, lath, windowpanes, hanging fixtures;

3. exposed pipes, ducts, or electrical wiring within human reach;

4. water leaks or damage;

5. tripping hazards; and

6. hazardous chemicals or materials that are not safely stored.

(d) All areas of the physical site occupied by participants, including rooms, common areas, hallways, bathrooms, and dining areas shall have natural or mechanical ventilation.

(e) Each program must have documentation showing that the licensee has successfully passed and maintains compliance

with fire safety inspections that reflects the maximum occupancy.

(f) Ramps, doors, corridors, bathrooms, changing areas, furnishings, and equipment shall be accessible and designed to accommodate participants' needs and disabilities.

(g) The physical site must not have architectural barriers that prevent participation in everyday program activities or limits care.

(h) Each program that serves participants who require medically essential services requiring a power source or equipment that requires electricity is solely responsible for ensuring there is backup equipment or power supply and a planned course of action in the event of a power outage or interruption of service in accordance with section 366.15, F.S.

(i) The program shall provide a safe, clean, hygienic and sanitary setting. Floors, walls, ceilings, windows, doors, and all parts of the structures shall be of sound construction, properly maintained, in working order, and kept clean as necessary to ensure the health and safety of the facility's/program's participants.

(j) All interior doors with locks must be openable from the inside of the room.

(k) Exterior doors must not prevent individuals from exiting the building.

(l) Each physical site must have a designated drop off and pick up area that is free from hazards and roadway traffic.

(m) A violation of this section shall be a Class II violation.

(3) Activity area and dining area.

(a) A minimum of 35 square feet of activity and dining area shall be provided per participant. This shall not include bathrooms, hallways, kitchens, utility rooms, garage, and laundry rooms.

(b) The classroom and activity area shall be provided with an adequate number of appropriate furnishings for the usual functions. These furnishings shall be sturdily constructed, in working condition, and be designed to meet the daily needs of participants.

(c) The dining area furnishings shall be adequate in number, sturdily constructed and be designed to meet the daily needs of participants.

(4) Food preparation, storage, and service:

(a) All surfaces, preparation equipment, utensils, cutlery, and dishes must be maintained in a clean and sanitized manner, free of any damage, and safe for intended use.

(b) All participant's food plans must be maintained in participant file and followed, if applicable.

(c) Food must be free from cross-contamination.

(d) All food being provided by the program must be served and stored at appropriate temperature and location to maintain safety.

(e) Hotplates, grills, propane stoves, and similar equipment

must be operated in a well-ventilated area and free from hazard(s).

(f) When meal services are provided by the program, the following standards shall apply:

1. The program shall identify each participants' nutritional needs and dietary orders at the time of admission. A copy of current dietary plans, if applicable, shall be maintained on file.

2. Food and beverages shall be of adequate quantity and variety, served at appropriate temperatures, prepared by methods which conserve nutritional value, and served in a form easy for participants to manage and, within reason, in keeping with participant preferences. Within reason, dietary practices in keeping with the religious requirements of the participant's faith group shall be observed at the request of the participant or the participant's legal representative.

3. Menus shall be planned and written and dated at least two days in advance of consumption. Menus, as served, shall be kept on file for a minimum of one month.

4. Meals shall be prepared and served in accordance with the facility or program's menu.

5. Meals shall be served in accordance with participants' applicable dietary plan.

6. A dietician must be consulted at least annually. Documentation of such consultation and a summary of the dietician's recommendation shall be kept on file for three years.

(g) All food received or used in a licensed program shall be clean, hygienic and sanitary, and safe for human consumption, and free from spoilage, adulteration, and misbranding.

(h) Food, while being transported, stored, prepared, displayed, or served within licensed program, shall be protected from dust, flies, rodents or other vermin, toxic materials, unclean equipment and utensils, flooding, sewage, overhead leakage, and any other source of contamination.

(i) Food shall be stored a minimum of 6 inches above the floor, on clean shelves, racks, or other clean surfaces in such a manner as to be protected from splashing and other contamination. Food must be stored in a manner which permits free air circulation in and around food.

(j) Food not subject to further washing or cooking (ready to eat) before being served shall be stored in a manner that protects it from cross-contamination with food requiring washing or cooking. Packaged food shall not be stored in contact with water or undrained ice.

(k) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered, and labeled container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent.

(l) Prior to the food being placed into the freezer, the container must be clearly marked to indicate the date of

freezing. Food must be dated if not consumed upon initial preparation.

(m) Hot food shall be cooled within 4 hours to 41 degrees Fahrenheit or below.

(n) Potentially hazardous food. For purposes of this rule, “potentially hazardous food” means food that requires refrigeration or freezing to prevent spoilage while it is in storage. The following requirements apply to potentially hazardous food:

1. Different types of raw animal products such as beef, fish, lamb, pork, or poultry shall be separated during storage and processing by use of different containers, partitions, shelves, or by cleaning and sanitizing the equipment between product use. Raw food products shall be physically separated from ready-to-eat food products during display or storage by storing the raw products below all ready-to-eat food products.

2. Upon receipt, potentially hazardous food shall be stored in a refrigerator or freezer, as appropriate, at temperatures that will protect it from spoilage. All potentially hazardous food shall be kept at safe temperatures, either below 41 degrees Fahrenheit or above 135 degrees Fahrenheit after cooking.

3. Potentially hazardous foods that are to be served without further cooking (ready to eat foods) and will require refrigeration shall not be allowed to remain between 41 degrees and 135 degrees Fahrenheit for a period in excess of four hours.

4. Frozen potentially hazardous food shall be thawed in refrigerated units at a temperature not to exceed 41 degrees Fahrenheit, or under cold potable running water, or in a microwave. Frozen potentially hazardous food shall be cooked immediately after thawing.

5. Potentially hazardous foods shall be kept for no more than seven days after its initial cooking.

(o) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(5) Bathrooms and Changing Areas.

(a) The physical site shall have bathrooms, equipped with functioning toilets and sinks, accessible and available for participant use, follow ADA Standards and be in a good working condition that is clean, hygienic and sanitary.

(b) Bathrooms and changing areas used by participants shall provide individual privacy. A violation of this paragraph shall constitute a Class II violation.

(c) Bathrooms and changing areas shall be sanitary and well-ventilated.

(d) Bathrooms and changing areas shall have sufficient supplies of toiletry items such as soap and toilet paper to accommodate participants’ needs.

(e) Bathrooms and changing areas must be indoors.

(f) The physical site shall have at minimum two (2) bathrooms for every twenty-five (25) individuals, including participants and staff.

(g) Except for paragraph (b), a violation of this subsection shall constitute a Class III violation.

(6) Water Temperature.

(a) The program must have an adequate supply of clean water. Hot water, if available in changing facilities or sinks, used by participants must be a minimum of 105 degrees Fahrenheit (40.6 degrees Celsius) and not exceed 120 degrees Fahrenheit (48.9 degrees Celsius) at the outlet.

(b) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(7) Heating and cooling.

(a) Indoor temperature shall be maintained within a range of 62 degrees to 80 degrees, as appropriate for the climate. The facility or program shall not provide services to participants when temperatures fall outside of this range. An alternative location meeting these temperature ranges, commensurate with the facility’s emergency operation plan, must be immediately utilized until the temperature in the original licensed location falls within the ranges outlined herein.

(b) All heating equipment shall be maintained to ensure that there is no burn hazard to the participants.

(c) Portable heaters, such as space heaters, must utilize an automatic safety switch that turns the unit off if it is tipped over, and a thermostatic control which ensures that the unit will turn itself off and prevent overheating or creating an electrical hazard.

(d) There shall be no discernible differences between the temperature and humidity of areas within the physical site that are used by staff and those areas used by the participants unless such differences are based on documented participant need or preference.

(e) The physical site must maintain a thermometer which accurately identifies the temperature.

(f) The licensee must notify the Agency when repairs to the heating or cooling systems are needed, the timeline for those repairs, and must keep the Agency updated as repairs are made.

(g) Programs that operate outdoors must have alternate settings in place in the event of inclement weather, including extreme heat, humidity, or cold, and respite for participants when needed.

(h) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(8) Lighting.

(a) All areas of the physical site shall be suitably lit in

accordance with area usage.

(b) A violation of this subsection shall constitute a Class III violation.

(9) Housekeeping and Maintenance.

(a) The interior and exterior of the physical site shall be maintained by the licensee to ensure the health and safety of participants. The physical site must have a plan for housekeeping, including staff, equipment, and supplies. As part of the licensee's housekeeping plan, the licensee must:

(b) Keep the buildings in a clean, safe, and orderly condition. This includes all rooms, bathrooms, corridors, storage areas, entry ways and ramps;

(c) Keep floors clean and non-slip to ensure participant safety;

(d) Keep stairways and similar areas free of accumulations of refuse, discarded furniture, discarded equipment, newspapers, magazines, boxes, and other similar items;

(e) The physical site shall be free of unpleasant or noxious odors.

(f) To ensure the health and safety of participants, the grounds and any additional buildings on the grounds shall be free of unkempt vegetation and debris and maintained in a safe, clean, and sanitary condition.

(g) All outdoor garbage and other waste materials shall be kept in covered containers until removed. Containers shall be emptied as often as necessary to prevent public nuisance and health hazards in accordance with municipal and county requirements of the jurisdiction within which the facility or program is located.

(h) All indoor garbage and other waste materials shall be stored in a manner that would maintain a sanitary condition. Trashcans or other such waste containers must be emptied as often as necessary to prevent attracting pest or vermin and prevent unpleasant or noxious odors.

(i) Except when restitution is a component of a client's Local Review Committee-approved or participant's behavior plan, licensees are solely responsible for any costs associated with the repair or replacement of any facility or program equipment or property which is owned or leased by the licensee when such equipment or property is lost, damaged, or destroyed by a participant. Any necessary repairs must be made in a timely fashion to keep all requirements described in this rule in good working condition.

(j) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(10) Firearms and weapons.

(a) Only certified security guards or law enforcement may be permitted to carry firearms, ammunition, and any other weapon in the course of their duty.

(b) If an armed security guard is used, the program must maintain policies to ensure participants remain safe and do not have access to weapons.

(c) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(11) Hazardous and toxic compounds.

(a) All poisonous and toxic compounds and potentially hazardous instruments shall be used with extreme caution. Compounds harmless to human consumption shall be used whenever reasonably appropriate.

(b) All poisonous, toxic, and hazardous compounds and materials shall be stored in an appropriate container which identifies the material it contains, and locked in a storage space to restrict participant access.

(c) Such items shall be safeguarded and not co-mingled with food items in storage areas or elsewhere.

(d) In all cases, such products shall be stored in their original containers or, if transferred to other containers for dispensing purposes, clearly labeled as to the contents and locked in a storage area.

(e) Facilities constructed before 1978 may have lead-based paint hazards. For facilities built before 1978, the licensee must provide written disclosure of the presence of lead-based paint or lead-based paint hazards to current and prospective participants of the facility.

(f) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(12) Swimming pools and other bodies of water.

(a) Access to bodies of water or other water hazards must be restricted when supervision is not available. Supervision must be provided by an adult staff member of the program who is responsible for the participant who is certified in first aid and CPR.

(b) All water-related recreational activities in which participants are partaking, such as boating or water sports, must be directly supervised by an adult staff member of the facility or program who is certified in first aid and CPR with the means to contact Emergency Response Services.

(c) Participants who are not proficient swimmers:

1. Must be supervised by sight and sound at all times when they are within 50 feet of any body of water or water hazard such as pools, hot tubs, canals, creeks, holding ponds, rivers, lakes, swamps or areas subject to flooding.

2. Must not be allowed in pools or other bodies of water without wearing a life jacket or other U.S. Coast Guard approved flotation device, unless engaged in swimming lessons or while under the direct supervision of staff capable of

assisting with swimming-related emergencies and who is certified in first aid and CPR.

(d) Any swimming pool maintained by the facility must be kept in a clean, hygienic and sanitary condition.

(e) A violation of this subsection shall constitute a Class II violation.

(13) Smoking.

(a) Smoking, vaping, or use of other tobacco products shall not be permitted indoors.

(b) A violation of this subsection shall constitute a Class III violation.

(14) Alarms. Alarms that are activated when an exterior door or window is opened are permitted for use within licensed facilities/programs.

(15) Smoke and carbon monoxide detectors.

(a) Facilities shall be equipped with smoke and carbon monoxide detectors in good working condition. Battery activated detectors must be tested at least every 6 months.

(b) Battery activated detectors testing must be documented and maintained by the physical site. Documentation must include:

1. First and last name of staff completing the test;
2. Date of the test;
3. Time of the test; and
4. Result of the test.

(c) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(16) Insect, Rodent, and Vermin Control.

(a) Measures shall be utilized to minimize the presence of rodents, flies, cockroaches, bedbugs, lice, and other insects on the premises, which include maintaining a clean environment in the physical site.

(b) All buildings shall be maintained rodent-proof and free from rodents.

(c) All outside openings shall be effectively sealed or screened to prevent entry of insects, rodents, and vermin.

(d) For persistent pest control problems, a licensed pest control operator must be used.

(e) Violations of paragraphs (a) through (d) shall constitute a Class II violation.

(f) In the event of an infestation, all measures taken must be documented by the licensee and provided to the Agency. A Violation of this paragraph shall constitute a Class III violation.

(17) Animal Health and Safety.

(a) Animals must be kept free from disease or under treatment by a licensed veterinarian.

(b) Animals kept indoors or having access to the indoors must be treated for flea and tick control in accordance with the recommendations of a licensed veterinarian to prevent

infestations.

(c) Animals requiring rabies vaccination must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times.

(d) Violations of this subsection shall constitute a Class III violation.

(18) Response to Participant Sickness.

(a) Program staff must carefully clean any areas contaminated with vomit, stool, or other bodily fluid.

(b) Vomit, stool, and bodily fluid shall be cleaned up before disinfecting. Responsible staff shall wear disposable gloves to clean and disinfect whenever possible. Cleaning shall be done with disposable towels and used towels shall be disposed of in a non-absorbent plastic bag.

(c) Program staff must disinfect the affected area after cleaning. Staff shall allow the area to air-dry and discard all materials used to clean the area, including placing used towels and gloves in a non-absorbent plastic bag. Staff must wash their hands with soap and water immediately after removing gloves.

(d) Soiled linens, soiled clothes, or other soiled items shall be carefully removed and kept separate from uncontaminated items.

(e) Participants who become ill while receiving services must be separated from other participants to prevent possible spread of infectious diseases.

(f) Program staff and direct service providers must seek and obtain emergency medical treatment when necessary.

(g) Program staff must maintain and adhere to policies and procedures outlining the program's response to participants becoming sick while receiving services.

(h) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(19) Foreclosures, Evictions and Bankruptcies.

(a) Licensees must notify the Agency within 24 hours upon the receipt of a notice of eviction or foreclosure involving the property at which the license is maintained.

(b) Licensees who file for bankruptcy protection must notify the Agency within 24 hours of filing for bankruptcy.

(c) A violation of this subsection shall constitute a Class II violation.

(20) Optional in-service training.

(a) The licensee may develop in-service training for family members, guardians, or guardian advocates of participants. This training may address topics such as appropriate behavioral interventions, guardianship, social security benefit issues, or other topics of relevance. Under no circumstances may the licensee, or its contracted trainer or presenter, charge a

participant a fee for the provision of such training.

(b) A violation of this subsection is a Class III violation.

(21) Emergency Management Plans.

(a) Emergency Plan Components. Under section 393.067(8), F.S., each physical site shall prepare and maintain a written comprehensive emergency management plan. The emergency management plan must address the following:

1. Provisions for all hazards. Each plan shall describe the potential hazards to which the physical site is vulnerable such as hurricanes, tornadoes, flooding, fires, hazardous materials, transportation accidents, physical site damage, and power outages during severe cold or hot weather.

2. Provisions and plans for the care of participants remaining in the physical site during an emergency, including pre-disaster or emergency preparation, protecting the physical site program, ensuring participants and staff have adequate supplies, medications, emergency power, ensuring participants have adequate food and water, maintaining adequate staffing, and emergency equipment.

3. Identification of participants with mobility limitations who may need specialized assistance while at the physical site.

4. Identification of, coordination with, and compliance with the local emergency management agency orders.

5. Arrangement and coordination of post-disaster activities including responding to family inquiries, obtaining medical intervention for participants, transportation, etc.

6. The identification of staff responsible for implementing each part of the plan.

(b) Emergency management plans shall be reviewed and updated at least annually and may be developed with the assistance of appropriate resource persons from the local fire marshal, Regional Office, or local emergency management agency.

(c) Emergency Management Plan Implementation. In the event of an internal or external disaster, the program shall implement the emergency management plan in accordance with sections 252.355 and 252.356, F.S.

1. All staff must be knowledgeable of physical site procedures for handling emergencies and implementing the emergency management plan. All staff must be trained in the physical site emergency management plan within 30 days of hire. Staff shall be trained in the emergency management plan annually, after the plan's annual update. Documentation of staff training must be maintained in the staff's personnel file.

2. All staff are responsible for implementing the emergency management plan and must be able to implement the emergency management plan.

3. If telephone service is not available during an emergency, the program shall request assistance from local law enforcement or emergency management personnel in maintaining communication.

(d) Evacuation. The physical site must evacuate the premises during or after an emergency if so directed by the local emergency management agency.

1. The licensee shall report the evacuation to the designated Agency regional office contact within six hours of the evacuation order.

2. The physical site shall not be re-occupied until (1) the area is cleared for reentry by the local emergency management agency, local fire marshal, or any other agency or entity having authority and (2) the physical site meets the immediate needs of the participants.

(e) In the event a state of emergency has been declared and the physical site is not required to evacuate the premises, the physical site may provide emergency shelter above the physical site's licensed capacity provided the following conditions are met:

1. No one's life, health, well-being and overall safety would be put at risk;

2. The immediate needs of all participants and other individuals sheltered at the physical site can be met by the program;

3. Within forty-eight (48) hours following the physical site exceeding its capacity, the licensee must report to the Agency that the physical site is overcapacity and describe the conditions that have caused it to be overcapacity. If the physical site continues to be overcapacity after the declared emergency ends, the Agency shall review such ongoing requests on a case-by-case basis; and

4. The program maintains a log of the additional persons housed in the physical site. The log shall include each additional individual's name, address, and the dates of arrival and departure. The log shall be available for review by representatives of the Agency and the local emergency management agency or its designee. The admissions and discharge log maintained by the physical site may not be used to satisfy this requirement.

(f) Emergency management plans, documents regarding staff training, and any logs must be made available to the Agency within 3 days of the request.

(g) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(22) Program standards

(a) Programs of Adult Day Training services must support full access and integration into the outside community.

(b) The program must provide a variety of physically and mentally stimulating activities.

(c) Activities provided by the program must be age-appropriate.

(d) Participants should be able to choose the activities in

which they participate.

(e) All program services shall be provided in a person-centered approach, in accordance with a participant's goals and choices and ensure the participant's rights to privacy, dignity, and respect.

(f) All program services shall include training and assistance with skill acquisition and retention in activities of daily living, personal care, social skills, self-help, socialization, adaptive skills, recreation, and encourage independence as outlined in the Florida Medicaid Developmental Disabilities Individual Budget Waiver Services Coverage and Limitations Handbook ("iBudget Handbook"), which is incorporated by reference in Rule 59G-13.070, F.A.C.

(g) Provisions of services shall be maintained in accordance with all applicable rules, including but not limited to the iBudget Handbook, Rule 59G-13.070, F.A.C.

(h) Documentation storage must be maintained in accordance with HIPAA to prevent any unauthorized access or disclosures.

(23) Transportation.

(a) A log must be maintained for each participant transported in a vehicle. The licensee must maintain the log for a minimum of 12 months.

(b) All transportation logs must be available for review by the Agency during monitoring visits and upon request.

(c) The transportation log must include, at minimum:

1. Name of each participant;
2. The date and time of departure;
3. The date and time of the arrival;
4. Name and signature of the driver; and
5. Name and signature of any other staff or person(s) authorized by the licensee to verify the transportation log to verify that all participants have arrived safely at the destination.

(e) Prior to each departure, the transportation log must be recorded with each participant's name, date and time of departure, and initialed by the direct service provider verifying each participant is accounted for.

(f) Upon arrival at the destination, the driver must complete the transportation log and mark each participant off the log as the participant departs the vehicle.

(g) The driver must complete a physical inspection and visual sweep of the vehicle at the arrival of the destination to ensure that no participant is left inside the vehicle.

(h) If the licensee contracts with an outside entity to provide transportation, the licensee must assign a direct care staff to perform the duties described in paragraphs (a) through (f).

(i) The maximum number of individuals transported must not exceed the manufacturer's designated seating capacity or the number of factory installed seatbelts.

(j) When transporting participants, the staff to participant

ratio must be maintained.

(k) Participants must use seatbelts or other safety restraints during transportation.

(l) Staff providing transportation must meet all training requirements set forth in this rule.

(m) All vehicles used to transport participants must be maintained in a clean condition and pursuant to the vehicle or manufacturers' requirements or instructions to ensure that they are in proper working order. Documentation of the maintenance must be maintained on file for a minimum of 12 months, and available to Agency staff during monitoring visits and upon request.

(n) Smoking and vaping shall be prohibited in vehicles.

(o) The interior of the vehicle, when being used to transport participants must be maintained at a temperature between 65 to 78 degrees Fahrenheit. The vehicle can be ventilated either by mechanical or natural means to maintain the temperature.

(p) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(24) Administration

(a) The program shall have a Governing Authority which shall establish policies in compliance with this rule and all other applicable rules.

(b) The Governing Authority shall establish that the owner, operator, or a designated operational director is on-site during the program's hours of operation and is responsible for the daily and ongoing operation of the program and for ensuring compliance with all rules and regulations, including chapter 65G-2, F.A.C., iBudget Handbook, , and chapter 393, F.S., whenever one or more participants are present.

(c) The Program director shall be a person of responsible character and integrity, and must possess at a minimum an associate's degree from an accredited college or university and two years, verifiable experience working directly with individuals receiving services or related experience.

(d) The licensee must be on-site a minimum of once a month to ensure all program components are being provided in accordance with applicable rules.

(e) The licensee shall ensure that each staff member:

1. Maintains personal cleanliness and hygiene;
2. Refrains from abusive, neglectful, exploitative, and other unacceptable conduct such as the use of alcohol, illegal use of narcotics or other impairing drugs, and behavior or language which may be injurious to participants;

3. Who is diagnosed as having a communicable disease, infection, or infestation after beginning work in the physical site shall be excluded from working until deemed non-infectious in the work setting.

4. If a violation of this section poses an immediate threat

of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(f) An area of the physical site shall be designated as office space where files, desk(s), telephone(s), and other administrative tools and equipment are located. Provisions shall be made for ensuring the security of confidential files and other types of records, such as account books, inventories, audits, and client/participant records. These records may be kept electronically. A violation of this paragraph shall constitute a Class II violation.

(g) All documentation must be completed in English. A violation of this paragraph shall constitute a Class III violation.

(25) Financial Standards

(a) The licensee shall maintain fiscal records pertaining to the cost of providing care to the Agency's clients in accordance with generally accepted accounting principles.

(b) Upon request by the Agency, the licensee shall provide to the Agency evidence of financial ability to operate the program in accordance with the requirements of Chapter 65G-2, F.A.C., for up to 60 days without dependence upon payment from the state or other third-party fees from clients. Such evidence shall include bank account statements, pay stubs, documentation of a line of credit, or any other documents which would demonstrate the expected ability of the licensee to continue operations for that period and under those conditions.

(c) If a program receives funds for developmental training programs, evidence of 12.5% match from local sources of in-kind services must be provided upon request by the Agency.

(d) The Agency may audit the records of a program to ensure compliance with chapter 65G-2, F.A.C., and chapter 393, F.S., provided that financial audits shall be limited to the records of the Agency's clients. Failure to maintain records shall constitute a Class III violation. Failure to allow the Agency access to records for an audit shall constitute a Class II violation.

(e) Upon request by the Agency, the program shall make available copies of any internal or external audit reports pertaining to funding received on behalf of the Agency's clients. Failure to allow the Agency access to client record shall constitute a Class II violation.

(f) The licensee, the program staff, direct service providers, and any family members thereof are prohibited from:

1. Being the named beneficiary of a client's life insurance policy unless related to the client by blood or marriage;

2. Receiving any indirect financial benefit from a client's life insurance policy unless related to the client or client by blood or marriage; or

3. Borrowing or otherwise using a client's personal funds for any purpose other than the client's or client's benefit.

4. Violation of paragraph (f) shall constitute a Class II

violation.

(26) Staffing requirements

(a) Staffing Ratios.

1. The licensee shall employ and schedule adequate staff to maintain the program in a manner that promotes and ensures the health, safety, and welfare of all participants, and protects participants and the public from any known dangerous behaviors. At a minimum, the licensee shall maintain the staffing pattern delineated and described on the participants' support plan(s), approved service authorizations, or agreed contract of care. Every participant, regardless of the funding source, must be included in the staffing ratio calculations.

2. If the Agency determines that the program does not have adequate staff, the Agency will send the program a Notice of Noncompliance for the first occurrence. Such notice will provide a timeline and a Corrective Action Plan to ensure that the program has an adequate number of qualified personnel. Additional occurrences shall be addressed in accordance with the disciplinary chart in Rule 65G-2.0041, F.A.C.

(27) Required Skills for All Direct Service Providers.

(a) A direct service provider must be capable of effective communication with the participants of the program as well as other individuals, such as support coordinators, Agency staff, family members of participants, and others who routinely interact with facility or program staff.

(b) A direct service provider must be mentally competent to comprehend, comply with, and implement all requirements provided by law and Agency rules and statutes for the provision of services rendered to participants of their facilities or programs.

(c) A direct service provider must be physically capable of performing the duties for which they are responsible.

(d) A direct service provider responsible for transporting participants shall not possess driving violations, committed within the past three years, which relate to driving under the influence of alcohol or drugs or any other moving violation(s) that resulted in the suspension or revocation of his or her license.

1. Licensees must update their staff's driving history on an annual basis.

2. A direct service provider must obey all traffic laws while transporting participants.

3. There must be a current and appropriate auto insurance policy that covers the vehicle and staff.

(e) Violations of this paragraph shall constitute a Class II violation. If a violation of this paragraph results in, or poses a serious immediate threat of, death or serious harm to the health, safety or welfare of a resident to a participant, the violation shall constitute a Class I violation, instead.

(28) Safety Standards.

(a) A direct service provider shall not be under the

influence of alcoholic beverages, medicine, or other substances to the extent their normal faculties are impaired. For the purpose of this paragraph "normal faculties" include but are not limited to the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgements, act in emergencies and, in general, to perform the ordinary mental and physical acts of daily life and employment duties.

(b) Licensees are responsible for ensuring that a direct service provider who transports participants has a valid driver's license.

(c) Licensees are required to ensure that all direct service providers continue to meet all staffing requirements in accordance with all applicable rules and Florida Statutes.

(d) On at least an annual basis, all licensees must access the Florida Department of Law Enforcement's Sex Offender and Predator System database for the purposes of identifying database registrants who reside within a one-mile radius of the physical site. The licensee shall notify all direct service providers of the location of sexual offenders or predators who live within one mile of the physical site and document such notification.

(e) The physical site shall have on the premises a first aid kit. The first aid kit shall be maintained in places known and readily available to all direct service providers.

1. The first aid kit must be adequately stocked with no expired items.

2. Potentially toxic materials contained within first aid kits shall be stored in a manner that does not pose a risk to participants.

(f) The program staff must call 911 immediately upon any emergency, injury, or illness that cannot be addressed effectively on site or any event that can be considered life threatening.

(g) The physical site shall conduct at minimum quarterly fire drills or more frequently if required by the fire authority having jurisdiction when participants are on site. Subject to fire authority having jurisdiction approval, evacuation of the premises shall not be required; however, the physical site shall ensure that the participants are taken at least to the point of exit. A current attendance record must accompany program staff during a drill or actual evacuation and be used to account for all participants.

1. Dates and results of each fire drill shall be recorded and maintained for three years following the date of the drill.

2. The record must include the time of drill, point(s) of exit(s) used, evacuation time, number of participants at the time of the drill, the length of time taken to evacuate the premises, and the signature of the person conducting the drill.

(h) The program shall provide supervision to each participant during an evacuation between the physical site and the transportation.

(i) The program shall ensure the use of the designated drop off and pick up areas during transitions from the physical site and transportation.

(j) The program will ensure that all participants are accounted for at all times during and upon completion of any program activity, whether on-site or in the outside community.

(k) If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(29) Behavioral Interventions and Responses to Behavioral Issues.

(a) The program shall have a written statement of policies and procedures describing actions that may be taken by a direct service provider to help prevent or respond to behavioral problems exhibited by participants, including emergency procedures and reporting requirements. Such policies and procedures, as well as any actions taken by a direct service provider involving participants of the program, shall be consistent with the provisions of section 393.13, F.S., as well as chapters 65G-4 and 65G-8, F.A.C.

(b) A direct service provider must be trained to appropriately respond to serious and spontaneous behavioral incidents requiring emergency intervention procedures.

(c) A direct service provider shall not implement emergency intervention procedures that use restraint or seclusion, or cause physical discomfort, unless they have been certified through an Agency-approved emergency procedure curriculum in accordance with chapter 65G-8, F.A.C.

(d) The following responses are strictly forbidden:

1. Physical or corporal punishment that includes, but is not limited to hitting, slapping, smacking, pinching, paddling, pulling hair, pushing, or shoving participants;

2. The use of noxious substances or devices which induce pain or other adverse stimulus to control behavior, including but not limited to pepper on tongue, squirt of lemon juice, ammonia inhalants, or electric shock;

3. Verbal abuse, including but not limited to cursing at participants, using slurs or derogatory names, or screaming;

4. Humiliation or psychological abuse, including but not limited to keeping a participant in wet or soiled clothing or diapers, making a participant stand in front of others to be ridiculed, preventing the client from wearing clothing, making a resident wear a sign, or placing a participant in a dark or locked time-out room.

(e) A violation of this section shall be a Class I violation.

(30) Investigations

(a) The licensee and program staff must cooperate and comply with any investigation conducted by the Agency or a law enforcement agency or any other agency authorized by law. Violations of this paragraph shall constitute a Class I violation.

(b) Paragraphs (c) and (d) are only applicable in situations where the licensee has been made aware of a verified DCF Abuse investigation.

(c) If a licensee, direct service provider, volunteer, or any other person working in the program has been identified as an alleged perpetrator in an active protective investigation of abuse, neglect, or exploitation of a vulnerable adult under Chapter 415, F.S., or abuse, abandonment, or neglect of a child under part II of Chapter 39, F.S., and the protective services investigator has reasonable suspicion that the abuse, neglect, exploitation, or abandonment has occurred, the alleged perpetrator shall be prohibited from being alone with participants unless he or she is under the constant visual supervision of another staff member who is not under such investigation. Violations of this paragraphs shall constitute a Class II violation.

(d) If the protective investigation concludes with a verified finding of abuse, neglect, exploitation, or abandonment against the alleged perpetrator, the perpetrator shall be prohibited from being alone with participants unless he or she is under the constant visual supervision of another person working in the facility or program who has not, to the knowledge of the licensee, been named as the alleged perpetrator in an ongoing protective investigation or has a verified finding, until the Corrective Action Plan, below, is accepted. If the perpetrator remains employed by the licensee, the licensee must submit a Corrective Action Plan that contains the following documentation to the Agency within 15 days of notification of the verified finding:

1. Explanation of why the licensee is not terminating the perpetrator;
2. What disciplinary action was taken against the perpetrator;
3. Any training, including dates, that the program staff member or direct service provider received; and
4. How the licensee will protect participants from abuse, neglect, or exploitation by this perpetrator.

(e) Failure to timely create a Corrective Action Plan in (c) shall constitute a Class III violation. Failure to follow a Corrective Action Plan shall constitute a separate Class II violation.

(d) If the protective investigation concludes with no verified finding of abuse, neglect, exploitation, or abandonment against the alleged perpetrator, the licensee, direct service provider, volunteer, or other person working in the facility or program may be permitted to resume unsupervised contact with participants of the facility or program.

(31) Medication and Specialized Equipment

(a) Any program that administers medication must comply with Chapter 65G-7, F.A.C.

(b) All medications must be adequately labeled and stored

in a locked location outside of participant access.

(c) Violations of this paragraph shall constitute a Class II violation. If a violation of this paragraph results in the abuse, exploitation or harm to a participant, the violation of this subparagraph shall constitute a Class I violation. If a violation of this section poses an immediate threat of, or causes, death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation.

(32) Requirements for Personnel Policies, Procedures, and Records.

(a) All licensees with staff shall develop and maintain the following:

1. Job descriptions for paid staff;
2. Documentation of all program staff training, including a record of training dates, training content, trainers, and staff in attendance;
3. Separate personnel records for each full and part-time staff member that contain written documentation of each staff member's name, home address, phone number, job assignment, education, qualifications, experience, references, background screening, staff training participation, performance evaluations, emergency management plan training, any disciplinary action taken against the staff member, and dates of employment and termination; and
4. A weekly written schedule indicating staff coverage posted at least one week in advance. Weekly schedules of actual staff coverage shall be maintained for a six-month period.

(b) The licensee shall provide a copy of any or all items discussed in this section to the Agency upon request, within three calendar days.

(c) Violations of this subsection constitutes a Class III violation.

(33) Direct Service Provider Training Requirements.

(a) All direct service providers must comply with all training requirements and training documentation retention requirements set out in the iBudget Handbook.

(b) For those participants with behavior plans, staff must be trained in the participant's current behavioral plans by a certified behavioral analyst.

(c) For those participants with nutrition plans, staff assisting with meals must be trained in the participant's current plan.

(d) Documentation of the training in paragraphs (b) and (c) must be maintained in the staff member's personnel record.

(e) Violations of paragraphs (a), (b), and (c) shall constitute Class II violations. Violation of paragraph (d) shall constitute a Class III violation.

(34) Sexual Activity and Physical Contact.

(a) The licensee shall develop and enforce a written policy regarding sexual activity involving participants of the program.

Violations of this paragraph shall constitute a Class II violation. If a violation of this paragraph results in, or poses a serious immediate threat of, death or serious harm to the health, safety or welfare of a resident to a participant, the violation shall constitute a Class I violation, instead. Such policy shall:

1. explicitly prohibit sexual activity between a participant and a covered person;

2. explicitly prohibit sexual activity that involves participants who are under the age of eighteen;

3. require staff to report sexual activity involving participants under the age of eighteen to Department of Children and families, and law enforcement;

4. not, in any way, abridge or restrict the civil and legal rights of persons with developmental disabilities, including those specified within section 393.13, F.S.; and

5. address appropriate physical boundaries and standards between a direct service provider and participants, including the following elements:

a. physical contact between a direct service provider and participants should be brief, age appropriate, and shall not include sexual activity.

b. a dress code for both participants and direct service providers shall be established that outlines the type of clothing that is acceptable as well as where and under what circumstances it is acceptable;

c. direct service providers and participants must respect personal space, except as may be necessary for participants who require visual supervision due to documented behavioral or medical issues;

d. a provision which permits direct service providers to assist or supervise a participant while he or she bathes, showers, or toilets, if the participant requires assistance or supervision, but staff shall never be permitted to bathe, shower, or toilet simultaneously with any participant under any circumstances;

e. guidelines concerning the level and type of supervision required for participants, with which all direct service providers shall be familiar; and

f. open communication among participants and direct service providers about events occurring in the facility in order to encourage reporting of incidents of abuse or inappropriate sexual behavior.

(b) The licensee shall provide direct service providers with training regarding the licensee's policy regarding sexual activity, involving participants prior to providing direct care services. Violation of this paragraph shall constitute a Class II violation.

(c) The following safeguards shall be implemented in any program that serves one or more sexually aggressive participants, or those who require a Safety Plan under the iBudget Handbook, chapter 65G-2, or any other similar requirement:

1. All direct service providers shall review all relevant records and complete history related to sexually aggressive participants in order to prevent the occurrence of sexual abuse incidents. When available to the licensee, such information provided to staff must include, but is not limited to, the date of the sexual abuse incident, type of abuse, brief narrative outlining the event, type of treatment the resident received, all remedial measures taken, and the outcome of the treatment. If the participant is currently in treatment, the licensee shall maintain contact information for the treatment provider;

2. Prior to attendance, an individualized Safety Plan shall be developed by a team to assess the risks of serving the sexually aggressive participant and determine the level of support and supervision required. The team shall include the prospective participant's support coordinator, facility operator, behavior analyst, the prospective resident and his or her legal representative, day program manager, companion, job coach, mental health counselor/psychologist, and school representative, as applicable. The Safety Plan shall address the following components:

a. Court ordered stipulations;

b. Behaviors of concern, including known predatory or "grooming" behaviors;

c. Triggers, high-risk situations, environmental stressors, and personal stressors;

d. Media concerns (including social media);

e. Prompts to reduce avoidance behaviors ;

f. Level and type of routine supervision required;

g. Staff assignments, including size or sex;

h. Community limitations;

i. Day program or work environment supervision; and

j. Alarms and monitoring devices.

3. The prospective participant, if legally competent, or his or her legal representative must sign and agree to the Safety Plan. The Safety Plan shall be reviewed and updated as needed, at least once a year.

4. A newly placed sexually aggressive participant shall be provided visual supervision at all times the participant is awake during the participant's first twenty-four (24) hours in the facility;

5. Known sexually aggressive participants shall never be left alone with other participants. Only one participant may use the bathroom at any time that the bathroom door is closed; and,

6. Participants who are minors are not permitted to possess obscene materials as defined in section 847.001, F.S., on the premises.

7. If a violation of this section causes or poses an immediate threat of death or serious harm to the health, safety or welfare of a resident, it shall be a Class I violation. All other violations of this section shall be a Class II violation.

(35) This Rule shall be reviewed, and if necessary, renewed

through the rulemaking process five years from the effective date.

Rulemaking Authority, 393.067, 393.0673, 393.501 F.S. Law Implemented 393.067, 393.0673, 393.13, F.S. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.001	Title
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Fire Code, Florida 2021 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code®, Florida 2021 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2021 Edition, and NFPA 101, the Florida 2021 Edition, Added to the Florida Fire Prevention Code
69A-60.006	Manufactured and Prototype Buildings
69A-60.007	Enforcement of the Florida Fire Prevention Code

PURPOSE AND EFFECT: To develop the 9th Edition of the Florida Fire Prevention Code. Pursuant to Section 633.202, Florida Statute, the State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to Section 633.202(2), F.S. Workshops will be announced in future editions of the Florida Administrative Register.

SUBJECT AREA TO BE ADDRESSED: The Department of Financial Services, Division of State Fire Marshal, announces that it is seeking written comments and proposals for Florida specific amendments to the editions of NFPA 1 (2024 edition) and NFPA 101 (2024 edition). The comment period begins August 30, 2024 and ends October 14, 2024 at 5:00 p.m. Written comments should be addressed to: Elijah Flowers, Bureau of Fire Prevention, Department of Financial Services, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. A proposal form is available on the Department’s website at <https://www.myfloridacfo.com/division/sfm/bfp/florida-fire-prevention-code>

RULEMAKING AUTHORITY: 633.104, 633.202, 633.204, 633.208, 1013.12 FS.

LAW IMPLEMENTED: 633.104, 633.202, 633.204, 633.208, 1013.12 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.

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: Elijah Flowers, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342 (850)413-3731 or elijah.flowers@myfloridacfo.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elijah Flowers, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3731 or elijah.flowers@myfloridacfo.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

NONE

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE NO.:	RULE TITLE:
5N-1.116	Insurance; Fees
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 50 No. 123, June 24, 2024 issue of the Florida Administrative Register.

5N-1.116 Insurance; Fees.

(1) through (3) No Change.

(4) Renewal fees.

(a) through (b) No Change.

(c) The division ~~will~~ ~~may~~ waive renewal late fees upon request received within three months of the license expiration date if the delay in filing the renewal application was in reasonable reliance on erroneous written information from the department, or the department’s failure to provide correct information.

(5) through (6) No change.

Rulemaking Authority 215.405, 493.6103, 493.6105(3)(j), 493.6107, 493.6113(4), 493.6202, 493.6203(5), 493.6302, 493.6402 FS. Law Implemented 215.405, 493.6105, 493.6107, 493.6110, 493.6111, 493.6113, 493.6115(13), 493.6202, 493.6203(5), 493.6302, 493.6402 FS. History—New 2-4-91, Amended 7-31-96, 2-17-00, Formerly 1C-3.116, Amended 1-24-06, 1-1-08, 2-14-17, _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:
67-60.010 Funding Preferences
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 50 No. 128, July 1, 2024 issue of the Florida Administrative Register.

67-60.010 Funding Preferences.

(1) through (3) No change.

(4) For those Applicants meeting the eligibility requirements of a competitive solicitation, the Corporation shall develop a scoring mechanism to evaluate and rank Applicant responses to the competitive solicitation. The elements of the scoring mechanism shall include, but not be limited to:

(a) Experience with successful completion of affordable housing projects.

(b) Having and maintaining a controlling interest in the ownership of affordable housing projects.

(c) Objective assessment of developer financial liquidity and capacity.

(d) Establishing all committed project financing within a given time period, with failure to do so resulting in reallocation of project funds to another Applicant.

Rulemaking Authority 420.507(12) FS. Law Implemented 420.507(47), (48), (49), 420.5087, 420.5089(2), 420.5099 FS. History—New 10-8-14, Repromulgated 9-15-16, 7-8-18, Repromulgated 7-6-22, Amended _____.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER24-36 RETAILER RESPONSIBILITIES

SUMMARY: This emergency rule sets forth provisions for preparing for the sale, and continued sale, of Lottery tickets by retailers.

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

THE FULL TEXT OF THIS EMERGENCY RULE IS:

53ER24-36 Retailer Responsibilities

(1) The Florida Lottery (“Lottery”) shall contract with specified retailers to sell lottery tickets.

(2) Except as otherwise specified herein, the term “equipment” shall be inclusive of communications equipment (inside and outside), terminal related peripherals, jackpot signs, play stations, vending machine equipment, and any other Lottery property. All equipment provided to the retailer by the Lottery or its vendors shall remain the property of the Lottery or its vendors, and retailers shall acquire no interest whatsoever in the equipment.

(3) Terminal.

(a) Prior to activation of a terminal, a retailer shall complete training relating to operation of the terminal, sale of lottery products, accounting procedures, ticket inventory control, responsible gaming and retailer responsibilities. Once the training is verified and the terminal is activated, the retailer shall operate the terminal and sell lottery products in accordance with the training.

(b) Retailers shall be responsible for meeting the following terminal installation requirements:

1. If landlord approval is necessary for Lottery terminal installation, it is the retailer’s responsibility to obtain such approval from the landlord in advance of the site survey and terminal installation. Landlord approval shall be obtained by the completion of Form DOL-468, Effective 8/2024, Landlord Approval for the Installation of Lottery Gaming Communications Equipment. Form DOL-468 is hereby incorporated by reference and may be obtained from the Florida Lottery’s website at floridalottery.com.

2. Retailers shall provide:

a. Access for the initial site survey and, if applicable, access for installation of outside communications equipment and running of necessary cables;

b. Electrical circuitry for terminal and peripherals;

c. Counterspace for the terminal and peripherals;

d. Exterior building space for outside communications equipment, if applicable;

e. Conduit, if applicable; and

f. Any other components determined to be necessary for terminal installation in unique situations.

3. All expenses associated with the items required to be provided by retailer shall be the sole responsibility of retailer.

(c) Retailers shall provide a minimum amount of space as determined by the Lottery at the location of the terminal for proper ventilation, maintenance, and material loading and removing.

(d) Retailers shall position the transaction monitor so that as a transaction occurs it is displayed and in full view of the player making the ticket purchase.

(e) Retailers shall safeguard ticket stock, replenish ticket stock, and clear paper jams as required on the terminal and/or terminal printer.

(f) Retailers shall use due diligence and care when operating the terminal and shall immediately notify the Lottery's designated hotline of any network communication problem or terminal malfunction. If the terminal's barcode scanner is lost by a retailer, the retailer shall be responsible for the cost of replacement.

(4) Playstation and Lottery Sales Materials. Retailers shall provide a space for a lottery playstation at a prominent location within the store that is approved by the Lottery. In determining whether to approve playstation placement, the Lottery will seek to optimize the promotional value and player convenience to be derived from the playstation, also considering factors such as the retailer's floor plan and customer traffic flow. All playstations must be Lottery-approved. Retailers shall maintain an adequate supply of pencils, play slips, claim forms, brochures and other Lottery materials for use by players as provided by the Lottery or authorized vendor. Retailers shall display and maintain in prominent locations point of sale materials provided by the Lottery to include electronic displays, odds pieces and other Lottery sales materials.

(5) Vending Machine.

(a) If a retailer's contract provides for the sale of lottery tickets from a vending machine, the retailer shall complete training relating to operation of the vending machine prior to activation. Once the retailer training is verified and the vending machine is activated, the retailer shall operate the vending machine and sell lottery tickets in accordance with the training.

(b) Retailers shall be responsible for providing a grounded power outlet within 10 feet of the vending machine location and shall provide adequate space for the vending machine. The Lottery shall approve the placement of the vending machine in the retailer's store taking into consideration key factors, such as the line of sight for monitoring by store personnel, proximity to a power source and foot traffic patterns. Once placement is made, the vending machine cannot be moved without consent of the Lottery. Any approved relocation of a vending machine shall be made by the Lottery's vendor.

(c) The vending machine shall be in direct line of sight of store personnel. The retailer is required to monitor the vending machine during business hours and must know the procedure to disable the vending machine remotely. If a person under the age of 18 attempts to purchase lottery tickets through the vending machine, store personnel must deactivate the vending machine. At least one person must be on duty at all times the vending machine is operational; however, at least two persons must be on duty at any retailer location which has violated Section 24.1055, Florida Statutes.

(d) The vending machine inventory shall be determined by the Lottery as set forth by the Plan-O-Gram. The retailer shall ensure that an adequate supply of inventory is available and that the vending machine remains fully stocked and is operational during business hours.

(e) The retailer's responsibilities with respect to maintaining the vending machine are:

1. Stocking of Scratch-Off tickets;

2. Stocking of ticket stock;

3. Removal of currency at least daily;

4. Printing reports;

5. Replacing printer paper and clearing paper jams;

6. Keeping machine and surrounding area clean and free of obstruction;

7. Keeping area around machine well lit; and

8. Ensuring that only Lottery-approved signage and messages are displayed on the machine, including any electronic message display device(s).

(f) Retailer shall call the vending machine vendor's hotline to report any problems that cannot be resolved by the retailer in accordance with the Vending Machine User Manual. This number should be called as soon as it is determined that service or telephone support is needed.

(g) Retailer shall allow only Lottery personnel or authorized service technicians with proper identification access to the vending machine. Retailer shall not perform mechanical or electrical maintenance on the vending machine unless instructed by the Lottery.

(h) If a key to the vending machine is lost by the retailer, the machine must be fitted with new locks and a new key issued for security reasons, all at the retailer's expense.

(i) If a remote deactivation device is lost by the retailer, the retailer shall pay the cost of replacement.

(j) If the cash collection box is lost or damaged by the retailer, the retailer shall pay the cost of replacement.

(6) General Provisions.

(a) Retailers shall pay a weekly service charge as determined by the Lottery, taking into consideration factors such as salary costs, travel costs, the cost of materials, and associated administrative expenses. A retailer will not be assessed a service charge for promotional or additional terminals.

(b) Retailers shall pay all electrical utility charges in connection with the operation of the equipment.

(c) Retailers shall provide access to Lottery equipment to Lottery or vendor personnel presenting proper identification.

(d) Retailers shall be responsible for the physical security of all equipment and shall be responsible for the cost of replacement of any lost equipment.

(e) Material not authorized by the Lottery shall not be displayed at or dispensed from the playstation or other equipment.

(f) The Lottery will review occurrences of negligent, intentional or unintentional damage to equipment by retailer or its employees and determine whether to recover the cost of such damages by considering factors such as the remedial steps, if any, taken by the retailer to prevent such occurrences in the future.

(g) Retailers shall not attempt to perform any mechanical or electrical maintenance or repairs on equipment except as authorized by the Lottery or its vendors.

(7) The effective date of this emergency rule is August 26, 2024.

(8) This emergency rule replaces Emergency Rule 53ER20-9, F.A.C.

Rulemaking Authority 24.105(9), 24.109(1), 24.112(1) FS. Law Implemented 24.112 FS. History—New 8-26-24, Replaces 53ER20-9.

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

EFFECTIVE DATE: 8/26/2024

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
 65CER22-1 Standards for Unaccompanied Alien Children and Unaccompanied Refugee Minor Programs

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On September 28, 2021, the Governor of the State of Florida signed Executive Order 21-223, declaring that the Biden administration’s refusal to faithfully enforce federal immigration laws has led to an unprecedented surge of illegal border crossings at the southwest border of the United States. In July 2021 alone, over 213,000 persons attempted to illegally enter the United States at the southwest border, the highest number in more than 20 years, and another 209,840 persons attempted to illegally enter in August. Note 1. For the entire federal fiscal year of 2021, over 1.7 million foreign nationals were encountered at the southwest border attempting to enter the country illegally. Note 2. In the first quarter of this federal fiscal year, the reported number of such encounters stands at more than 518,000. Note 3. By contrast, in the last full federal fiscal year of the previous administration (federal fiscal year 2020), there were fewer than 460,000 such encounters, and in the fiscal year before that (federal fiscal year 2019), there were fewer than 980,000 encounters. Note 4.

The Biden administration has taken numerous actions to cause and further exacerbate this border crisis. It terminated the

previous administration’s Migrant Protection Protocol (MPP) program (also known as the “Remain in Mexico” policy), reinstated a “catch and release” policy, ended further construction of a border wall, and declined to detain and remove certain categories of illegal aliens who had been convicted of committing crimes. The administration’s unlawful termination of MPP was successfully challenged in court, see *Texas v. Biden*, No. 21-10806 (5th Cir. Dec. 21, 2021), but the Biden administration is currently working to reimplement the program. Its other actions, however, remain in effect.

Notwithstanding that federal immigration law generally requires that aliens entering the United States without a clear right to be admitted (including applicants for asylum) must be detained pending further proceedings, see 8 U.S.C. § 1225(b)(2)(A), *id.* § 1225(b)(1)(B), the Biden administration has instead been releasing into the interior of the United States large numbers of illegal aliens apprehended at the southwest border. The U.S. Border Patrol released 60,559 illegal aliens from the southwest border in July 2021 alone and another 44,122 in August 2021, a massive increase from the 17 illegal aliens released in December 2020, the last full month of the previous administration. Note 5. During federal fiscal year 2021, the Border Patrol released in total more than 248,000 aliens apprehended at the southwest border, almost all of which occurred after January 2021. Note 6. This number does not reflect additional releases by other elements of the U.S. Department of Homeland Security (DHS). In an October 20, 2021 letter, DHS confirmed that at least 5,900 single illegal alien adults who were released at the southwest border have reported to an Immigration and Customs Enforcement (ICE) field office in Florida. This number likely vastly underreports the number of released illegal aliens from the southwest border who have resettled in Florida because approximately 80% of aliens who are released at the border and are directed to report to an ICE office within 60 days reportedly fail to do so. Note 7. Because the Federal Government does not actively coordinate or consult with the State of Florida concerning the illegal aliens that it releases from the southwest border into the interior of the United States, the State of Florida has no knowledge about the backgrounds, criminal history, immigration status, or the status of removal proceedings for the aliens who have resettled in Florida. The State of Florida has brought a legal challenge to the Biden administration’s unlawful “catch and release” policy, which is now pending in the U.S. District Court for the Northern District of Florida. See *First Amended Complaint for Declaratory and Injunctive Relief, State of Florida v. United States*, No. 3:21-cv-01066-TKW-EMT (N.D. Fla. Feb. 1, 2022) (articulating harms to the State of Florida because of the Biden administration’s “catch and release” policy).

The surge of foreign nationals attempting to enter illegally at the southwest border has included a large number of

Unaccompanied Alien Children (UAC), defined by federal law as a child who has no lawful immigration status; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide physical custody and care, see 6 U.S.C. § 279(g)(2). Over 146,000 encounters at the southwest border for federal fiscal year 2021 involved UAC or single minors, compared to approximately 33,000 in fiscal year 2020 and 80,000 in fiscal year 2019. Note 8. For federal fiscal year 2022, the number of such encounters has already reached more than 85,000. Note 9. Under existing federal law, the U.S. Department of Health and Human Services (HHS) must take custody of these UAC and attempt to place them with sponsors in the United States until the UAC's immigration proceedings are completed. While the UAC await placement with a sponsor, HHS will often house the UAC in group home facilities or foster homes that are operated by private entities or individuals under contract with HHS and licensed by the states where the facilities or homes are located. It is estimated that at least 4,284 UAC were housed in group home facilities or foster homes in Florida over the last year. During federal fiscal year 2021, 11,145 UAC were placed with sponsors in Florida, more than the 10,773 UAC placed in California, a substantially larger state. Note 10. So far during federal fiscal year 2022, 6,659 UAC have already been placed in Florida. Note 11.

Neither DHS nor HHS actively coordinates or consults with the State of Florida, including the Department, on the UAC that are resettled in Florida. The State does not receive meaningful, if any, advance notice when UAC are transported to Florida and is not meaningfully consulted on the number of UAC that the State's child-caring resources and capacity could feasibly support without adversely affecting children already present in Florida and under the State's protection and care. Recently, the State of Florida discovered that, between May and October 2021, there were 78 flights that arrived in Florida likely transporting UAC. This occurred without advance notice to the Department and without the State's consent. The State is given no opportunity to object to the transportation or resettlement of UAC in Florida.

Moreover, the State receives no information on the background, criminal history, immigration status, status of removal proceedings, or the sponsors of the UAC brought to Florida. See, e.g., Letter from Governor Ron DeSantis to DHS Secretary Alejandro Mayorkas, Resettlement of Illegal Aliens in Florida, Aug. 26, 2021; Letter from Acting ICE Director Tae Johnson to Governor Ron DeSantis, Oct. 20, 2021; Letter from DHS Secretary Alejandro Mayorkas to Governor Ron DeSantis, Nov. 24, 2021. UAC are regularly placed with sponsors without adequate follow-up by HHS or the placement entities to ensure the safety and welfare of the UAC. According to a recent report,

between January and May 2021, federal contractors responsible for placing UAC with sponsors across the United States were unable to reach the minor or the sponsor in roughly one of every three attempts. Note 12. Nor does the State have any assurance that the UAC are, in fact, minors. As a result of the chaos at the southwest border, there is a significant risk of insufficient and inaccurate vetting of people claiming protection as UAC. Many UAC are male teenagers nearing adulthood, and some are gang members when they arrive or later become gang members. Note 13. Recently, a 24-year-old Honduran national was charged with murder in Florida after having falsely represented his age and having been released into the United States as a UAC. Note 14. In short, the Federal Government has failed to provide the State of Florida with sufficient answers to its requests for information on the resettlement of illegal aliens, including UAC, so that their safety and the safety and welfare of Florida's citizens, including children already present in Florida, can be secured. The Federal Government's failure to enforce federal immigration law and secure the border, as well as the absence of meaningful coordination and consultation concerning the resettlement of UAC in Florida, are an immediate danger to the safety and welfare of Floridians, including its most vulnerable children, as well as recently arrived UAC. (The Federal Government's conduct with respect to the resettlement of UAC in Florida stands in stark contrast to the Federal Government's conduct with respect to the resettlement of Unaccompanied Refugee Minors (URM), where the Federal Government has a cooperative agreement in place with the State of Florida.)

To date, the Department has generally granted licenses to facilities that sought to house UAC brought to Florida by HHS. In light of the crisis described above, Section 8 of Executive Order 21-223 directed the Department to "determine whether the resettlement of unaccompanied alien children in Florida from outside of the state constitutes 'evidence of need' under section 409.175(5)(b)(1), Florida Statutes, sufficient to justify the award of a license under Florida law to family foster homes, residential child-caring agencies, or child-placing agencies that seek to provide services for unaccompanied alien children." "To the extent that such resettlement of unaccompanied alien children in Florida is determined not to constitute 'evidence of need' under Florida law," the executive order directed the Department to "amend, if necessary, Florida Administrative Code Rule 65C-46.022, 'Standards for Unaccompanied Alien Children (UAC) Homes and Unaccompanied Refugee Minor Programs,' in accordance with state law, to reflect the Department's determination." In this Emergency Rule, the Department determines that an application for issuance or renewal of a license to house UAC or URM, who are being resettled in Florida from outside of the state, does not constitute "evidence of need," § 409.175(5)(b)1, Florida Statutes, "to protect the health, safety, and well-being of all children in the

state” cared for by residential child-caring agencies, § 409.175(1)(a), Florida Statutes, in the absence of a cooperative agreement between the State of Florida and the Federal Government in which the State of Florida is entitled, at a minimum, to advance notice and meaningful consultation before the resettlement of such UAC or URM in Florida. The Emergency Rule also prohibits existing licensees from adding to their existing UAC population and imposes additional requirements to ensure that such licensees protect the safety and welfare of UAC that they place with sponsors in the state.

Given the ongoing crisis at the border, including the Federal Government’s failure to enforce federal immigration law and to secure the border, the resettlement of UAC in Florida, its ongoing refusal to provide meaningful coordination and consultation, its failure to provide adequate protection for and supervision of UAC once they are placed with sponsors in the state, and its failure to adequately screen purported UAC (as evidenced by the recent murder charge brought against an adult foreign national who misrepresented his age to gain entry to the United States), emergency rulemaking is justified and necessary.

Note 1: Rebecca Beitsch, US-Mexico July Border Crossings Hit 20 Year High, *The Hill* (Aug. 12, 2021), <https://thehill.com/policy/national-security/567647-us-mexico-july-border-crossings-near-20-year-high>; see U.S. Customs & Border Prot., Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last updated May 3, 2022) (showing 213,593 for July and 209,840 for August).

Note 2: U.S. Customs & Border Prot., Southwest Land Border Encounters, *supra* note 1.

Note 3: *Id.*

Note 4: *Id.*

Note 5: See U.S. Customs & Border Prot., Custody and Transfer Statistics FY2021, <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics-fy2021> (last accessed May 23, 2023).

Note 6: See *id.*

Note 7: See Mark Krikorian, Immigration Enforcement on the Honor System, <https://www.nationalreview.com/corner/immigration-enforcement-on-the-honor-system/> (July 16, 2021). In addition, between federal fiscal year 2008 and 2019, “32 percent of aliens referred to [immigration courts] absconded into the United States” and did not report to their hearings. See Memorandum Opinion and Order, *Texas v. Biden*, No. 2:21-CV-067-Z, 2021 WL 3603341, at *4 (N.D. Tex. Aug. 13, 2021).

Note 8: See U.S. Customs & Border Prot., Southwest Land Border Encounters, *supra* note 1.

Note 9: See *id.*

Note 10: See Office of Refugee Resettlement, Unaccompanied Children Released to Sponsors by State (June 24, 2021), <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>.

Note 11: See *id.*

Note 12: See Stef W. Knight, Exclusive: Government Can’t Reach One-in-Three Released Migrant Kids (Sept. 1, 2021), <https://www.axios.com/migrant-children-biden-administration-a597fd98-03a7-415c-9826-9d0b5aaba081.html>.

Note 13: See Camilo Montoya-Galvez, U.S. Shelters Received a Record 122,000 Unaccompanied Migrant Children in 2021, CBS News (Dec. 23, 2021), <https://www.cbsnews.com/news/immigration-122000-unaccompanied-migrant-children-us-shelters-2021/> (stating that nearly three-quarters of unaccompanied minors encountered at the border during the 2021 fiscal year were believed to be ages 15 to 17 and roughly two-thirds of the total were males); Kerry J. Byrne, The Number of Adult Migrants Posing as Children at Border Surging, *N.Y. Post* (Nov. 13, 2021), <https://nypost.com/2021/11/13/the-number-of-adult-migrants-posing-as-children-at-border-surging/> (reporting that about “30% of the MS-13 members arrested in recent years by ICE originally entered the U.S. as unaccompanied minors”); see also Written testimony of CBP U.S. Border Patrol Acting Chief of Carla Provost for a Senate Committee on the Judiciary hearing titled “The MS-13 Problem: Investigating Gang Membership As Well As Its Nexus to Illegal Immigration, and Assessing Federal Efforts to End the Threat”, Department of Homeland Security (June 21, 2017), <https://www.dhs.gov/news/2017/06/21/written-testimony-cbp-senate-committee-judiciary-hearing-titled-ms-13-problem#fn3>; Unaccompanied child immigration loophole releases MS-13 gang members, *AP News* (Jan. 13, 2019), <https://apnews.com/article/5d2784fb7c909b43791d6aea63339a6c>.

Note 14: See Adam Shaw, Honduran Illegal Immigrant Charged with Murder Entered US Falsely Claiming to be Unaccompanied Minor: Report (Nov. 4, 2021), <https://www.foxnews.com/politics/honduran-illegal-immigrant-charged-murder-entered-us-unaccompanied-minor>. REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure is fair under the circumstances because the Emergency Rule ends the State’s practice of facilitating the Federal Government’s UAC resettlement program without terminating existing licenses or otherwise permanently foreclosing the issuance of licenses for UAC in the future. Instead, going forward, the State will require a meaningful cooperative agreement with the Federal Government, including a commitment to resume full enforcement of the immigration laws and to secure the border,

before issuing or renewing licenses for housing UAC. (The same principle will apply for licenses to house URM, but there is a cooperative agreement with the Federal Government already in place.) In the meantime, existing licensees will not be permitted to add to their existing UAC population and will be subject to additional obligations to ensure the welfare and safety of the UAC whom they place with sponsors in Florida, but their existing licenses will not be cancelled.

SUMMARY: The Emergency Rule addresses licensing requirements for any residential child-caring agency, child-placing agency, or family foster home seeking to provide services for UAC or URM. The Department has adopted Rule 65C-9.004, F.A.C., but it is awaiting legislative ratification. This rule provides that the resettlement of UAC or URM by the Office of Refugee Resettlement (ORR) into Florida does not constitute “evidence of need” under section 409.175(5)(b)1, Florida Statutes, “to protect the health, safety, and well-being of all children in the state” cared for by residential child-caring agencies, § 409.175(1)(a), in the absence of a cooperative agreement between the State of Florida and the Federal Government. The Emergency Rule also prohibits existing licensees from adding to their UAC population and requires such licensees to conduct welfare checks of the UAC whom they place with sponsors in Florida.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Elizabeth Floyd at Elizabeth.Floyd@myflfamilies.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER22-1 Standards for Unaccompanied Alien Children and Unaccompanied Refugee Minor Programs (Renewal).

(1) Any residential child-caring agency, child-placing agency, or family foster home, as those terms are defined in 409.175(2), F.S., seeking to provide services for Unaccompanied Alien Children (UAC) and Unaccompanied Refugee Minors (URM) must meet licensing requirements herein in addition to the program standards for the type of license sought.

(2) For purposes of section 409.175(5)(b)1, F.S., which requires “evidence of need” to obtain a license, and section 409.175(1)(a), F.S., which provides that the purpose of the licensure requirement is to “protect the health, safety, and well-being of all children in the state” who are cared for by residential child-caring agencies or family foster homes, or placed by child-placing agencies, the planned and organized resettlement of UAC or URM by the Office of Refugee Resettlement (ORR) of the U.S. Department of Health and Human Services does not constitute evidence of need as required for issuance or renewal of a license for a residential

child-caring agency, child-placing agency, or family foster home that seeks to provide services to such UAC or URM, unless such resettlement is governed by a cooperative agreement between the State of Florida and the United States Government. In the absence of such cooperative agreement, no license will be issued or renewed with respect to any residential child-caring agency, child-placing agency, or family foster home that applies to provide services for UAC or URM resettling to Florida, and any residential child-caring agency, child-placing agency, or family foster home providing such services under a current license to UAC or URM who have already resettled in Florida may not further place or take placement of any additional UAC or URM until a cooperative agreement is entered. For purposes of this rule, the term “resettlement” means the transportation of persons to Florida for the purpose of temporarily or permanently residing in Florida. The Department has no obligation to enter or renew a cooperative agreement with the United States Government for the resettlement of UAC or URM to Florida, and the Department may revoke or decline to enter or renew such agreement.

(3) The child-placing agency or residential child-caring agency, whichever is applicable, must ensure a contractual or grant agreement was executed between ORR and the child-placing agency or residential child-caring agency in order to provide care and services to UAC.

(4) The child-placing agency or residential child-caring agency, whichever is applicable, must ensure a contractual or grant agreement was executed between the U.S. Government and the State of Florida in order to provide care and services to URM.

(5) Care and supervision of UAC, URM, and dependent youth may not be provided in the same home or under the same license. The child-placing agency must ensure foster parents comply with this requirement.

(6) For a residential child-caring agency, the director and direct care staff must sign and comply with the plan applicable to the licensed setting. For a foster home, the child-placing agency must ensure the foster parents sign and comply with the plan applicable to the licensed setting. Residential child-caring agencies, child-placing agencies, or foster homes that provide services for UAC must use the “Plan for Unaccompanied Alien Children” Form, CF-FSP 5488, February 2022, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14108>. Residential child-caring agencies, child-placing agencies, or foster homes that provide services for URM must use the “Partnership Plan for Unaccompanied Refugee Minors,” Form CF-FSP 5487, February 2022, incorporated by reference and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-14107>.

(7) The residential child-caring agency or child-placing agency, whichever is applicable, must conduct in-person welfare checks of any UAC that it places, or assists in placing, with a sponsor after the effective date of this rule to ensure each child's safety and well-being.

(a) The welfare checks must be completed a minimum of once every six months until one of the following occurs:

1. The child reaches the age of 18;
2. The child permanently leaves Florida;
3. The child is removed from the United States;
4. The child is granted lawful immigration status; or
5. The residential child-caring agency or child-placing agency closes or is no longer licensed.

(b) The welfare checks must include:

1. Verifying the identity of the child through previously submitted photographs obtained by the child-placing or residential child-caring agency;

2. Taking a photograph of the child;

3. Looking for any unusual marks on visible parts of the body;

4. Speaking with the child about any issues he or she may be experiencing; and

5. Speaking with the caregiver about the child's well-being and basic needs.

(c) The child-caring or child-placing agency must report the results of the welfare checks to the Department or, if applicable, the Florida Abuse Hotline as follows:

1. Suspected incidents of child abuse and neglect must be immediately reported to the Florida Abuse Hotline in accordance with Chapter 39, F.S.

2. If the welfare check does not reveal any of the incidents described in (7)(c)1. of this rule, then the report must be made no later than the fifth (5th) day of the month following the date the welfare check was conducted, e.g., if a welfare check is completed on January 15, then the report must be made no later than February 5. The report must include the following:

a. Name of the child and date of birth.

b. Date the welfare check was conducted.

c. Name of the child's caregiver.

d. Location of the in-person welfare check.

e. Statement affirming that there were no presenting issues or concerns.

f. Any indication that the child is no longer residing in or is temporarily relocated from the sponsor's home, to include that the child has been determined to be missing or the child's whereabouts are unknown.

(8) Any child-placing agency or residential child-caring agency that provides care to URM must adhere to all contractual

and federal case management requirements when conducting in-person child welfare checks.

(9) The residential child-caring agency must ensure all direct care staff complete training hours on immigration in child welfare, cultural awareness, and human trafficking related topics, as outlined in section 4.3.6. of the Office of Refugee and Resettlement UAC Program Policy, March 11, 2019, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13072>. The child-placing agency must ensure foster parents complete training hours outlined in 65C-45.002, F.A.C.

(10) The child-placing agency or residential child-caring agency must provide a copy of its education plan outlining how education will be provided.

(11) The child-placing agency or residential child-caring agency must develop policies and procedures on the administration and management of medication. A licensed health care provider must write or verbally order all nonprescription medications. Verbal orders must be documented in the child's file. The residential child-caring agency or child-placing agency must align all health and safety policies with ORR guidelines.

(12) The child-placing agency or residential child-caring agency must notify the Department of any changes in the contract/grant agreement with ORR, and submit an updated copy, to include ORR's decision to no longer utilize the facility.

(13) For purposes of this rule, the term "Unaccompanied Alien Child" has the same meaning as in 6 U.S.C. § 279(g)(2), and the term "Unaccompanied Refugee Minor" means an unaccompanied minor, as defined in 45 C.F.R. §400.111, who has met the federal eligibility standards for placement into the Unaccompanied Refugee Minor Program.

(14) This Emergency Rule will expire on November 23, 2024.

PROPOSED EFFECTIVE DATE: August 25, 2024.

Rulemaking Authority 409.175(5) FS. Law Implemented 409.175 FS.

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

EFFECTIVE DATE: August 25, 2024

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements
 NOTICE IS HEREBY GIVEN that on August 23, 2024, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance for Subparagraph 3-305.11(A)(2), 2017 FDA Food Code, Section 3-305.14, 2017 FDA Food Code, Section 6-202.15, 2017 FDA Food Code, Section 6-202.16, 2017 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from El Carriel Bar & Obsession located in Clearwater. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle. The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF HEALTH
 Board of Clinical Laboratory Personnel
 RULE NO.: RULE TITLE:
 64B3-5.002 Supervisor
 NOTICE IS HEREBY GIVEN that on August 20, 2024, the Board of Clinical Laboratory Personnel, received a petition for variance and waiver submitted by Janice Ross-Ferguson. Petitioner is seeking a permanent variance or waiver of paragraph 64B3-5.002(3)(f), F.A.C., which sets forth the education, training/experience and examination requirements for a licensure as a Supervisor in Molecular Pathology. Comments on this petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Dayle Mooney, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C-07, Tallahassee, Florida 32399-3258, telephone: (850)488-0595, or email, Dayle.Mooney@flhealth.gov.

DEPARTMENT OF HEALTH
 Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
 NOTICE IS HEREBY GIVEN that on August 22, 2024, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for submitted by Nichole M. Watson. Although Petitioner did not

cite a rule or statute, it appears that Petitioner is seeking an emergency variance and waiver from Rule 64B4-3.0085, F.A.C. The Petitioner requests that the Board allow the Petitioner to complete and/or redo the internship hours in order to complete Petitioner’s Mental Health License.
 Comments on the petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258, telephone: (850)488-0595, or by electronic mail – Ashleigh.Irving@flhealth.gov, within 14 days of publication of this notice.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Ashleigh Irving, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION
 State Board of Education
 The Department of Education, Special Facilities Construction Committee announces a public meeting to which all persons are invited.
 DATE AND TIME: September 5, 2024, 1:00 p.m.
 PLACE: 325 West Gaines Street, Tallahassee, Florida 32399.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Special Facilities Construction Committee will consider and rank requests for special facilities construction funding for the 2025 legislative session, pursuant to subsection 1013.64(2), Florida Statutes. Proposals will be considered from Baker County School District, The School District of Desoto County, Holmes District School Board, and Union County School District.
 A copy of the agenda may be obtained by contacting: Rick Vermillion, Director, Office of Educational Facilities, (850)245-9239 or Rick.Vermillion@fldoe.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 two days before the workshop/meeting by contacting: Rick.Vermillion@fldoe.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: Rick Vermillion, (850)245-9239 or Rick.Vermillion@fldoe.org.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District One announces a public meeting to which all persons are invited.

DATES AND TIMES: VIRTUAL: Thursday, September 5, 2024, 6:00 p.m.; IN PERSON: Tuesday, September 10, 2024, 5:00 p.m.

PLACES: www.swflroads.com/project/449646-1 or Bayside Community Church – Bayshore Gardens Campus 5051 26th St W, Bradenton, FL 34207

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to a public meeting for safety improvements and access changes along US 41 (14th St. W.) and State Road (S.R.) 684 (Cortez Rd. W.) in Manatee County.

The proposed safety improvements include installing three mid-block crossings with pedestrian hybrid beacons along US 41 between 53rd Avenue and Orlando Avenue; modifying two median openings for SR 684 at 32nd Street W. and 28th Street W. The meeting will provide information about the changes and offer the public the opportunity to express their views on the improvements.

You can participate in-person or live online. The same materials will be displayed at both the events.

LIVE ONLINE OPTION:

Register in advance: www.swflroads.com/project/449646-1
Thursday, September 5, 2024
6:00 P.M. – 7:00 p.m.

This event will include a viewing of the project video and the ability to input comments. Please review the materials on project webpage before attending the online event (www.swflroads.com/project/449646-1). Materials will be posted by August 29, 2024.

IN-PERSON OPTION:

Tuesday, September 10, 2024

Anytime between 5:00 -7:00 p.m.

Bayside Community Church – Bayshore Gardens Campus
5051 26th St W, Bradenton, FL 34207

This will include a looping project video (no formal presentation) and the project team will be available for discussion.

If you are unable to attend the meeting, comments can also be provided through the project webpage (www.swflroads.com/project/449646-1) or by email (xiaoxue.peng@dot.state.fl.us) or mail (FDOT District One, Attn: Xiaoxue (Snow) Peng, PE, 801 N. Broadway Ave., Bartow, FL 33830). While comments about the project are accepted at any time, they must be received or postmarked by September 20, 2024, to be included in the formal record. You can reach out to FDOT Project Manager Xiaoxue (Snow) Peng, PE, at (863)519-2528 if you have any questions.

FDOT is sending notices to property owners, business owners, interested persons and organizations within 300 feet of the project to provide the opportunity to give comments to FDOT regarding this project. This meeting is being held in compliance with Rule 14-97 of the Florida Administrative Code (modifications to access management) and all other related federal and state statutes.

A copy of the agenda may be obtained by contacting: Xiaoxue (Snow) Peng, PE, at xiaoxue.peng@dot.state.fl.us

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: Cynthia Sykes, FDOT District One Title VI Coordinator by email at Cynthia.Sykes@dot.state.fl.us or by phone at (863)519-2287. 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: Xiaoxue (Snow) Peng, PE, at xiaoxue.peng@dot.state.fl.us

REGIONAL PLANNING COUNCILS**Tampa Bay Regional Planning Council**

The Tampa Bay Regional Planning Council's Agency on Bay and Coastal Management announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2024, 9:00 a.m.

PLACE: In-person location: 4000 Gateway Centre Blvd., STE 100, Pinellas Park, Florida 33782.

Zoom meeting option:

<https://us02web.zoom.us/j/83743035327?pwd=WUhfZi9mNU12blVGbndtMmt3bi81Zz09>

Meeting ID: 837 4303 5327

Passcode: 834259

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues affecting the Tampa Bay region's ecosystems, such as water quality and restoration.

A copy of the agenda may be obtained by contacting: Maria Robles, maria@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: Maria Robles, maria@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: Maria Robles, maria@tbrpc.org

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

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

DATE AND TIME: Wednesday, September 4, 2024, 5:05 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the FY 2024-25 tentative millage rate and tentative budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention Heather Barnes, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4239, or by visiting the District's website at sjrwmd.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 48 hours before the workshop/meeting by contacting: Civil Rights Coordinator at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

Emergency Communications Board

The Florida Emergency Communications Board announces a public meeting to which all persons are invited.

DATES AND TIMES: Day 1: October 16, 2024, 1:00 p.m. – 4:00 p.m.

You may use the following Zoom link to view meeting documents from your computer, tablet, or smartphone:

<https://us06web.zoom.us/j/87276253120>

Day 2: October 17, 2024, 9:30 a.m. until - close of business

You may use the following Zoom link to view meeting documents from your computer, tablet, or smartphone:

<https://us06web.zoom.us/j/89483450693>

PLACE: 4050 Esplanade Way, Room 101 Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Day 1: Fall Rural Grants Review

Day 2: General Business, Fall Rural Grant Awards

A copy of the agenda may be obtained by contacting: Leon.Simmonds@dms.fl.gov

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: Leon.Simmonds@dms.fl.gov. 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: Leon.Simmonds@dms.fl.gov

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

The Florida Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 3, 2024, 10:00 a.m., EST

PLACE: Cutler Bay Town Hall, City Council Chambers, 10720 Caribbean Blvd., Cutler Bay, FL 33189, and online.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Environmental Protection is hosting a meeting of the Biscayne Bay Commission to discuss matters pertaining to the protection of the vital natural resources within Biscayne Bay.

A copy of the agenda may be obtained by contacting:

<https://ProtectingFloridaTogether.gov/BiscayneBayCommission>

on. This meeting will also be broadcast by The Florida Channel at <https://TheFloridaChannel.org/>.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least 48 hours before the meeting.

For more information, you may contact: BBCommission@FloridaDEP.gov or call (786)798-4505

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

The Board of Chiropractic Medicine announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 17, 2024, 2:00 p.m.

PLACE: 1(888)585-9008/ 136-103-141#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel

A copy of the agenda may be obtained by contacting: <https://floridaschiropracticmedicine.gov>

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: (850)245-4355. 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: MQA.Chiropractic@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2024, 9:00 a.m., ET

PLACE: Microsoft Teams at

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjM3NTAwOWItZTA2YS00MjQ2LWFmNmUtMmI2NDk4Y2IwNDY5%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%22559147df-a237-49b9-b95f-ab8b87f47a7f%22%7d or by phone at (850)792-1375 using Access Code: 883 857 348#.

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://floridasmentalhealthprofessions.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: Kieran Compagnone, Program Operations Administrator by phone at (850)558-9601, by email at Kieran.Compagnone@flhealth.gov, or by mail at 4052 Bald Cypress Way, Bin C-08, 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: Kieran Compagnone, Program Operations Administrator by phone at (850)558-9601, by email at Kieran.Compagnone@flhealth.gov, or by mail at 4052 Bald Cypress Way, Bin C-08, Tallahassee, FL 32399.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

The Board of Orthotists and Prosthetists announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2024, 9:00 a.m., EST

PLACE: Please join the meeting from your computer, tablet or phone using Microsoft TEAMS at [Click here to join the meeting](#),

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjlmYjk3ODgtYzAwMi00ODdjLWl5YTYtNWlzZGQzOGVlMjZj%40thread.v2/0?context=%7b%22Tid%22%3a%2228cd8f80-3c44-4b27-81a0-cd2b03a31b8d%22%2c%22Oid%22%3a%2256832f71-c84b-4137-a7a4-ee79ac8b31c1%22%7d, or by phone dialing (850)792-1375, using Access Code: 279 068 936#

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://floridasorthotistsprosthetists.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.

AREA AGENCY ON AGING OF CENTRAL FLORIDA, INC. DBA SENIOR RESOURCE ALLIANCE

The Area Agency on Aging of Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2024, 10:00 a.m.

PLACE: 200 North Triplet Lake Dr., Casselberry, FL 32707

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Gathering community input through a needs assessment survey to identify and prioritize local services and resources.

A copy of the agenda may be obtained by contacting: Christian Steiner (407)514-1805

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: Christian Steiner (407)514-1805. 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: Christian Steiner (407)514-1805

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2024, 8:30 a.m.

PLACE: 720 N Denning Drive, Winter Park FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Board Meeting

A copy of the agenda may be obtained by contacting: Maria Diaz

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: Maria Diaz. 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).

CITIZENS PROPERTY INSURANCE CORPORATION

The Citizens Property Insurance Corp, Finance and Investment Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2024, immediately following the Audit Committee

PLACE: The Westin Lake Mary

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Items of Discussion include but are not limited to committee updates.

Telephonic Only: Public Line (786)635-1003/

Participant Code: 898 0124 2389

Zoom Webinar link (Audio and Presentation only) available at www.citizensfla.com

A copy of the agenda may be obtained by contacting: Barbara Walker, (850)445-9645, or email Barbara.Walker@citizensfla.com.

FLORIDA LEAGUE OF CITIES

The Florida Association of Counties Trust (FACT) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 13, 2024, 8:30 a.m., EST

PLACE: Drury Plaza Hotel Tallahassee, 1690 Raymond Diehl Road, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Florida Association of Counties Trust general board meeting conducted through the use of communications media technology, as authorized by subsection 163.01(18), Florida Statutes.

A copy of the agenda may be obtained by contacting: Chris Krepcho, ckrepcho@flcities.com, (407)367-4004.

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: Chris Krepcho, ckrepcho@flcities.com, (407)367-4004. 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: Chris Krepcho, ckrepcho@flcities.com, (407)367-4004.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

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

DATE AND TIME: September 11, 2024, 10:00 a.m., (ET)

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Membership meeting: 2023 overview with Q&A.

Board of Governors meeting: approval of minutes; board appointment process, election of vice chair & officers; legal, legislative & regulatory matters; operations & financial reports; and committee reports on Application for Coverage & Operations Manual; premium level indication; actuarial services engagement; review of rates, rating plans & policy forms and associated matters to include application forms; financial auditor engagement; Audit Committee Charter procedures checklist; investment manager engagement; investment portfolio compliance review; investment marketplace update; investment policy & guidelines review; reinsurance intermediary engagement; 2025 reinsurance

program; reinsurer financial strength ratings; collections services engagement; policy administration & managed care services engagement; disaster recovery matters; preliminary 2025 business plan & forecast; and 2024 service provider performance audit.

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

SELECTFLORIDA

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

DATE AND TIME: September 9, 2024, 1:00 p.m.

PLACE: SunTrax, Arrival & Conference Building, 100 Transformation Way, Auburndale, FL 33823 or via Teams virtual meeting. Use this link to register:

<https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fevents.gcc.teams.microsoft.com%2Fevent%2Fa8fe7522-1fd1-4a40-83e4-bf01a6b00152%40931da019-f64e-4908-b0f6-92f46f78c512&data=05%7C02%7CLorna.Dusti%40SelectFlorida.org%7Ce6650a0a936e48e36e9608dcb8703eb7%7C1b5060dc8aad4963b7ee0eef4634d9dc%7C0%7C0%7C638588039484942655%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IkhWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=cLSaIPvBmnwVq94c1qm4XrzizgOEOXyzP2WcVNNRnHg%3D&reserved=0>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates, administrative matters and speakers on transportation and mobility.

A copy of the agenda may be obtained by contacting: Lorna Dusti at (407)956-5651

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: Lorna Dusti at (407)956-5651. 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: Lorna Dusti at (407)956-5651. To submit a public comment, please email Lorna Dusti at lorna.dusti@selectflorida.org.

THE CORRADINO GROUP, INC.

The Florida Department of Transportation (FDOT), ANNOUNCES A Public Information Meeting TO WHICH ALL PERSONS ARE INVITED. announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 29, 2024, 5:00 p.m. - 7:00 p.m.

PLACE: The Construction Open House will be held virtually and in person.

The virtual public meeting is scheduled for Thursday, August 29, 2024, 5:00 p.m. - 6:00 p.m. Please use the following link to register:

<https://tinyurl.com/US-441-Group9>. You may also call +1(562)247-8321, access code: 197-136-686. Questions and comments from the public will follow a brief presentation.

The in-person open house is scheduled for Thursday, August 29, 2024, 6:00 p.m. - 7:00 p.m. at City of Hollywood City Hall, 2600 Hollywood Boulevard, Room 215, Hollywood, FL 33020, and will have an informal open house format. FDOT staff and consultant staff members will be available to discuss the project and answer questions.

GENERAL SUBJECT MATTER TO BE CONSIDERED: 429576-9-52-01/02

State Road (SR) 7/US 441 Transit Corridor Improvement Projects (Group 9) on SW 45th Street/Orange Drive from Florida's Turnpike to SR 7/US 441; and Taft Street from SR 7/US 441 to N 40th Avenue in the Town of Davie and City of Hollywood.

Project improvements along SW 45th Street/Orange Drive consist of upgrading existing drainage structures to improve long-term resilience and longevity of critical infrastructure; adding a continuous concrete sidewalk along the north side of SW 45th Street/Orange Drive to enhance pedestrian mobility; and upgrading curb ramps, pavement markings, and signage to improve visibility and accessibility. Project improvement along Taft Street consists of milling and resurfacing the existing roadway within the project limits to ensure long-term resilience; upgrading existing drainage structures to improve long-term resilience and longevity of critical infrastructure; adding an 8-foot to 11-foot shared-use path along the north side of Taft Street to enhance pedestrian mobility; and upgrading curb ramps, pavement markings, and signage to improve visibility and accessibility.

Construction will begin in September 2024 and is estimated to be completed in Summer 2025. The estimated cost is \$3,298,227.

A copy of the agenda may be obtained by contacting: No agenda.

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: Erik Nemati, P.E. — FDOT Construction Manager at Erik.Nemati@dot.state.fl.us or (954)299-6441.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. 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: Christian Gonzalez, Community Outreach Specialist, at (786)837-4884 or by email at csgonzalez@corrado.com.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

FISH AND WILDLIFE CONSERVATION COMMISSION
 ST. PETERSBURG RMI BOILER REPLACEMENTS.
 BID NO: FWC 24/25-06C.
 TITLE: ST. PETERSBURG RMI BOILER REPLACEMENTS

The Florida Fish and Wildlife Conservation Commission is seeking competitive pricing for the replacement of two (2) boilers and two (2) related pumps, along with all necessary piping for RMI and the F Building, per the plans and specifications, in accordance with the contract documents and Chapter 255 of the Florida Statutes.

To review the bid details:

Visit <https://vendor.myfloridamarketplace.com/>

Select Search Advertisements.

Enter FWC 24/25-06C into the Agency Advertisement Number box.

Click the Search button.

Select the solicitation to view the advertisement details.

Download files made available in the advertisement details page.

NOTE: The MyFloridaMarketPlace Vendor Information Portal (link provided above) is the posting location for all new and changing information regarding this solicitation. Interested bidders should continue to monitor this site for the entirety of the solicitation process.

Direct all questions to the Procurement Manager:

JOSHUA STRINGER, Florida Fish & Wildlife Conservation Commission, 1875 ORANGE AVENUE EAST, Tallahassee, FL 32311-6160, Joshua.Stringer@MyFWC.com, (850)617-9617.

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, August 19, 2024, and 3:00 p.m., Friday, August 23, 2024.

Rule No.	File Date	Effective Date
2A-2.2001	8/19/2024	9/8/2024
5MER24-9	8/21/2024	8/21/2024
53ER24-36	8/22/2024	8/29/2024
65CER22-1	8/23/2024	8/25/2024
64B2-12.022	8/21/2024	9/10/2024
64B2-13.0045	8/21/2024	9/10/2024
64B13-6.001	8/21/2024	9/10/2024
64B16-31.010	8/22/2024	9/11/2024
64B16-31.011	8/22/2024	9/11/2024
64B16-31.012	8/22/2024	9/11/2024
68D-21.001	8/21/2024	9/10/2024

68D-21.002	8/21/2024	9/10/2024
68D-21.003	8/21/2024	9/10/2024
68D-21.004	8/21/2024	9/10/2024
68D-21.005	8/21/2024	9/10/2024
69C-6.003	8/21/2024	9/10/2024
69OER24-2	8/21/2024	8/21/2024
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
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

DECISION ON EXPEDITED APPLICATION

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

County: Pinellas District: 5-2

CON #10804 Decision Date: 8/23/2024 Decision: Approved
 Applicant/Facility/Project: Pinellas County SNF OPCO II LLC
 Project Description: Transfer CON #10731 from Pinellas SNF OPCO LLC to the applicant to establish a new 120-bed community nursing home

A request for administrative hearing, if any, must be made in writing and must be actually received by the Agency within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Coastal Partnership Initiative Request for Grant Applications
 Coastal Partnership Initiative Request for Applications FY 2024-25

The Florida Coastal Management Program (FCMP) announces the availability of federal funds for innovative coastal projects under its COASTAL PARTNERSHIP INITIATIVE (CPI) for fiscal year 2025-26. Proposals will be accepted from September 1, 2024, through October 31, 2024.

Eligible applicants include Florida’s 35 coastal counties and the local governments within their boundaries that are required to include a coastal element in their comprehensive plan. Florida public colleges and universities, regional planning councils, national estuary programs and nonprofit groups may also apply for CPI funds if an eligible local government is a signatory partner in the project.

The purpose of the Coastal Partnership Initiative is to promote the protection and effective management of Florida’s coastal resources in four priority areas: RESILIENT COMMUNITIES, COASTAL RESOURCE STEWARDSHIP, ACCESS TO COASTAL RESOURCES and WORKING WATERFRONTS.

1. Rule Sections 62S-4.004 and .007, F.A.C, describe the procedures for submitting applications and the criteria by which applications will be evaluated. The CPI Application Form and a copy of Chapter 62S-4, F.A.C., are available on the FCMP Grants website at <https://floridadep.gov/rcp/fcmp/content/grants>.

2. Please note the following important information regarding the CPI grant process for FY 2024-25. Applications must be received by the Department no later than 4:00 p.m. (EST), October 31, 2024. Applicants must email the completed application and all required attachments to FCMPMail@FloridaDEP.gov or mail to the address below.

Florida Coastal Management Program, ATTN: CPI Application, Department of Environmental Protection, 2600 Blair Stone Road, MS 235, Tallahassee, Florida 32399-2400

3. Projects are anticipated to begin July 1, 2025, and must be completed within 12 months of grant execution. Selected projects will be included in the FCMP application to the National Oceanic & Atmospheric Administration (NOAA) for fiscal year 2024-25. Maximum award of \$30,000 for planning, design and coordination activities, and up to \$60,000 for construction projects, habitat restoration, invasive exotic plant removal and land acquisition. Minimum CPI award is \$10,000.

4. Recipients are required to provide 100% matching contributions (cash or in-kind) in the form of goods and services that directly benefit the specific grant project. No more than 50% of match can be provided by a third party and none from federal funds.

5. There are additional requirements for applications involving construction, invasive exotic plant removal, habitat restoration and land acquisition, including:

a. To show the project is feasible and able to be completed within 12 months, applicants proposing construction, invasive exotic plant removal and habitat restoration must conduct a preliminary consultation with appropriate local, state and federal regulatory agencies to ensure there are no environmental concerns that would delay or prevent project startup. A summary of the consultation along with the 306A questionnaire must be included in the CPI application to be considered responsive.

b. Nonprofit organizations (NPOs) are not eligible to receive funds for construction, habitat restoration, invasive exotic plant removal, or land acquisition. Applications submitted by NPOs that propose these activities will be disqualified.

c. Pursuant to NOAA’s direction, Section 306A funds shall not be used for beach restoration, beach nourishment or projects that are predominantly hard structure erosion control.

d. Infrastructure projects must have a clear coastal management component.

e. Construction and land acquisition activities occurring in designated Coastal Barrier Resource Act units are subject to additional review and approval by NOAA and/or the U.S. Fish & Wildlife Service.

For questions or more information, please contact Ms. Tiffany Herrin at (850)245-2953 or visit the FCMP Grants website at <https://floridadep.gov/rcp/fcmp/content/grants>.

DEPARTMENT OF COMMERCE

Division of Community Development

Commerce Final Order No. COM-24-034

FINAL ORDER APPROVING ISLAMORADA, VILLAGE OF ISLANDS

ORDINANCE NO. 24-13

The Department of Commerce (“Department”) hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, approving land development regulations adopted by the Islamorada, Village of Islands, Florida (“Village”), by Ordinance No. 24-13 (the “Ordinance”).

FINDINGS OF FACT

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

2.The Ordinance was adopted by the Village on July 9, 2024, and rendered to the Department on July 18, 2024.

3.The Ordinance amends the Section 30-32 of the Village’s Code to define the term “fronting” as “the boundary line of the front of the parcel touching a specified location.”

CONCLUSIONS OF LAW

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

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

6.The Ordinance is consistent with the Village’s Comprehensive Plan generally, as required by Section 163.3177(1), Florida Statutes, and is specifically consistent with Goal 1-4, Goal 6-1, Policy 1-4.2.1, and Policy 6-1.4.3.

7.All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. See Section 380.05(6), Florida Statutes. The Principles for

Guiding Development for the Village are set forth in Section 380.0552(7), Florida Statutes.

8.The Ordinance is consistent with the Principles for Guiding Development for the Village as a whole, and specifically furthers the following Principles:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

WHEREFORE, IT IS ORDERED that the Department finds that Ordinance No. 24-13 is consistent with the Village’s Comprehensive Plan and the Principles for Guiding Development for the Village and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

/s/ Kate Doyle , Kate Doyle, Deputy Assistant Secretary, Division of Community Development, Florida Department of Commerce

NOTICE OF ADMINISTRATIVE RIGHTS

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

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

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

AGENCY CLERK, FLORIDA DEPARTMENT OF COMMERCE, OFFICE OF THE GENERAL COUNSEL, 107 EAST MADISON ST., MSC 110, TALLAHASSEE, FLORIDA 32399-4128, AGENCY.CLERK@COMMERCE.FL.GOV, FAX (850)921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF

THE FINAL ORDER BEING PUBLISHED IN THE
FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 23rd day of August, 2024.

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

By U.S. Mail:

Joseph "Buddy" Pinder, Mayor, Islamorada, Village of Islands, 86800 Overseas Highway, Islamorada, FL 33036

Marne McGrath, Village Clerk, Islamorada, Village of Islands, 86800 Overseas Highway, Islamorada, FL 33036

Jennifer DeBoisbriand, Planning Director, Planning and Development Services, 86800 Overseas Highway, Islamorada, FL 33036

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.
