

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.0081	Charter School and Charter Technical Career Center Monthly Financial Statements and Financial Conditions

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. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Rule 6A-1.0081 is amended to read:

6A-1.0081 Charter School and Charter Technical Career Center Monthly Financial Statements and Financial Conditions.

The following provisions have been established to prescribe the format for a charter school or charter technical career center’s monthly financial statement required by Sections 1002.33(9)(g) and 1002.34(11)(f), Florida Statutes, respectively, and to administer the requirements of Section 1002.345(4), Florida Statutes.

(1) Monthly financial statement.

(a) A charter school or charter technical career center shall provide a monthly financial statement to the school or center’s sponsor in accordance with Sections 1002.33(9)(g) and 1002.34(11)(f), Florida Statutes, respectively, that contains the following information:

1. Projected enrollment for current school year upon which the school’s budget is based.
2. Actual enrollment at time statement is submitted.
3. A balance sheet with assets, liabilities, and fund balances.
4. Year-to-date comparison of budgeted versus actual revenues and expenditures.
5. Notes to the monthly financial statement to include other information material to the monthly financial statement. Material is defined as when the magnitude of an omission or misstatement of accounting information that, in the light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement.

(b) The sponsor shall determine whether the monthly financial statement must be prepared on a cash or accrual basis and the selected format shall apply to all schools and centers in the district.

(c) Monthly financial statements shall be formatted in accordance with the accounts and codes prescribed in the publication titled, “Financial and Program Cost Accounting and Reporting for Florida Schools,” which is adopted in Rule 6A-1.001, F.A.C.

(d) Charter schools and centers and sponsors shall agree in writing to the date by which the monthly financial statements are to be submitted, with the due date being no more than thirty (30) days after the last day of the month for the prior month’s statement.

(e) Sponsors shall not require that monthly financial statements be prepared by an independent certified public accountant, unless otherwise agreed to in the charter or a financial recovery plan.

(f) The reporting requirements of this subsection are supplemental to any financial reporting requirements already established in the school or center’s charter.

(2) Deteriorating financial condition. A deteriorating financial condition is defined as a circumstance that significantly impairs the ability of a charter school or charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in Section 218.503(1), Florida Statutes, or a circumstance that has resulted or will result in the occurrence of a condition described in Section 218.503(1), Florida Statutes, if action is not taken to assist the school or center.

(a) A deteriorating financial condition may be identified in one of the following ways:

1. The sponsor may determine that a deteriorating financial condition exists through review of a charter school or charter technical career center’s monthly financial statement. A deteriorating financial condition may include, but is not limited to, the existence of one or more of the following circumstances:

- a. The school or center’s actual enrollment is seventy (70) percent or less of the projected enrollment for which the budget is based, or the enrollment is insufficient to generate enough revenues to meet expenditures;
- b. The school or center’s actual expenses exceed budgeted expenses for a period of at least three (3) consecutive months in an amount that the school does not have sufficient reserves to compensate; or
- c. The school or center experiences an unbudgeted financial event for which the charter school has insufficient reserves to compensate.

The sponsor shall notify the school or center’s governing board in writing within seven (7) business days of the determination.

2. An auditor may determine that a deteriorating financial condition as defined by Section 1002.345(1)(a)3., Florida Statutes, exists based on an annual audit performed pursuant to Section 218.39, Florida Statutes. If such a condition is identified, the auditor shall notify each member of the charter school or charter technical career center’s governing board in

accordance with Section 218.39(5), Florida Statutes. Upon receipt of notification, the governing board shall notify the sponsor of the deteriorating financial condition in writing within seven (7) business days.

(b) Upon determination under subparagraph (2)(a)1., of this rule or receipt of notification under subparagraph (2)(a)2., of this rule that a deteriorating financial condition exists, the sponsor shall notify the governing board of an expedited review, and both parties shall develop a corrective action plan pursuant to Section 1002.345(1)(c), Florida Statutes.

(3) Developing corrective action plans.

(a) If a corrective action plan is required due to the charter school or charter technical career center's failure to provide for an audit or failure to comply with statutory reporting requirements, the Commissioner shall maintain a record of the corrective action plan for the annual report required by Section 1002.345(3), Florida Statutes.

(b) If the corrective action plan is required due to the identification of a deteriorating financial condition or a condition specified in Section 218.503(1), Florida Statutes, the Commissioner shall review the corrective action plan within ~~thirty (30) fifteen (15) business~~ days of receipt to determine whether the strategies identified in the plan adequately address the financial challenges facing the charter school or charter technical career center.

1. If the Commissioner determines that the corrective action plan is sufficient, the Commissioner shall maintain a record of the corrective action plan for the annual report required by Section 1002.345(3), Florida Statutes, and the charter school or charter technical career center's governing board shall implement and monitor the corrective action plan in accordance with Sections 1002.33(9)(j)3. and 1002.34(13), Florida Statutes, respectively.

2. If the Commissioner determines that the corrective action plan is insufficient and a financial recovery plan is needed to resolve the condition, the charter school or charter technical career center shall be considered in a state of financial emergency pursuant to Section 218.503(4)(c), Florida Statutes.

(c) The corrective action plan shall include the following components:

1. A statement of the condition in Section 1002.345(1), Florida Statutes, that initiated the development of a corrective action plan. If the corrective action plan is required due to a deteriorating financial condition, the plan must include the three (3) most recent monthly financial statements submitted to the sponsor pursuant to subsection (1) of this rule and the most recent annual financial audit.

2. A description of actions that will be taken to resolve the condition, including a timeline.

3. A summary of the governing board's procedures for monitoring implementation of the plan.

4. A schedule for the governing board to provide progress reports to the sponsor.

5. Any additional components deemed necessary and agreed upon by the charter school governing board and the sponsor.

(d) If the governing board and the sponsor are unable to agree on a corrective action plan, a letter signed by both parties shall be sent to the Office of Independent Education and Parental Choice requesting the involvement of the Commissioner pursuant to Section 1002.345(1)(c), Florida Statutes. The letter shall include:

1. A statement of the condition in Section 1002.345(1), Florida Statutes, that initiated the development of a corrective action plan.

2. A summary of the proposed corrective action for each party.

Within thirty (30) days of receipt of the request, the Commissioner shall determine the components of the corrective action plan, including the reporting requirements for the governing board and monitoring requirements for the sponsor.

(4) Determining a state of financial emergency.

(a) If the Commissioner is notified pursuant to Section 1002.345(2)(a)1., Florida Statutes, that a charter school or charter technical career center's financial audit reveals one or more of the conditions specified in Section 218.503(1), Florida Statutes, the governing board and the sponsor shall develop a corrective action plan for submission and review pursuant to paragraph (3)(b) of this rule.

(b) If the Commissioner is notified pursuant to Section 218.503(2), Florida Statutes, that one or more of the conditions specified in Section 218.503(1), Florida Statutes, have occurred or will occur if action is not taken to assist, the governing board and the sponsor shall develop a corrective action plan for submission and review pursuant to paragraph (3)(b) of this rule.

(5) Developing financial recovery plans.

(a) If the Commissioner determines that a charter school or charter technical career center is in a state of financial emergency, the financial recovery plan prepared and filed in accordance with Section 1002.345(2)(a)2., Florida Statutes, by the school or center's governing board shall replace any existing corrective action plan created pursuant to paragraph (3)(b) of this rule.

(b) The financial recovery plan shall include the following components:

1. A statement of the condition identified in Section 218.503(1), Florida Statutes, that resulted in the determination of a state of financial emergency.

2. A description of the actions that will resolve or prevent the condition, including a timeline.

3. A summary of the governing board's procedures for monitoring the implementation of the plan.

4. A schedule for the governing board to provide progress reports to the Commissioner and the sponsor.

5. Any additional components deemed necessary by the school or center's governing board.

(c) The Commissioner shall review and approve or reject financial recovery plans pursuant to Section 218.503(4), Florida Statutes, within thirty (30) days of receipt.

(6) Correspondence. All correspondence to the Commissioner of Education related to the financial condition of a charter school or charter technical career center shall be addressed to the Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400. In addition, electronic correspondence related to the school or center's financial condition shall be sent to charterschools@fldoe.org. This includes notifications that a financial condition identified in Section 218.503(1), Florida Statutes, has occurred or will occur, requests for the involvement of the Commissioner in creating a corrective action plan, completed corrective action plans, and completed financial recovery plans.

Rulemaking Authority 218.503, 1001.02(1), 1002.345 FS. Law Implemented 218.39, 218.503, 1002.33(9)(g), 1002.34(11)(f), 1002.345 FS. History--New_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-1.09514	Excused Absences for Religious Instruction or Holiday
6A-1.0956	Suspension on the Basis of Felony Charges

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 51, December 24, 2009 Florida Administrative Weekly has been continued from January 19, 2010 to March 16, 2010.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-14.064	Dual Enrollment/Early College Programs

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. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Rule 6A-14.064 is amended to read:

6A-14.064 College Credit Dual Enrollment.

(1) To be eligible to receive college credit through dual enrollment:

(a) Students must meet the grade point average (GPA) requirements, as specified in Section 1007.271, Florida Statutes, for the degree or certificate program selected. Procedures for determining exceptions to the GPA requirements on an individual student basis must be noted in the District Interinstitutional Articulation Agreement as required by Section 1007.235, Florida Statutes.

(b) Students must satisfy the college preparatory testing requirements of Rule 6A-10.0315, F.A.C., which is hereby incorporated by reference. Before accumulating more than twelve (12) credit hours, students must either meet established minimum scores on all sections of a postsecondary readiness assessment or earn a passing score on the Basic Skills Exit Test as required by Section 1008.30, Florida Statutes, and complete each of the following high school courses with a grade of C or better: Mathematics for College Success (1200410), Reading for College Success (1008350) and Writing for College Success (10009370).

(c) For joint dual enrollment and Advanced Placement (AP) courses, as authorized in Section 1007.272, Florida Statutes, students must comply with the add/drop policies and deadlines of the postsecondary institution. A student who elects to enroll in an AP course that is jointly offered with a dual enrollment course may not earn postsecondary credit for that course through dual enrollment.

(d) In order to remain eligible for college credit coursework, students must maintain the high school GPA required for initial eligibility unless otherwise noted in the District Interinstitutional Articulation Agreement.

(e) Participation of exceptional student education (ESE) students must be in accordance with statutory eligibility requirements and with the procedural guidelines and district-college responsibilities delineated in the District Interinstitutional Articulation Agreement.

(f) Districts and colleges may agree to extend dual enrollment participation in Student Life Skills (designated as SLS course prefix in the Statewide Course Numbering System) courses to students who do not meet the statutory eligibility requirements, if alternate eligibility requirements are delineated in the District Interinstitutional Articulation Agreement.

(g) In order to be considered a full-time dual enrollment early admission student, the student must enroll in a minimum of twelve (12) college credit hours but may not be required to enroll in more than fifteen (15) college credit hours.

(2) The following requirements shall apply to faculty providing instruction in college credit dual enrollment courses:

(a) All full-time or adjunct faculty teaching dual enrollment courses must meet Southern Association of Colleges and Schools Commission on Colleges' Principles of Accreditation: Foundations for Quality Enhancement, 2008 Edition, section 3.7.1, for postsecondary instructors in the course and discipline, which is hereby incorporated by

reference. The document may be accessed at <http://www.sacscoc.org/pdf/2008PrinciplesofAccreditation.pdf>. These criteria apply to all faculty teaching postsecondary courses regardless of the physical location of the course being taught. The postsecondary institution awarding credit shall ensure faculty teaching dual enrollment courses meet these qualifications.

(b) Postsecondary transcripts of all full-time or adjunct faculty teaching dual enrollment courses must be filed with the postsecondary institution, regardless of who employs or pays the faculty member's salary. For dual enrollment courses taught on high school campuses, the faculty transcripts must be submitted to the postsecondary institution for filing.

(c) The postsecondary institution shall provide aAll full-time and adjunct faculty teaching dual enrollment courses ~~shall be provided~~ with a copy of the current faculty or adjunct faculty handbook ~~of the postsecondary institution~~, and shall adhere to the professional guidelines, rules, and expectations therein. Any exceptions to such requirements must be noted in the District Interinstitutional Articulation Agreement.

(d) The postsecondary institution shall provide aAll full-time and adjunct faculty teaching dual enrollment courses ~~shall be provided~~ with a current student handbook detailing information that includes, but is not limited to, add/drop and withdrawal policies, student code of conduct, grading policies, and critical dates, and shall adhere to the guidelines, rules, and expectations therein. Any exceptions to such requirements must be noted in the District Interinstitutional Articulation Agreement.

(e) The postsecondary institution shall provide aAll adjunct faculty teaching dual enrollment courses ~~shall be provided~~ with a full-time faculty contact or liaison in the same discipline.

(f) All full-time and adjunct faculty teaching dual enrollment courses, regardless of location of instruction, shall be observed by a designee of the college president and evaluated based on the same criteria used for all other full-time or adjunct faculty delivering college courses at that institution.

(g) The postsecondary institution shall provide all full-time and adjunct faculty teaching dual enrollment courses with a copy of course plans and objectives for the college course they are teaching. In addition, faculty shall be provided with information on additional requirements related to Rule 6A-10.030, F.A.C., if applicable. All course objectives and identified competencies must be included in the course plan and covered per the syllabus during the term.

(h) All full-time and adjunct faculty teaching dual enrollment courses shall file a copy of their current course syllabus with the college's discipline chair or department chair prior to the start of each term. Content of the syllabus must meet the same criteria as required for all college courses offered at that institution.

(3) The following curriculum standards for content, syllabi, exams, and grades shall apply to college credit dual enrollment:

(a) Dual enrollment courses taught on the high school campus must meet all competencies expected and outlined in the postsecondary course plan. To ensure equivalent rigor with on-campus courses, final examinations for all dual enrollment courses taught or delivered on the high school campus must be developed by full-time postsecondary faculty at the institution granting postsecondary credit and approved by the appropriate curriculum or department chair as a comprehensive assessment of expected learning outcomes. Final exams will be provided to the high school campus dual enrollment course instructor by the college in a timely manner to ensure availability prior to scheduled administration dates. Completed, scored exams will be returned to the postsecondary institution and held on file for a period of one (1) year.

(b) Textbooks and instructional materials used in dual enrollment courses must be the same or comparable with those used with other postsecondary courses at the postsecondary institution with the same course prefix and number. The postsecondary institution will advise the school district of instructional material requirements as soon as that information becomes available, but no later than one term prior to a course being offered.

(c) Course requirements such as tests, papers, or other assignments for dual enrollment students must be at the same level of rigor or depth as those for all non-dual enrollment postsecondary students. All full-time and adjunct faculty teaching dual enrollment courses must observe postsecondary institution procedures and deadlines for submission of grades in the appropriate format. All faculty will be advised of postsecondary institution-wide grading guidelines prior to teaching a dual enrollment course.

(d) Policies relating to dual enrollment course withdrawals and repeats shall be determined by the college and must be clearly delineated in the District Interinstitutional Articulation Agreement.

(4) The following environmental standards shall apply to college credit dual enrollment:

(a) Dual enrollment courses taught on a high school campus shall ensure minimal interruptions of instructional time. A student shall lose eligibility to participate in dual enrollment if the secondary institution where a course is being offered determines that a student is being disruptive to the learning process, such that the progress of other students and the efficient administration of the course are hindered. Student behavior that is disruptive to the learning environment may result in that student's loss of dual enrollment eligibility.

(b) Dual enrollment courses may not be combined with other high school courses, except in accordance with Section 1007.272, Florida Statutes.

(c) A formalized process between the high school counselor and the college must be delineated in the District Interinstitutional Articulation Agreement for informing students and parents or guardians of college course-level expectations, including, but not limited to the following:

1. Any letter grade below a “C” will not count as credit toward satisfaction of the General Education graduation requirement and the requirements in Rule 6A-10.030, F.A.C.; however, all grades are calculated in a student’s GPA and will appear on their college transcript.

2. All grades, including “W” for withdrawal, become a part of the student’s permanent college transcript and may affect subsequent postsecondary admission.

3. While appropriate for college-level study, course materials and class discussions may reflect topics not typically included in secondary courses which some parents may object to for minors. Courses will not be modified to accommodate variations in student age and/or maturity.

4. The selection of courses to meet degree requirements, including approved program common prerequisite courses, in order to minimize student and state costs for excess hours.

5. The inclusion of dual enrollment course plans in their Electronic Personal Educational Planner (ePEP), as required by Section 1003.413(3)(i), Florida Statutes, to minimize enrollment in a random selection of college courses.

(5) The following accountability and assessment standards shall apply to college credit dual enrollment:

(a) Postsecondary institutions shall analyze student performance in dual enrollment to ensure that the level of preparation and future success is comparable with non-dual enrollment postsecondary students. Analyses and recommendations shall be shared and reviewed with the principal and local school district.

(b) High schools shall analyze course and instructor evaluations for dual enrollment courses on the high school campus. Analyses and recommendations shall be shared and reviewed by both the college and the high school.

(c) Any course-, discipline-, college-, or system-wide assessments that a postsecondary institution requires in non-dual enrollment sections of a course shall also be used in all dual enrollment sections of the course.

(d) Colleges shall compare student performance, to include final grade and exam, of dual enrollment course offerings on high school campuses and college campuses to ensure that results are comparable to non-dual enrollment sections. Results will be made available to the principal, local school district, the college president, and the Department of Education.

Rulemaking Authority 1001.02(2), (6), 1007.271(3), (9) FS. Law Implemented 1007.271 FS. History–New_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF VETERANS’ AFFAIRS

Division of Veterans’ Benefits and Assistance

RULE NO.: 55A-3.006 RULE TITLE: Continuing Certification

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF VETERANS’ AFFAIRS

Division of Veterans’ Benefits and Assistance

RULE NO.: 55A-3.007 RULE TITLE: Failure to Attend Training Refresher Course

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 38, September 25, 2009 Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF VETERANS’ AFFAIRS

Division of Veterans’ Benefits and Assistance

RULE NO.: 55A-5.008 RULE TITLE: Supervisory Inspection Review

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE NO.: 58C-1.0031 RULE TITLE: Lead Agency Dispute Resolution

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. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

STATEMENT OF LOWER ESTIMATED REGULATORY COST: In the notice of proposed rulemaking published on September 29, 2009, the department prepared a statement of the estimated regulatory cost for the role of the impartial decisionmaker, which is an essential part of the authorizing statute and rule. The estimate was approximately \$250 per hour. Karen D. Walker, Attorney, Holland and Knight, LLP, Attorneys for Florida Association of Area Agencies on Aging,

Inc., submitted a proposal for a lower cost regulatory alternative to the proposed rule within 21 days after the notice of proposed rulemaking was published in the Florida Administrative Weekly. Pursuant to Section 120.541(1)(b), F.S., the department is publishing the lower cost regulatory alternative and rendering a decision in this publication whether to accept or reject the alternative in favor of the proposed rule. The lower cost regulatory alternative states the following: “The impartial decisionmaker shall allow a maximum of four hours for the protestor’s presentation of its protest and a maximum of four hours for the AAA’s response to each protest. In the event of multiple protests, the decisionmaker shall allocate the time as necessary to ensure that the hearing shall not exceed one day. These time limits may be extended by the decisionmaker only in extraordinary circumstances and upon a finding that a party’s due process rights will be violated if the hearing is limited to one day.”

After careful review and consideration, the department rejects the lower cost regulatory alternative for the following reasons:

(1) Imposing a time limit on the impartial decisionmaker to render a fair decision would be counter-productive to the intent of the statute. The statute reads: “The dispute resolution mechanism established in the rule shall include a provision for a qualified, impartial decisionmaker who shall conduct a hearing (emphasis added) to determine whether the area agency’s proposed action is contrary to the area agency’s governing statutes or rules or to the solicitation specifications.” It is doubtful all hearings conducted would require a time frame of over 8 hours. However, to place a time limit, as recommended, would be arbitrary and impinge on a party’s due process rights.

(2) The extension of the time limit “only in extraordinary circumstances,” as recommended, is arbitrary. These “circumstances” are not fleshed out, thus leaving each decisionmaker with the ability to make a decision based on his or her judgment whether or not to extend the time limit.

58C-1.0031 Lead Agency Dispute Resolution.

(1) No change.

(2) IMPARTIAL DECISIONMAKERS.

(a) through (b) No change.

(c) Individuals interested in designation as an impartial decisionmaker must complete DOEA Form CCE-001, CCE Impartial Decisionmaker Application, _____, 2010 ~~2009~~, which is hereby incorporated by reference. The form may be obtained from the following website: <http://elderaffairs.state.fl.us/english/ruleforms/CCE-001.doc>.

(3) through (6) No change.

(7) REVIEW OF DECISION.

(a) Pursuant to Section 430.203(9)(a), F.S., in the event a party requests a review of the decision by the decisionmaker, the parties ~~must utilize, and mutually agree upon, an individual associated with~~ one of the entities referenced in subparagraphs 1. and 2. of this paragraph for this review.:

1. through 2. No change.

(b) The reviewer must not have any conflict of interest that would affect his or her impartiality. A conflict of interest is defined as the reviewer, or any reviewer family member, having current or past business association with any of the parties involved in the dispute.

(b) through (d) renumbered (c) through (e) No change.

Rulemaking Authority 430.203(9)(a) FS. Law Implemented 430.203(9)(a) FS. History–New _____.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NOS.:

RULE TITLES:

58L-1.005

Access

58L-1.007

Complaint Procedures

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. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

58L-1.005 Access.

(1) No change.

(2) Upon entering a long-term care facility to conduct ombudsman activities, the ombudsman must identify himself or herself to the administrator or designee ~~prior to conducting any ombudsman activities~~.

(3) No change.

Rulemaking Authority 400.0081(2) FS. Law Implemented 400.0081 FS. History–New 7-31-95, Formerly 58L-3.001, Amended _____.

58L-1.007 Complaint Procedures.

This rule outlines the procedures for receiving and conducting complaint investigations on behalf of residents in long-term care facilities.

(1) No change.

(2) INVESTIGATIVE PROTOCOL.

(a) through (d) No change.

(e) At the conclusion of a case investigation, the ombudsman must:

1. through 2. No change.

3. Conduct an exit interview with the facility administrator, or designee, to discuss preliminary complaint findings, if any; to discuss ~~agree upon~~ preliminary remedial action to be taken, if any; to discuss ~~agree upon~~ preliminary target dates for the remedial action to be corrected, if warranted; and to provide an opportunity for the administrator,

or designee, to submit written comments to the DOM, or designee, within 3 calendar days after the exit interview in order to be part of the complaint record.

4. through 5. No change.

(f) The DOM, or designee, must review and approve the complaint investigation.

1. Within 14 calendar days after case closure as defined in Rule 58L-1.0011, F.A.C., the DOM, or designee, must submit a written summary of the case disposition to the resident or representative, and the facility. ~~The summary must include any changes to the preliminary agreed upon complaint findings, remedial actions to be taken and target dates.~~

2. No change.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0071, 400.0073, 400.0075 FS. History—New_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: RULE TITLE:
61E14-1.001 Prelicensure Education Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 43, October 30, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.: RULE TITLES:
61H1-20.008 Generally Accepted Auditing Standards
61H1-20.009 Standards for Accounting and Review Services
61H1-20.0092 Government Auditing Standards
61H1-20.0093 Rules of the Auditor General
61H1-20.0094 Standards for Accountants Services on Prospective Financial Statements
61H1-20.0095 Standards for Consulting Services
61H1-20.0096 Services for Tax Practice
61H1-20.0097 Standards for Personal Financial Planning
61H1-20.0099 Standards for Attestation Engagements

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

61H1-20.008 Generally Accepted Auditing Standards.

The changes are as follows:

(1) The first sentence of the rule shall now read as follows: Non-issuer ((non-issuers are (1) all entities who are not issuers as that term is defined by the Sarbanes-Oxley Act of 2002, and (2) entities whose audits are not required by Securities & Exchange Commission (SEC) rules to be conducted in accordance with the standards of the Public Company Accounting Oversight Board (PCAOB)) generally accepted auditing standards shall be deemed and construed to mean auditing standards generally accepted in the United States of America in effect as of June 30, 2009, including, but not limited to, general, field work and reporting standards and the Authoritative AICPA Audit and Attest Standards in effect as of June 1, 2009, approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA) hereby incorporated by reference and available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1 (888)777-7077.

(2) The last sentence of Rule 61H1-20.008 shall now read as follows.

Issuer (issuer means an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78 c)), the securities of which are registered under section 12 of that Act (15 U.S.C. 781), or that is required to file reports under section 15(d) (15 U.S.C. 780(d)), or that files or has filed a registration statement that has not yet become effective under the Securities Act of 1933 (15 U.S.C. 77a et seq.), and that it has not withdrawn), generally accepted auditing standards shall be deemed and construed to mean auditing and attest standards generally accepted in the United States of American in effect as of July 1, 2009, as published by the PCAOB, hereby incorporated by reference and available at its website at www.pcaob.org.

61H1-20.009 Standards for Accounting and Review Services.

The changes are as follows:

(1) The first sentence of the rule shall now read as follows: “Standards for Accounting and Review Services” shall be deemed and construed to mean Statements on Standards for Accounting and Review Services published by the American Institute of Certified Public Accountants in effect as of June 30, 2008, hereby incorporated by reference and available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077.

61H1-20.0092 Government Auditing Standards.

The changes are as follows:

(1) The first sentence of the rule shall now read as follows: “Government Auditing Standards” shall be deemed and construed to mean Government Audit Standards issued by the Comptroller General of the United States, in effect as of July 2007. (Entitled Government Auditing Standards, July 2007

Revision (GAO-07-731G)) hereby incorporated by reference and available from the United States General Accounting Office, Washington, D.C. 20548-0001 or from its website at <http://www.gao.gov/aud/ybk01.htm>.

61H1-20.0093 Rules of the Auditor General.

The changes are as follows:

(1) The last sentence of subsection (1) of the rule shall now read as follows:

These rules hereby incorporated by reference and are available from the State of Florida, Auditor General’s Office, or from its website at <http://www.myflorida.com/audgen>, under the Rules and Guidelines section.

61H1-20.0094 Standards for Accountants Services on Prospective Financial Statements.

The changes are as follows:

(1) The first sentence of the rule shall now read as follows:

“Standards for Accountants Services on Prospective Financial Statements” shall be deemed and construed to mean Statements on Standards Accountants Services on Prospective Financial Statements published by the American Institute of Certified Public Accountants in effect as of June 30, 2008, hereby incorporated by reference and available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077.

61H1-20.0095 Standards for Consulting Services.

The changes are as follows:

(1) The rule shall now read as follows:

“Standards for Consulting Services” shall be deemed and construed to mean the Statement on Standards for Consulting Services No. 1, as published by the AICPA, in effect as of June 30, 2002, hereby incorporated by reference and available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077.

61H1-20.0096 Services for Tax Practice.

The changes are as follows:

(1) The first sentence of the rule shall now read as follows:

“Standards for Tax Services” shall be deemed and construed to mean Statements on Standards for Tax Services, as published by the American Institute of Certified Public Accountants, and in effect as of December 31, 2003, hereby incorporated by reference and available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1 (888)777-7077.

61H1-20.0097 Standards for Personal Financial Planning.

The changes are as follows:

(1) The first sentence of the rule shall now read as follows:

“Standards for Personal Financial Planning” shall be deemed and construed to mean Basic Personal Financial Planning Engagement Functions and Responsibilities First Issued October 1992; Revised January 1996, aka Statements on Responsibilities in Personal Financial Planning Practice, as

published by the American Institute of Certified Public Accountants, hereby incorporated by reference and available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077.

61H1-20.0099 Standards for Attestation Engagements.

The changes are as follows:

(1) The first sentence of the rule shall now read as follows:

“Standards for Attestation Engagements” shall be deemed and construed to mean Statements on Standards for Attestation Engagements published by the American Institute of Certified Public Accountants, (entitled Codification of Statements on Standards for Attestation Engagements, Numbers 1 to 14, dated December 2006, hereby incorporated by reference and available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.:	RULE TITLE:
64B13-4.001	Examination Requirements
NOTICE OF WITHDRAWAL	

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-28.108	All Permits – Labels and Labeling of Medicinal Drugs
NOTICE OF WITHDRAWAL	

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.:	RULE TITLE:
64B18-14.012	Address of Record

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. 35, No. 4, January 30, 2009 issue of the Florida Administrative Weekly.

64B18-14.012 Address of Record.

It shall be the duty of each licensee to provide to the Department of Health written notification of the licensee’s current mailing address and place of practice within fifteen (15) business days upon change thereof. Such written notification may be provided by United States mail, or alternatively, a licensee may update his or her address at the Board’s website [http://www.doh.state.fl.us/mqa/podiatry/po_maintain.html]. If a licensee chooses to update his or her mailing address or place of practice via the Board’s website, it shall be the responsibility of the licensee to confirm that such information has been accurately updated. The terms “place of practice” and “address of Record” mean the address of the physical location where the licensee primarily practices podiatric medicine.

Rulemaking Authority 456.035, 461.005 FS. Law Implemented 456.035 FS. History–New_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-236.001	Annual Report Card
69O-236.002	Definitions
69O-236.003	Methodology
69O-236.004	Limitations and Exclusions
69O-236.005	Data Sources

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

The following corrections are being made to the notice of proposed rulemaking published on November 25, 2009, for what was labeled 69O-236.001 ANNUAL REPORT CARD.

1. The correct dates for the notices of rule development are July 2 and July 31, 2009.

2. The rule numbers and titles are corrected to read:

RULE NOS.:	RULE TITLES:
69M-236.001	Purpose
69M-236.002	Definitions
69M-236.003	Methodology
69M-236.004	Limitations and Exclusions
69M-236.005	Data Sources

The rule numbers are being changed from 69O to 69M because, pursuant to statute, these rules are being promulgated by the Financial Services Commission.

3. The PURPOSE AND EFFECT is corrected to read: To adopt the annual report card to be used by the Office of the Consumer Advocate, as required by Section 627.0613(4), F.S., and the procedures by which an insurer’s grade will be determined.

4. The SUMMARY is corrected to read: Section 627.0613(4), Florida Statutes, requires the Consumer Advocate’s office to prepare an annual report card for each authorized personal residential property (homeowners) insurer, on a form and using a letter-grade scale developed by the Commission. The rule being proposed sets out the procedure by which the insurers would be graded and adopts the form by which the results are presented.

5. The rule hearing scheduled in the notice was cancelled and a rule hearing will be held as follows:

DATE AND TIME: February 9, 2010, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

If you have special needs please contact Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com five days before the hearing and she will assist you.

If there are any questions, please address them to Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.:	RULE TITLE:
69V-40.003	Electronic Filing of Forms and Fees

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

The notice of proposed rule is being corrected to provide a summary of the statement of estimated regulatory costs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

The rule currently requires applicants and licensees to file required forms and fees electronically through the Office’s REAL system. There are no additional fees associated with filing electronically. In order to file electronically, an applicant/licensee needs a desk or lap-top computer, and internet access. If the applicant/licensee does not have these items, the applicant/licensee could file electronically using equipment at Florida’s public libraries. Each of the 67 counties in Florida provides free access to the internet through its public libraries. According to the Florida Department of State, in fiscal year 2006-07 there were over 12,000 public terminals available throughout the state.

The current rule also provides that an applicant/licensee may apply for a hardship waiver from the electronic filing requirements. To request a hardship exemption, the person must file a petition with the Office’s legal office in accordance

with Rule 28-106.301, F.A.C., which is a uniform rule adopted under the Florida Administrative Procedures Act for initiating a proceeding. The proposed rule amendments simplify the process of requesting an exemption from electronic filing requirements by replacing the formal process discussed above with the submission of a written request to the Office's regulatory staff.

There will be no additional costs to the agency as the result of the proposed rule amendments. The implementation and enforcement of the rule is solely the responsibility of the Office of Financial Regulation. Accordingly, no other state or local agencies will be impacted by the proposed rule. There are no anticipated effects on state or local revenues.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.1013 RULE TITLE: Electronic Filing of Forms and Fees

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

The notice of proposed rule is being corrected to provide a summary of the statement of estimated regulatory costs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

The rule currently requires applicants and licensees to file required forms and fees electronically through the Office's REAL system. There are no additional fees associated with filing electronically. In order to file electronically, an applicant/licensee needs a desk or lap-top computer, and internet access. If the applicant/licensee does not have these items, the applicant/licensee could file electronically using equipment at Florida's public libraries. Each of the 67 counties in Florida provides free access to the internet through its public libraries. According to the Florida Department of State, in fiscal year 2006-07 there were over 12,000 public terminals available throughout the state.

The current rule also provides that an applicant/licensee may apply for a hardship waiver from the electronic filing requirements. To request a hardship exemption, the person must file a petition with the Office's legal office in accordance with Rule 28-106.301, F.A.C., which is a uniform rule adopted under the Florida Administrative Procedures Act for initiating a proceeding. The proposed rule amendments simplify the process of requesting an exemption from electronic filing requirements by replacing the formal process discussed above with the submission of a written request to the Office's regulatory staff.

There will be no additional costs to the agency as the result of the proposed rule amendments. The implementation and enforcement of the rule is solely the responsibility of the Office

of Financial Regulation. Accordingly, no other state or local agencies will be impacted by the proposed rule. There are no anticipated effects on state or local revenues.

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-600.0021 RULE TITLE: Effect of Law Enforcement Records on Applications for Registration as Associated Persons

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly.

The notice of proposed rule is being corrected to provide a summary of the statement of estimated regulatory costs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

There are no additional fees or costs associated with the implementation of this rule. Currently, an applicant for registration is subject to a criminal background check as part of the application submission process. There will be no additional costs to the Office of Financial Regulation to administer the rule as the Office currently reviews an applicant's criminal history as part of the application review process. No other state or local agencies will be impacted by the proposed rule. There are no anticipated effects on state or local revenues.

Section IV
Emergency Rules

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12DER09-16 RULE TITLE: Form for Use in the Exemption for Real Property Dedicated in Perpetuity for Conservation

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2009-157, Laws of Florida (House Bill 7157), authorized the Department of Revenue to adopt emergency rules that could remain in effect for 6 months and that may be renewed. This legislation provides an exemption in Section 196.26, Florida Statutes, for which current law in Section 196.011, Florida Statutes, requires an application to be made by March 1. The form that is adopted by this emergency rule is essential to enabling qualifying persons to apply for the exemption. This form is necessary to timely implement the legislative intent for this exemption to be available for tax year 2010. The tax year begins January 1, which is the assessment date under Section 192.042, Florida Statutes. Section 193.052(5), Florida Statutes, requires that the Department shall distribute forms in a timely manner so that each property