

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.094221	Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

PURPOSE AND EFFECT: The purpose of this rule revision is to provide guidance relating to the statewide public school student progression law eliminating social promotion by reducing the number of examples per benchmark required for the third grade portfolio, align the criteria for the portfolio to the new FCAT Item Specifications, and eliminating the reference to SAT-9.

Most recently, the Florida Comprehensive Assessment Test (FCAT) was revised to align with the current Next Generation Sunshine State Standards. Due to this revision, Rule 6A-1.094221, F.A.C., will need revisions to align to the new FCAT 2.0. The grade 3 FCAT Item Specifications document was used to revise the existing State Board Rule to properly align to FCAT 2.0. The revisions include the following:

- An increase in the average passage length from 350 to 500 words
- A change in the score for demonstrating proficiency for each benchmark from a grade of C or better to a grade of 70% or better.

Due to the number of benchmarks that are now assessed on FCAT 2.0, the rule as it exists would require 5 examples per benchmark for completion of the portfolio, equaling 70 samples of student work from one student to demonstrate proficiency of third grade benchmarks. This is a drastic increase, from 40 to 70 samples, and unrealistic expectations for students. This will cause loss of instructional time for our most struggling students. Therefore, a reduction of the number of examples required for the third grade student portfolio is proposed.

In addition, the Stanford Achievement Test, 9th Edition (SAT-9) is no longer provided by the publishing company, and therefore reference to SAT-9 needs to be stricken from rule.

SUBJECT AREA TO BE ADDRESSED: Alternative standardized reading assessment.

RULEMAKING AUTHORITY: 1008.25(6)(b)3., 1008.25(6)(b)4. FS.

LAW IMPLEMENTED: 1008.25(6)(b) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stuart Greenberg, Executive Director, Just Read Florida, Department of Education, (850)245-0503, Stuart.Greenberg@fldoe.org TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact Lynn Abbott, Agency Clerk, lynn.abbott@fldoe.org, (850)245-9661.

A copy of the preliminary draft may be obtained from the Department’s website at: <https://app1.fldoe.org/rules/default.aspx>.

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-1.094222	Standards for Mid-Year Promotion of Retained Third Graders

PURPOSE AND EFFECT: The purpose of this rule revision is to align the criteria for the mid-year portfolio to the new FCAT Item Specifications.

Most recently, the Florida Comprehensive Assessment Test (FCAT) was revised to align with the current Sunshine State Standards. Due to this revision, Rule 6A-1.094222, F.A.C., will need revisions to align to the new FCAT 2.0. The grade 4 FCAT Item Specifications document was used to revise the existing State Board Rule to properly align to FCAT 2.0.

The revisions include the following:

- Reference to short and extended responses was stricken from rule
- An increase in the average passage length from 375 to 500 words
- A change in the score for demonstrating proficiency for each benchmark from a grade of C or better to a grade of 70% or better.

SUBJECT AREA TO BE ADDRESSED: Standards for mid-year promotion of retained third graders.

RULEMAKING AUTHORITY: 1008.25(7)(b)4. FS.

LAW IMPLEMENTED: 1008.25(7)(b) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stuart Greenberg, Executive Director, Just Read Florida, Department of Education, (850)245-0503; Stuart.Greenberg@fldoe.org TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact Lynn Abbott, Agency Clerk, lynn.abbott@fldoe.org, (850)245-9661.

A copy of the preliminary draft may be obtained from the Department's website at: <https://app1.fldoe.org/rules/default.aspx>.

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.: 6A-1.09441
 RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule development is to update the "Course Code Directory and Instructional Personnel Assignments" by which school districts receive FEFP (Florida Education Finance Program) funding. The effect will be an updated directory of courses for students to take to earn credit toward high school graduation.

SUBJECT AREA TO BE ADDRESSED: Revisions to the "Course Code Directory and Instructional Personnel Assignments" for the 2011-2012 school year.

RULEMAKING AUTHORITY: 1001.02(1), 1009.53(3), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1009.531, 1009.535, 1009.536, 1011.62(1) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Trinity Colson, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400.

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
 RULE TITLE: Implementation of Florida's System of School Improvement and Accountability

PURPOSE AND EFFECT: The purpose of the rule development is to amend the sections of rule pertaining to the calculation of school grades and to eliminate the requirements related to school improvement with the creation of Differentiated Accountability.

SUBJECT AREA TO BE ADDRESSED: School Grades.

RULEMAKING AUTHORITY: 1008.34(8) FS.

LAW IMPLEMENTED: 1008.34 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: March 1, 2011, 3:00 p.m. – 5:00 p.m.; March 3, 2011, 11:30 a.m. – 1:30 p.m.

PLACES: March 1, 2011 – Department of Education, 325 West Gaines Street, Room 1703/07, Tallahassee, Florida 32399-0400

March 3, 2011 – Orange County School Board, 445 W. Amelia Street, School Board Room, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Croft, Director, Evaluation and Reporting, Accountability Research and Measurement, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400, Ed.croft@fldoe.org

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0243
 RULE TITLE: Specialization Requirements for Certification in Foreign Language (Grades K-12) – Academic Class

PURPOSE AND EFFECT: The purpose of this rule development is to amend the rule to add certification in Turkish to the World languages for which Florida certification is offered. The effect will be a rule that is updated and offers appropriate certification in Turkish for the teachers of the Turkish courses taught in Florida schools.

SUBJECT AREA TO BE ADDRESSED: Certification in Turkish.

RULEMAKING AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431, Beverly.gregory@fldoe.org

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.090 RULE TITLE: Content Area Reading Professional Development

PURPOSE AND EFFECT: The purpose of the rule development is to delineate the professional development package designed to provide information that content area teachers need to become proficient in applying scientifically based reading strategies through their content areas, pursuant to Section 1003.413(4)(b), F.S. The effect of the rule will be the provision of professional development that will, upon its completion, allow content area teachers to effectively deliver reading intervention to students who score at level 2 in reading on the Florida Comprehensive Assessment Test (FCAT) and do not need instruction in decoding and text reading efficiency.

SUBJECT AREA TO BE ADDRESSED: Reading professional development.

RULEMAKING AUTHORITY: 1001.02(2), 1003.413(3)(g), (4)(b), 1001.215, 1003.4156, 1003.428 FS.

LAW IMPLEMENTED: 1003.431(3)(g), (4)(b), 1001.215, 1003.4156, 1003.428 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stuart Greenberg, Executive Director, Just Read Florida, Department of Education, (850)245-0503, Stuart.Greenberg@fldoe.org

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact Lynn Abbott, Agency Clerk, lynn.abbott@fldoe.org, (850)245-9661.

A copy of the preliminary draft may be obtained from the Department’s website at: <https://app1.fldoe.org/rules/default.aspx>.

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.: 6A-6.053 RULE TITLE: K-12 Comprehensive Research-Based Reading Plan

PURPOSE AND EFFECT: The purpose of this rule development is to update language, provide clarity regarding fidelity of program implementation, include the new Next Generation Content Area Professional Development (NGCAR-PD) package to align to the proposed changes to State Board Rule 6A-5.090, F.A.C., Content-Area Reading Professional Development, and revise fluent and disfluent language to align to the proposed changes to State Rule 6A-6.054, F.A.C., Student Reading Intervention. It is proposed that the language fluent and disfluent be stricken from the reading intervention and K-12 Plan rules as new research suggests that fluency is not a strong predictor of a student’s ability to comprehend text in middle grades and high school.

SUBJECT AREA TO BE ADDRESSED: K-12 reading instruction.

RULEMAKING AUTHORITY: 1001.215, 1011.62, 1003.413(3)(g), 1003.428 FS.

LAW IMPLEMENTED: 1001.215, 1011.62 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stuart Greenberg, Executive Director, Just Read Florida, Department of Education, (850)245-0503, Stuart.Greenberg@fldoe.org

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact Lynn Abbott, Agency Clerk, lynn.abbott@fldoe.org, (850)245-9661.

A copy of the preliminary draft may be obtained from the Department’s website at: <https://app1.fldoe.org/rules/default.aspx>.

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.: 6A-6.054 RULE TITLE: K-12 Student Reading Intervention Requirements

PURPOSE AND EFFECT: The purpose of this rule revision is to update and align the criteria for reading intervention placement with current research, include professional development offerings that will be available to content area reading intervention teachers in 2011, and provide greater flexibility to districts in meeting student reading needs. A change is proposed in the criteria established for determining placement of students in reading intervention at the secondary level as new research suggests that fluency is not a strong predictor of a student’s ability to comprehend text in middle grades and high school. Also, in 2011, new professional development will be provided for content area reading intervention teachers, called Next Generation Content Area Professional Development (NGCAR-PD).

Finally, additional flexibility is requested for districts in scheduling additional time for reading intervention.

Finally, language was revised to allow flexibility to districts regarding progress monitoring requirements of Level 1 and 2 students to protect instructional time. With the rule revision it allows flexibility for administering a progress monitoring tool at the end of the school year.

SUBJECT AREA TO BE ADDRESSED: Reading intervention requirements.

RULEMAKING AUTHORITY: 1003.4156(1)(b), 1003.428(1), 1008.25(4)(b), 1011.62(9)(c)5. FS.

LAW IMPLEMENTED: 1008.25 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stuart Greenberg, Executive Director, Just Read Florida, Department of Education, (850)245-0503, Stuart.Greenberg@fldoe.org

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, lynn.abbott@fldoe.org, (850)245-9661.

A copy of the preliminary draft may be obtained from the Department’s website at: <https://app1.fldoe.org/rules/default.aspx>.

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.: 6A-6.0571 RULE TITLE: Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks

PURPOSE AND EFFECT: The purpose of this rule development is to adopt the “Career and Technical Education Programs, Academic Year 2011/2012 Curriculum Frameworks by Career Cluster” and the “Adult General Education Standards and Curriculum Frameworks 2011-2012”.

SUBJECT AREA TO BE ADDRESSED: Career and Technical Education and Adult General Education.

RULEMAKING AUTHORITY: 1004.92 FS.

LAW IMPLEMENTED: 1004.92 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathleen Taylor, Senior Educational Program Director, Federal and State Initiatives, 325 West Gaines Street, Room 714, Tallahassee, Florida 32399-0400, Kathleen.Taylor@fldoe.org, (850)245-9062

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0573 RULE TITLE: Industry Certification Process

PURPOSE AND EFFECT: The purpose of this rule development is to adopt the “Comprehensive Industry Certification List” and the “Industry Certification Funding List.”

SUBJECT AREA TO BE ADDRESSED: Career and Technical Education and Industry Certification Funding List.

RULEMAKING AUTHORITY: 1003.492(2) FS.

LAW IMPLEMENTED: 1003.491, 1003.492, 1003.493 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tara Goodman, Bureau Chief, Budget, Accountability and Assessment, 325 West Gaines St., Suite 744, Tallahassee, FL 32399-0400, (850)245-9002, tara.goodman@fldoe.org
 TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

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."

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-400.091	Publications and Agreements Incorporated by Reference
40B-400.103	Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-400, Florida Administrative Code (F.A.C.), to amend an item incorporated by reference in Rule 40B-400.091, F.A.C. The effect of the rule development will be to amend the ERP Applicant's Handbook to de-list the bald eagle as threatened species and amend language regarding "Class II Waters; Waters approved for shellfish harvesting" to maintain consistency with statewide efforts. Included in this effort is moving the Handbook to the appropriate corresponding rule, and removing species from the Handbook that do not occur within SRWMD boundaries.

SUBJECT AREA TO BE ADDRESSED: This rule development will incorporate the most recent version of the Environmental Resource Permit (ERP) Applicant's Handbook, which de-lists the bald eagle and amends language regarding shellfish harvesting waters to maintain consistency with statewide efforts. The Handbook will also be relocated to Rule 40B-400.103, F.A.C., as required by Section 120.55(1)(a)4., Florida Statutes.

RULEMAKING AUTHORITY: 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Rules & Contracts Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

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

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."

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NOS.:	RULE TITLES:
68C-22.012	Volusia and Associated County (Parts of Putnam, Lake, Seminole and Flagler) Zones
68C-22.028	Flagler County Zones

PURPOSE AND EFFECT: The Commission is considering a manatee protection rule for Flagler County (and amendments to the rule for Volusia County to remove from this rule existing boat speed zones in Flagler County). In May 2010, at the request of the Commission and as provided by Section 379.2431(2)(f), Florida Statutes, Flagler County established a Local Rule Review Committee (LRRC) to review and comment on a preliminary rule proposal. The LRRC met seven times and the Commission received the LRRC final report in July 2010. The Commission is currently scheduled to consider the LRRC report and Commission staff recommendations for proposed zones at the February 23-24, 2011, Commission meeting to be held in Apalachicola. Additional information on this rule action, including links to agendas for upcoming Commission meetings, can be viewed on-line at: http://myfwc.com/WILDLIFEHABITATS/Manatee_rulemaking.htm.

SUBJECT AREA TO BE ADDRESSED: Manatee protection rule for Flagler County.

RULEMAKING AUTHORITY: 379.2431(2) FS.

LAW IMPLEMENTED: 379.2431(2) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Scott Calleson, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

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 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."

BOARD OF GOVERNORS

RULE NO.: 72-1.001
RULE TITLE: Residency for Tuition Purposes
PURPOSE AND EFFECT: Section 1009.21, F.S., governing the determination of resident status for tuition purposes was revised during the 2009 and 2010 legislative sessions. A rule must be adopted to implement the statutory revisions.
SUMMARY: The proposed rule implements new statutory provisions.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has not been prepared by the agency.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
RULEMAKING AUTHORITY: 1009.21(13) FS.
LAW IMPLEMENTED: 1009.21 FS.
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: February 28, 2011, 10:00 a.m.

PLACE: State University System of Florida Board of Governors, 325 West Gaines Street, Room 1605, Tallahassee, Florida 32399-0400

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: Monoka Venters, State University System of Florida Board of Governors, 325 West Gaines Street, Suite 1614, Tallahassee, Florida 32399-0400, (850)245-9718 or e-mail: Monoka.Venters@flbog.edu. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Monoka Venters, State University System of Florida Board of Governors, 325 West Gaines Street, Suite 1614, Tallahassee, Florida 32399-0400, (850)245-9718 or e-mail: Monoka.Venters@flbog.edu

THE FULL TEXT OF THE PROPOSED RULE IS:

72-1.001 Residency for Tuition Purposes.

(1) The purpose of this regulation is to establish consistent policies for the classification of students as residents for tuition purposes in accordance with the criteria set forth in Section 1009.21, F.S.

(2) For Initial Determination of Residency:

(a) A dependent student who attended a Florida high school for a minimum of two (2) academic years immediately preceding his or her initial enrollment in an institution of higher education and graduated from a Florida high school or earned a Florida GED within the last twelve (12) months may use the high school transcript or GED certificate as evidence of Florida residency. At least one (1) additional document identified in Section 1009.21(3)(c)1. or 1009.21(3)(c)2., F.S., must be presented evidencing his or her parent's legal residency in Florida.

(b) If a declaration of domicile, pursuant to Section 222.17, F.S., is being used as one of the documents to establish residency for tuition purposes, the date that an applicant shall be deemed as establishing residency for tuition purposes shall be twelve (12) months hence from the date that the Clerk of Circuit Court notes the declaration was sworn and subscribed to the Clerk. Nothing in this subsection shall prevent the use of additional documentation as evidence that legal residency was established by other means pursuant to Section 1009.21(3)(c), F.S., as of a date earlier than that established by the declaration of domicile.

(3) For Residency Reclassification Determination. A student who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes by presenting a minimum of three (3) documents identified in Section 1009.21(3)(c)1. or