

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 12-24.001 | Scope of Rules |
| 12-24.002 | Definitions |
| 12-24.003 | Requirements to File or to Pay Taxes by Electronic Means |
| 12-24.004 | Enrollment |
| 12-24.005 | Methods of Payment by Electronic Means |
| 12-24.007 | Electronic Payment Transmission Errors |
| 12-24.008 | Procedures for Payment |
| 12-24.009 | Due Date; General Provisions |
| 12-24.010 | General Administrative Provisions; Voluntary Participation; Confidentiality; Granting of Waivers From Electronic Filing Requirements |
| 12-24.011 | Public Use Forms |

PURPOSE AND EFFECT: Section 1, Chapter 2014-196, L.O.F., amended Section 365.172, F.S., to require a prepaid wireless E911 fee on each purchase of a prepaid wireless service. The law requires the fee to be reported and remitted to the Department of Revenue. The purpose of the proposed amendments to Rule Chapter 12-24, F.A.C. (Payment of Taxes and Submission of Returns By Electronic Means; Taxpayer Recordkeeping and Retention Requirements), is to clarify when the prepaid wireless E911 fees must be reported and remitted by dealers through electronic means.

Taxpayers are no longer required to enroll prior to filing returns or remitting tax through electronic means. Rule 12-24.004, F.A.C., is amended to remove the obsolete language regarding mandatory enrollment. If taxpayers choose to enroll, they must do so either through the Department’s website or by submitting Form DR-600, Enrollment and Authorization for e-Services. Taxpayers must specifically authorize the Department to debit their bank accounts; therefore, the Department does not accept attempted enrollment through any means other than the two listed. As the specific information required for enrollment is found on the Department’s website or in Form DR-600, the list of information is being removed from the rule to avoid any confusion.

Taxpayers were previously required to obtain permission from the Department in order to use the ACH credit method to transfer funds. The Department has determined that this requirement provides no benefit to either taxpayers or the Department. Accordingly, Rule 12-24.005, F.A.C., is being amended to provide that taxpayers may elect to use either the ACH debit or the ACH credit method. Language relating to the

granting of permission to use the ACH credit method is also being removed from Rule 12-24.008, F.A.C.

The term “unemployment” is changed to “reemployment” throughout the Rule Chapter due to the term being changed through Chapter 443, F.S., by Chapter 2012-30, L.O.F. The number given to one of the Department’s forms is also changed based on the statutory change of terms.

Technical changes have been made to an address used to receive written notifications from taxpayers and to the Department’s web address.

SUBJECT AREA TO BE ADDRESSED: The subject areas of the rule development workshop are the clarification of when prepaid wireless E911 fees must be reported and remitted electronically; the removal of obsolete requirements and the clarification of the information required related to the use of electronic filing of returns and remitting of tax; the change of the term “unemployment” to “reemployment”; the change in numbering to one of the Department’s forms; and an address change.

RULEMAKING AUTHORITY: 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3), 443.163(1) FS.

LAW IMPLEMENTED: 119.071(5), 202.28, 202.30, 206.485, 212.08(5)(q), 212.12, 213.755, 220.21(2), (3), 443.1317, 443.163 FS.

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: October 30, 2014, 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

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: Tonya Fulford at (850)617-8347. 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: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)617-8347

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT: myflorida.com/dor/rules

DEPARTMENT OF REVENUE

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| RULE NOS.: | RULE TITLES: |
| 12-29.001 | Scope |
| 12-29.002 | Florida Tax Credit Scholarship Program; Participation; Allocation; Carryforward; Rescindment |
| 12-29.003 | Florida Tax Credit Scholarship Program; Applications |

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-29.001, F.A.C. (Scope), to Rule 12-29.002, F.A.C. (Florida Tax Credit Scholarship Program; Participation; Allocation; Carryforward; Transfer; Rescindment), and to Rule 12-29.003, F.A.C. (Florida Tax Credit Scholarship Program; Applications), is to: (1) clarify that credits earned under the Florida Tax Credit Scholarship Program (“the Program”) will be included when determining a taxpayer’s estimated tax payment amounts; (2) include the conveyance, transfer, or assignment of tax credit allocations under the Program authorized by paragraph 1002.395(5)(d), F.S., as amended by Section 17, Chapter 2014-184, L.O.F.; (3) provide procedures for the conveyance, transfer, or assignment of a tax credit allocation among members of an affiliated group of corporations under the Program; and (4) adopt, by reference, forms used by the Department in administering the Program.

SUBJECT AREA TO BE ADDRESSED: The subject of the rule workshop is (1) the sharing of approval letters with eligible nonprofit scholarship funding organizations; (2) the inclusion of credits under this program in calculating a taxpayer’s estimated tax payment amounts; and (3) the proposed amendments to provide procedures and forms to be used to apply for a tax credit, or to convey, transfer, or assign a tax credit between members of an affiliated group of corporations, under the Program.

RULEMAKING AUTHORITY: 213.06(1), 1002.395(13) FS.
LAW IMPLEMENTED: 92.525(1)(b), 211.0251, 212.1831, 213.37, 220.1875, 561.1211, 624.51055, 1002.395(1)-(3), (5), (13) FS.

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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: Jennifer Ensley, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7659.

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DEPARTMENT OF REVENUE

Sales and Use Tax

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| RULE NO.: | RULE TITLE: |
| 12A-1.0215 | Veterinary Sales and Services |

PURPOSE AND EFFECT: Section 9, Chapter 2014-38, L.O.F., amended Section. 212.08(2), F.S., to provide an exemption from sales and use tax for sales of therapeutic veterinary diets specifically formulated to aid in the management of illness and disease of a diagnosed health disorder in an animal, and which are only available from a licensed veterinarian. The purpose of the proposed amendment to Rule 12A-1.0215, F.A.C. (Veterinary Sales and Services), is to make the rule consistent with the statutory provision.

SUBJECT AREA TO BE ADDRESSED: The subject area of the rule development workshop is the modification of the rule to add provisions for the new sales and use tax exemption for certain therapeutic veterinary diets.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(14), (19), 212.05, 212.07(1), 212.08(2), 212.085, 212.12(6)(a), 212.18(3), 465.186, 465.187 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 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)617-8347. 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: Tammy Miller, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)617-8346
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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.: RULE TITLES:

12A-1.022 Federal Excise Taxes, Gross Receipts Tax, and Other Fees

12A-1.053 Electric Power and Energy

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12A-1.022, F.A.C. (Federal Excise Taxes, Gross Receipts Tax, and Other Fees), is to clarify that taxable charges for electrical power or energy include the gross receipts tax imposed under subparagraph 203.01(1)(a)1., F.S., but do not include the gross receipts tax imposed under subparagraph 203.01(1)(a)3., F.S.

The purpose of the proposed amendment to Rule 12A-1.053, F.S., is to clarify that sales of electric power or energy for use in residential households by utilities who are required to pay the gross receipts tax imposed under subparagraph 203.01(1)(a)1., F.S., are exempt. The payment of the gross receipts tax imposed under subparagraph 203.01(1)(a)3., F.S., has no effect on the residential sales tax exemption.

SUBJECT AREA TO BE ADDRESSED: The first subject area of the rule development workshop is clarification that charges for electrical power or energy do not include the gross receipts tax imposed by Section 203.01(1)(a)3., F.S. The second subject area of the rule development workshop is clarification that a utility is required to pay the gross receipts tax imposed by subparagraph 203.01(1)(a)1., F.S., in order for the sale of the electric power or energy for use in a residential household to qualify for exemption.

RULEMAKING AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 166.232(1), 203.01(4), 212.02(2), (16), (19), 212.05(1)(a)1.a., (1)(e), 212.06(1)(a), (b), 212.0606, 212.08(4), (5)(e)2., (7)(j), 212.18(2), 403.718, 403.7085, 681.117(2) FS.

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.: RULE TITLES:

12A-1.038 Consumer's Certificate of Exemption; Exemption Certificates

12A-1.039 Sales for Resale

PURPOSE AND EFFECT: Rule 12A-1.038, F.A.C., provides, in part, guidance as to how a dealer may document a sale made to a nongovernmental tax-exempt entity. Rule 12A-1.039, F.A.C., provides similar guidance for sales made to registered dealers for the purposes of resale. In an effort to assist taxpayers using modern technology, the Department has developed a mobile application that can be used to confirm a customer's status as a tax-exempt entity or a registered dealer. The purpose of a portion of the proposed changes to the two rules is to include information regarding the availability and use of this new method.

To make it easier for taxpayers using modern technology to receive a copy of their Annual Resale Certificate and to reduce costs to the state, the Department will provide those certificates through a secure link on its website beginning in January, 2015. A change is being proposed to Rule 12A-1.039, F.A.C., to provide information as to this availability.

The Department has determined that three provisions of Rule 12A-1.039, F.A.C., are unnecessary and provide no benefit to either the taxpayer or the Department. Those provisions are 1) including a taxpayer's registration effective date on the Annual Resale Certificate issued by the Department, as the certificates

are issued each year and are clearly labeled with each year's date; 2) the requirement that a taxpayer sign his or her Annual Resale Certificate; and 3) the requirement of a signed statement by the purchaser on a sales invoice, purchase order, or separate form documenting the sale. Accordingly, the Department is proposing that these provisions be stricken from the rule.

Finally, technical changes are made to both rules for Departmental addresses and to the time period during which Department operators are available.

SUBJECT AREA TO BE ADDRESSED: The subject areas of the rule development workshop are the availability and use of the Department's FL Tax mobile application; the availability of the Annual Resale Certificate through a secure link on the Department's website; the removal of the requirement that a taxpayer must sign his or her Annual Resale Certificate; the removal of the registration effective date from the information that will be included on the Annual Resale Certificate; the removal of the requirement of obtaining a signed statement on a written proof of sale; and technical changes for Departmental addresses and to the time period in which Department operators are available.

RULEMAKING AUTHORITY: 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 212.02(4)(14), 212.05(1)(b), (i), (j), 212.06(1)(c), (16), 212.0601, 212.07(1), 212.08(5)(m), (6), (7), 212.085, 212.13(5)(c), (d), 212.17(6), 212.18(2), (3), 218.186, 212.21(2), 213.053(10), 218.186FS.

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: **RULE TITLE:**

12A-19.060 Sales for the Purpose of Resale

PURPOSE AND EFFECT: To make it easier for taxpayers using modern technology to receive a copy of their Annual Resale Certificate and to reduce costs to the state, the Department will provide those certificates through a secure link on its website beginning in January, 2015. A change is being proposed to Rule 12A-19.060, F.A.C., to provide information as to this availability.

The Department has determined that two provisions of Rule 12A-19.060, F.A.C., are unnecessary and provide no benefit to either the taxpayer or the Department. Those provisions are 1) the requirement that a taxpayer sign his or her Annual Resale Certificate; and 2) the requirement of a signed statement by the purchaser on a sales invoice, purchase order, or separate form documenting the sale. Accordingly, the Department is proposing that these provisions be stricken from the rule.

Clarification is made to subsection 12A-19.060(5), F.A.C., as to when an Annual Resale Certificate may be accepted by a dealer in lieu of collecting tax on a sale.

Finally, a technical change is made to the time period during which Department operators are available.

SUBJECT AREA TO BE ADDRESSED: The subject areas of the rule development workshop are the availability of the Annual Resale Certificate through a secure link on the Department's website; the removal of the requirement that a taxpayer must sign his or her Annual Resale Certificate; the removal of the requirement of obtaining a signed statement on a written proof of sale; clarification as to when an Annual Resale Certificate may be accepted by a dealer in lieu of tax; and a technical change for the time period in which Department operators are available.

RULEMAKING AUTHORITY: 202.16(2), 202.26(3)(c), (d) FS.

LAW IMPLEMENTED: 202.11(3), (10), (11), 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS.

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DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.: 12B-6.001, 12B-6.0015, 12B-6.005
 RULE TITLES: Scope; Definitions; Index Price; Imposition of the Gross Receipts Tax; Payment of Tax; Reports; Public Use Forms
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-6, F.A.C. (Gross Receipts Tax), is to clarify that the provisions of the rule chapter apply only to the 2.5 percent tax imposed by subparagraph 203.01(1)(a)1., F.S., and administered under the provisions of Chapter 203, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of the rule workshop is to clarify that the rule chapter applies only to the tax imposed by subparagraph 203.01(1)(a)1., F.S., as amended by Section 4, Chapter 2014-38, L.O.F. A technical change to subsection 12B-6.005(2), F.A.C., is also being made to correct the title of certain Department personnel.

RULEMAKING AUTHORITY: 203.01(1)(f), (3)(a)2., 213.06(1) FS.

LAW IMPLEMENTED: 203.01, 203.012, 203.02, 213.255(1), (2), (3), 213.37, 213.755, 215.26 FS.

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**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0943
 RULE TITLE: Statewide Assessment for Students with Disabilities

PURPOSE AND EFFECT: The purpose of this amendment is to conform to statutory changes enacted by the 2014 Florida Legislature. As a result of the addition of Section 1008.22(9), Florida Statutes (F.S.), Rule 6A-1.0943, F.A.C., is being revised to provide a definition of “medically complex” and to specify procedures to request an exemption based on the requirements in statute. In addition, language regarding unique accommodations and eligibility criteria for the administration of the Florida Alternate Assessment is proposed for revision.

SUMMARY: The proposed rule will conform to statutory changes to Section 1008.22, F.S., enacted by the 2014 Florida Legislature to include a definition and procedures for students with medically complex conditions.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor

would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 1001.02, 1003.01, 1003.571, 1008.22, 1008.212 FS.

LAW IMPLEMENTED: 1003.01, 1003.571, 1008.22(9), 1008.212 FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400, Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0943 Statewide Assessment for Students with Disabilities.

(1) Definitions. For the purposes of this rule, the following definitions apply:

(a) Statewide standardized assessments shall have the same meaning as defined in Section 1008.22(3), Florida Statutes (F.S.) mean the Florida Comprehensive Assessment Test until replaced, statewide standardized end-of course (EOC) assessments, and the Florida Alternate Assessment.

(b) "Circumstance" shall have the same meaning as defined in Section 1008.212, F.S.

(c) "Condition" shall have the same meaning as defined in Section 1008.212, F.S.

(d) "Medically complex" shall have the same meaning as defined in Section 1008.22(9), F.S.

(e) "Parent" shall have the same meaning as defined in paragraph 6A-6.03411(1)(bb), Florida Administrative Code (F.A.C.).

(2) through (3) No change.

(4) Provision of accommodations for students with disabilities participating in the statewide standardized assessment program.

(a) Each school board shall utilize appropriate and allowable accommodations for statewide standardized assessments within the limits prescribed herein and current statewide standardized assessment test administration manuals published by the Florida Department of Education Bureau of K-12 Student Assessment, and Bureau of Exceptional Education

and Student Services. Copies of the manuals are available by contacting the Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Accommodations are defined as adjustments to the presentation of the statewide standardized assessment questions, methods of recording examinee responses to the questions, scheduling for the administration of a statewide standardized assessment to include amount of time for administration, settings for administration of a statewide standardized assessment, and ~~or~~ the use of assistive technology or devices to facilitate the student's participation in a statewide standardized assessment. Accommodations that negate the validity of a statewide standardized assessment are not allowable. Within the limits specified in this rule, allowable statewide standardized assessment accommodations are based on current instructional accommodations and accessible instructional materials used by the student in the classroom.

(b) No change.

(c) The need for any unique accommodations for use on a statewide standardized assessment must be submitted to the Department of Education for approval by the Commissioner of Education. In order to be approved, a unique accommodation must be allowable for use on a statewide standardized assessment and must be used by the student during classroom instruction and for assessments and described as such on the student's IEP or plan developed in accordance with Section 504 of the Rehabilitation Act. ~~When paper-based large print is requested as a unique accommodation for a computer-based test administration, additional documentation must be provided which justifies the student's need for such an accommodation.~~

(d) through (e) No change.

(5) Participation in the Florida Alternate Assessment. The decision that a student with a significant cognitive disability will participate in the Florida Alternate Assessment as defined in Section 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with subsection 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

(a) The student is unable to meaningfully participate in ~~master~~ the grade-level general state content standards pursuant to Rule 6A-1.09401, F.A.C., even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials; and

~~(b) The student is participating in a curriculum based on the state standards access points, pursuant to Rule 6A-1.09401, F.A.C., for all academic areas; and~~

~~(b)(e)~~ The student requires direct instruction in academics areas of English language arts, math, social studies and science based on access points, pursuant to Rule 6A-1.09401, F.A.C.,

in order to acquire, generalize, and transfer skills across settings.

(6) through (b)3. No change.

4. A written description of the circumstance's or condition's, as defined in subsection (1) of this rule, effect on the student's participation in statewide standardized assessments; ~~and~~

5. through 6. No change.

7. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of a statewide standardized assessment; ~~and~~

8. Written evidence of the circumstance or condition as defined in subsection (1) of this rule; ~~and~~-

9. The name, address and phone number of the student's parent.

(c) through (f) No change.

(7) Exemption options for students who are medically complex. A student who is medically complex as defined in Section 1008.22(9), F.S., may be exempt from participating in statewide, standardized assessments to include the Florida Alternate Assessment. If the parent consents in writing, and the student's IEP team determines that the student should not be assessed based on medical documentation that confirms that the student meets the criteria of being medically complex, the parent may select one of the following assessment exemption options:

(a) A one-year exemption approved by the district superintendent as described in Section 1008.22(9), F.S. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the Commissioner of Education beginning June 1, 2015, and each June 1 thereafter:

1. The total number of students for whom a one-year exemption has been granted by the superintendent; and

2. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

(b) A one-, two-, or three-year or permanent exemption approved by the Commissioner of Education as described in Section 1008.22(9), F.S. In order for the Commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the Commissioner of Education no later than thirty (30) calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

1. The student's name, grade level and the statewide standardized assessment for which the exemption request is made;

2. The name, address and phone number of the student's parent;

3. Documentation of parental consent for the exemption;

4. Documentation of the superintendent's approval of the exemption;

5. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in Section 1008.22(9), F.S.; and

6. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

(8) Upon receipt of the request, documentation and recommendation, the Commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within twenty (20) calendar days after the receipt of the request whether the exemption has been granted or denied.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01, ~~1003.428(5)~~, 1003.571, 1008.212, 1008.22(3), (9), (10) FS. Law Implemented 1003.01, ~~1003.428(5)~~, 1003.571, 1008.212, 1008.22(3), (9) FS. History--New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90, 9-17-01, 7-1-10, 1-5-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 4, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0995 RULE TITLE: Form of High School Diplomas and Certificates of Completion

PURPOSE AND EFFECT: The purpose of this amendment is to reflect changes from the 2014 legislative session. Section 1003.438, F.S., was revised to only allow students currently in high school whose individual education plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student may be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in Section 1003.438, F.S. Any such student who meets all special requirements of the district school board in effect as of June 30, 2014, but who is unable to meet the appropriate special state minimum

requirements, shall be awarded a special certificate of completion.

SUMMARY: This amendment specifies the special diploma or special certificate of completion forms of high school diploma are applicable for students who entered grade nine prior to the 2014-2015 school year.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes (F.S.), and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 1001.02, 1003.4282, 1003.435, 1003.438, 1003.53 FS.

LAW IMPLEMENTED: 1001.02, 1003.4282, 1003.435, 1003.438, 1003.53 FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400, Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0995 Form of High School Diplomas and Certificates of Completion.

Pursuant to Sections ~~1003.428~~, 1003.4282, and 1003.438, F.S., the form of the Standard Diploma, the Special Diploma, State of Florida High School Performance-Based Diploma, the Certificate of Completion and the Special Certificate of Completion shall contain the wording and be in the form prescribed herein.

(1) through (5) No change.

(6) The special diploma or special certificate of completion forms of high school diploma are applicable for students who entered grade nine prior to the 2014-2015 school year.

~~(7)(6)~~ Districts must determine student eligibility for designations of each of the following accomplishments and include on standard diplomas issued beginning in July 2013 as applicable:

(a) Completion of the scholar designation requirements in accordance with Section 1003.4285, F.S.

(b) Completion of the merit designation requirements in accordance with Section 1003.4285, F.S.

~~(8)(7)~~ Designations may be in the form of a seal, sticker, stamp, or text.

~~(9)(8)~~ Each district school board shall produce or have produced the Diplomas and Certificates of Completion in the quantity and as needed to be awarded to the students in the public schools of that district. Any person producing copies shall, pursuant to Section 15.03(3), F.S. and Rule 1-2.0021, F.A.C., secure approval from the Department of State to print the State Seal on such copies.

~~(10)(9)~~ The Commissioner is authorized, upon written request from any district school board, to approve modification in the form or format of the diplomas or certificates prescribed herein; however, such modification shall not substantively alter the content or the wording of the diplomas or certificates.

Rulemaking Authority 1001.02, ~~1003.428~~, 1003.4282, 1003.435, 1003.438, 1003.53 FS. Law Implemented 1001.02, ~~1003.428~~, 1003.4282, 1003.4285, 1003.435, 1003.438, 1003.53 FS. History—New 11-14-78, Amended 6-9-81, Formerly 6A-1.995, Amended 4-3-90, 1-5-09, 7-19-10, 3-25-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 26, 2014

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: RULE TITLE:

6A-1.09963 High School Graduation Requirements for Students with Disabilities

PURPOSE AND EFFECT: The proposed new rule outlines new requirements that students with disabilities, including those with significant cognitive disabilities who take the Florida Alternate Assessment, may follow to earn a standard high school diploma.

SUMMARY: This new rule outlines new requirements that students with disabilities, including those with significant cognitive disabilities who participate in the Florida Alternate Assessment, may follow to earn a standard high school diploma. The rule provides definitions for access courses, alternate assessment, employment transition plan, and eligible career and technical education (CTE) courses, states requirements for students participating in the Florida Alternate Assessment including course substitutions and use of a graduation portfolio to provide evidence of achievement and requirements for students with disabilities for whom the individual educational plan (IEP) team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. The rule also outlines the process for a student to defer receipt of a high school diploma and continue to receive services.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes (F.S.), and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 1001.02(1), 1003.4282, 1003.57, 1008.22 FS.

LAW IMPLEMENTED: 1003.4282, 1008.22 FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400, Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09963 High School Graduation Requirements for Students with Disabilities.

(1) General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering grade nine may attain a standard diploma and earn standard diploma designations by meeting the requirements in Sections 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(11) and 1003.4285 Florida Statutes (F.S.). Nothing contained in this rule shall be construed to limit or restrict the right of a student with a disability solely to the options described in this rule. A certificate of completion will be awarded to students who earn the required eighteen (18) or twenty-four (24) credits required for graduation, but who do not achieve the required grade point average or who do not achieve proficiency on required assessments unless a waiver of the results has been granted in accordance with Section 1008.22(3)(c)2., F.S., or participation in a statewide assessment has been waived in accordance with Section 1008.212, F.S., or Section 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma.

(2) Definitions. For the purposes of this rule, the following definitions apply:

(a) Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, Florida Administrative Code (F.A.C.). Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

(b) Alternate Assessment. In accordance with Section 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

(c) Employment transition plan. A plan that meets the requirements found in Section 1003.4282(11)(b)2.d., F.S. This plan is separate and apart from the IEP.

(d) Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a post-secondary program if the student is earning secondary (high school) credit for the program.

(3) Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with subsection 6A-1.0943(5), F.A.C. and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in Sections 1003.4282(1)-(9), F.S., or Section 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

(a) Eligible CTE courses, as defined in paragraph (2)(d) of this rule, may substitute for Access English IV; one (1) mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one (1) science credit, with the exception of Access Biology; and one (1) social studies credit with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

(b) Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

(c) A score of at least four (4) on the Florida Alternate Assessments in reading and math must be attained, until replaced by the grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with Section 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to Section 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in Section 1003.572, F.S.

(d) For those students whose performance on standardized assessments are waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

(4) Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in Sections 1003.4282(1)-(9), F.S. or Section 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

(a) Eligible CTE courses, as defined in paragraph (2)(d) of this rule, may substitute for English IV; one (1) mathematics credit, with the exception of Algebra and Geometry; one (1) science credit, with the exception of Biology; and one (1) social studies credit with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

(b) Students must earn a minimum of one-half (.5) credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as specified in Section

1003.4282(11)(b)2.d., F.S., for the equivalent of at least one (1) semester. Additional credits in employment-based courses are permitted as electives.

(c) Documented achievement of all components defined in Section 1003.4282(11)(b)2.b., F.S., on the student's employment transition plan.

(5) A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to Section 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in Section 1003.572, F.S.

(6) Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at Section 1003.4282(11)(c), F.S.

(a) The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of eighteen (18) for whom rights have transferred in accordance with subsection 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

1. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

2. School districts must inform the parent and the student, in writing by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

3. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

(b) In accordance with subsection 6A-6.03028(1), F.A.C., a student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end

of the school semester or year in which the student turns twenty-two (22).

Rulemaking Authority 1001.02(1), 1003.4282, 1003.57, 1008.22 FS. Law Implemented 1003.4282, 1008.22 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.0021 Florida Teacher Certification Examinations

PURPOSE AND EFFECT: This rule amendment serves four purposes: 1) Adopt new Florida Teacher Certification Examinations (FTCE) competencies and skills, effective October 1, 2015, for the following FTCE subject area examinations: Business Education 6-12 and Spanish K-12; 2) Adopt new passing scores effective January 1, 2015, for the following examinations: General Knowledge Test (all 4 subtests), Computer Science K-12, Elementary Education K-6 (all 4 subtests), English 6-12, Middle Grades English 5-9, and Technology Education 6-12; 3) Adopt new testing, scoring, and reporting formats and fees effective January 1, 2015, for the following FTCE subject area examinations: English 6-12 and Middle Grades English 5-9; and 4) Simplify rule language establishing passing scores for various assessments without revising passing scores. The effect will be changes to the affected FTCE competencies and skills; new testing, scoring, and reporting formats and fees for the affected examinations; and new passing score requirements for the affected examinations. In addition, the Department will be updating rule language to provide greater specificity in terminology as it relates to standard setting and passing scores.

SUMMARY: The rule is proposed for amendment to adopt the "Competencies and Skills Required for Teacher Certification in Florida, Twenty-First Edition." In addition, new passing score requirements for five (5) FTCE subject area examinations and the General Knowledge Test will be adopted. Further, new testing, scoring, and reporting formats and fee changes are proposed for two (2) FTCE subject areas.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and; 2) no new or increased regulatory costs are associated with revised competencies and skills or with new passing scores. The revised fee structure is designed to reduce regulatory costs for the impacted subject areas. Although an indeterminate increase in the number of examinees who are required to retake the examinations is predicted, the expected number of examinees and the resulting fees for the examinations will not approach the threshold for legislative ratification.

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

RULEMAKING AUTHORITY: 1012.56(4), 1012.56(9), 1012.59(1) FS.

LAW IMPLEMENTED: 1012.56(4), 1012.56(9), 1012.59(1) FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of English language skills, reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple-choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Before ~~October 1, 2015, July 1, 2013, the general knowledge competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eighteenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01498>), which is incorporated by reference and made part of this rule effective July 1, 2013. Beginning March 1, 2014, the general knowledge competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Nineteenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02390>), which is incorporated by reference and made part of this rule effective March 1, 2014. Beginning April 1, 2014, the general knowledge competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Twentieth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03636>), which is incorporated by reference and made part of this rule effective April 1, 2014. Beginning October 1, 2015, the general knowledge competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Twenty-First Edition,” (INSERT LINK), which is incorporated by reference and made part of this rule effective October 1, 2015. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.~~

2. Before ~~October 1, 2015, July 1, 2013, the professional education competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eighteenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01498>), which is incorporated by reference and made part of this rule. Beginning March 1, 2014, the professional education competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Nineteenth Edition,” which is incorporated by reference and made part of this rule. Beginning April 1, 2014, the professional education competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Twentieth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03636>), which is incorporated by reference and made part of this rule effective April 1, 2014. Beginning October 1, 2015, the professional~~

education competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Twenty-First Edition,” (INSERT LINK), which is incorporated by reference and made part of this rule effective October 1, 2015. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

3. ~~Before October 1, 2015, July 1, 2013, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eighteenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01498>), which is incorporated by reference and made part of this rule. Beginning March 1, 2014, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Nineteenth Edition,” which is incorporated by reference and made part of this rule. Beginning April 1, 2014, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Twentieth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03636>), which is incorporated by reference and made part of this rule effective April 1, 2014. Beginning October 1, 2015, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Twenty-First Edition,” (INSERT LINK), which is incorporated by reference and made part of this rule effective October 1, 2015. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.~~

(3) through (4)(d) No change.

(e) Beginning January 1, 2015, registration fees for English 6-12 and Middle Grades English 5-9 shall be as follows:

| | |
|---|-----------------|
| <u>First-Time Registration (Full Battery)</u> | <u>\$200.00</u> |
| <u>Single Section Retake Registration</u> | <u>\$150.00</u> |
| <u>Full Battery Retake Registration</u> | <u>\$220.00</u> |

~~(f)(e) Refunds. Fees may be refunded provided written requests for refunds are received by the test administration agency at least twenty-four (24) hours preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.~~

(5) through (6) No change.

(7) Scoring the general knowledge subtests.

(a) Effective January 2004, the passing scores for the general knowledge subtests listed below shall be a scaled score of at least two hundred (200) for multiple-choice sections. The passing score for the Essay subtest shall be a total raw score of at least six (6). This ~~These~~ scaled score shall be equivalent to the following raw scores on the July 2002 test administration:

1.~~(a)~~ General Knowledge Reading Subtest: 25 correct items.

2.~~(b)~~ General Knowledge English Language Skills Subtest: 29 correct items.

3.~~(c)~~ General Knowledge Mathematics Subtest: 26 correct items.

4.~~(d)~~ General Knowledge English Essay Subtest: A total raw score of six (6).

(b) Effective January 2015, the passing scores for the general knowledge subtests listed below shall be a scaled score of at least two hundred (200) for multiple-choice sections. The passing score for the Essay subtest shall be a total raw score of at least eight (8). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered in May 2014:

1. General Knowledge Essay Subtest: A total raw score of at least eight (8).

2. General Knowledge English Language Skills Subtest: twenty-seven (27) correct items.

3. General Knowledge Reading Subtest: twenty-six (26) correct items.

4. General Knowledge Mathematics Subtest: thirty-one (31) correct items.

(8) through (9)(q) No change.

(r) Effective January 1, 2012, the passing score for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between March and April 2011:

| <u>SUBJECT</u> | <u>SCORE</u> |
|---|-------------------------|
| <u>Educational Media Specialist PK-12</u> | <u>85 correct items</u> |
| <u>Exceptional Student Education K-12</u> | <u>81 correct items</u> |
| <u>Social Science 6-12</u> | <u>87 correct items</u> |

~~Educational Media Specialist PK-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-five (85) correct items on the March 2011 and April 2011 test administrations.~~

(s) Effective ~~September~~ January 1, 2012, the passing score for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between January 2011 and April 2012:

| <u>SUBJECT</u> | <u>SCORE</u> |
|--|-------------------------|
| <u>Biology 6-12</u> | <u>83 correct items</u> |
| <u>Chemistry 6-12</u> | <u>71 correct items</u> |
| <u>Earth-Space Science 6-12</u> | <u>83 correct items</u> |
| <u>Middle Grades General Science 5-9</u> | <u>84 correct items</u> |
| <u>Physics 6-12</u> | <u>60 correct items</u> |

~~Exceptional Student Education K-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty one (81) correct items on the April 2011 test administration.~~

(t) Effective ~~September~~ January 1, 2012, the passing score for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between January and March 2012:

| <u>SUBJECT</u> | <u>SCORE</u> |
|--------------------------------|-------------------------|
| <u>Health K-12</u> | <u>83 correct items</u> |
| <u>Physical Education K-12</u> | <u>85 correct items</u> |

~~Social Science 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty seven (87) correct items on the March 2011 test administration.~~

(u) Effective March ~~September~~ 1, 2012, the passing score for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between May and August 2013:

| <u>SUBJECT</u> | <u>SCORE</u> |
|---|-------------------------|
| <u>English for Speakers of Other Languages K-12</u> | <u>81 correct items</u> |
| <u>Mathematics 6-12</u> | <u>48 correct items</u> |
| <u>Middle Grades Mathematics 5-9</u> | <u>52 correct items</u> |

~~Biology 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty three (83) correct items on the test form used for standard setting and administered between January 2011 and April 2012.~~

~~(v) Effective September 1, 2012, the passing score for the Chemistry 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of seventy one (71) correct items on the test form used for standard setting and administered between January 2011 and April 2012.~~

~~(w) Effective September 1, 2012, the passing score for the Middle Grades General Science 5-9 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty four (84) correct items on the test form used for standard setting and administered between January 2011 and April 2012.~~

~~(x) Effective September 1, 2012, the passing score for the Earth Space Science 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty three (83) correct items on the test form used for standard setting and administered between January 2011 and April 2012.~~

~~(y) Effective September 1, 2012, the passing score for the Physics 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of sixty (60) correct items on the test form used for standard setting and administered between January 2011 and April 2012.~~

~~(z) Effective September 1, 2012, the passing score for the Physical Education K-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty five (85) correct items on the test form used for standard setting and administered in January and February 2012.~~

~~(aa) Effective September 1, 2012, the passing score for the Health K-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty three (83) correct items on the test form used for standard setting and administered between January and March 2012.~~

~~(bb) Effective March 1, 2014, the passing score for the English for Speakers of Other Languages K-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty one (81) correct items on the test form used for standard setting and administered in May and June 2013.~~

~~(cc) Effective March 1, 2014, the passing score for the Mathematics 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of forty eight (48) correct items on the test form used for standard setting and administered in July and August 2013.~~

~~(dd) Effective March 1, 2014, the passing score for the Middle Grades Mathematics 5-9 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of fifty two (52) correct items on the test form used for standard setting and administered in July and August 2013.~~

~~(v)(ee)~~ Effective March 1, 2014, the passing score for the new Prekindergarten/Primary PK-3 subtests listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered in July and August 2013:

1. Prekindergarten/Primary PK-3 Subtest 1: Developmental Knowledge: thirty-eight (38) correct items.
2. Prekindergarten/Primary PK-3 Subtest 2: Language Arts and Reading: forty-one (41) correct items.
3. Prekindergarten/Primary PK-3 Subtest 3: Mathematics: thirty-two (32) correct items.
4. Prekindergarten/Primary PK-3 Subtest 4: Science: thirty (30) correct items.

(w) Effective January 1, 2015, the passing score for the new Elementary Education K-6 subtests listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered in May 2014:

1. Elementary Education K-6 Subtest 1: Language Arts and Reading: forty-two (42) correct items.
2. Elementary Education K-6 Subtest 2: Social Science: thirty-seven (37) correct items.
3. Elementary Education K-6 Subtest 3: Science: thirty-six (36) correct items.
4. Elementary Education K-6 Subtest 4: Mathematics: thirty-five (35) correct items.

(x) Effective January 1, 2015, the passing score for the new English 6-12 and Middle Grades English 5-9 multiple-choice sections shall be a scaled score of at least two hundred (200). The passing score for the writing sections shall be a total raw score of at least eight (8). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between March and June 2014:

| <u>SUBJECT</u> | <u>SCORE</u> |
|----------------------------------|---|
| <u>English 6-12</u> | <u>56 correct items on the multiple-choice section and a total raw score of at least eight (8) on the writing section</u> |
| <u>Middle Grades English 5-9</u> | <u>58 correct items on the multiple-choice section and a total raw score of at least eight (8) on the writing section</u> |

(y) Effective January 1, 2015, the passing score for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between April and June 2014:

| <u>SUBJECT</u> | <u>SCORE</u> |
|----------------------------------|-------------------------|
| <u>Computer Science K-12</u> | <u>85 correct items</u> |
| <u>Technology Education 6-12</u> | <u>89 correct items</u> |

~~(z)(ff)~~ The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the professional education test not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(10) through (11) No change.

Rulemaking Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.55, 1012.56, 1012.59 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, 5-21-07, 5-19-08, 7-21-08, 7-9-09, 6-22-10, 6-21-11, 11-22-11, 8-23-12, 5-21-13, 10-22-13, 2-25-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juan Copa, Deputy Commissioner, Division of Accountability, Research and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 20, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.00821 Florida Educational Leadership Examination

PURPOSE AND EFFECT: This rule amendment serves two purposes: 1) Adopt new passing scores effective January 1, 2015, for the Florida Educational Leadership Examination (FELE) (all subtests) and 2) Adopt a new testing, scoring, and reporting format and fees for FELE Subtest 3. The effect will be the adoption of a new testing, scoring, and reporting format and fees for FELE Subtest 3 and new passing score requirements for all three FELE subtests. In addition, the department will be updating rule language to provide greater specificity in terminology as it relates to standard setting and passing scores for all three subtests.

SUMMARY: New passing score requirements for all subtests of the FELE will be adopted. In addition, testing, scoring and reporting and fee changes for FELE Subtest 3 are proposed.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and; 2) no new or increased regulatory costs are associated with new passing scores. The revised fee structure is designed to reduce regulatory costs for the impacted subject areas. Although an indeterminate increase in the number of examinees who are required to retake the examinations is predicted, the expected number of examinees and the resulting fees for the examinations will not approach the threshold for legislative ratification.

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

RULEMAKING AUTHORITY: 1012.56(4), 1012.56(9), 1012.59(1) FS.

LAW IMPLEMENTED: 1012.56(4), 1012.56(9), 1012.59(1) FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (4)(a)1. No change.

2. Before January 1, 2015, a ~~A~~ two hundred fifteen (215) dollar fee for ~~each~~ first-time registration or a two hundred twenty-five (225) dollar fee for each retake registration.

3. Beginning January 1, 2015, registration fees for the Florida Educational Leadership Examination shall be as follows:

| | |
|--|-----------------|
| <u>First-Time Registration</u> | <u>\$215.00</u> |
| <u>Retake: Subtest 3 Single Section Registration</u> | <u>\$150.00</u> |
| <u>Retake All Other Combination Registrations</u> | <u>\$225.00</u> |

(b) through (7)(c) No change.

(d) Effective January 1, 2009, through December 31, 2013, a passing score for each subtest of the Florida Education Leadership Examination shall be:

3. School Leadership. Examinee scores for the school leadership subtest shall be reported as a scaled score which is the combination of ~~the scaled score from~~ the written performance assessment and ~~the scaled score from~~ the multiple-choice questions. The written performance assessment shall be weighted thirty (30) percent and the multiple-choice questions shall be weighted seventy (70) percent ~~when determining the combined scaled score.~~ The passing score shall be a ~~combined~~ scaled score of two hundred (200).

4. This scaled score shall be equivalent to the following raw scores on the test forms administered in January 2009:

| | |
|--|--|
| <u>FELE Subtest 1: Instructional Leadership:</u> | <u>48 correct items</u> |
| <u>FELE Subtest 2: Operational Leadership:</u> | <u>46 correct items</u> |
| <u>FELE Subtest 3: School Leadership:</u> | <u>A composite score of at least 44.2286. This</u> |
| | <u>composites score shall be a</u> |
| | <u>combination of multiple</u> |
| | <u>choice and written</u> |
| | <u>performance assessment</u> |
| | <u>sections weighted seventy</u> |
| | <u>(70) percent and thirty (30)</u> |
| | <u>percent, respectively.</u> |

(e) Beginning January 1, 2015, the passing score for each subtest of the Florida Education Leadership Examination shall be a scaled score of at least two hundred (200) for multiple-choice subtests and sections. The passing score for the written performance assessment of Subtest 3 shall be a total raw score of at least seven (7). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered between January and March 2014:

| | |
|---|---|
| <u>1. FELE Subtest 1: Leadership for Student Learning</u> | <u>48 correct items</u> |
| <u>2. FELE Subtest 2: Organizational Development</u> | <u>48 correct items</u> |
| <u>3. FELE Subtest 3: Systems Leadership</u> | <u>36 correct items on the multiple-choice section and a total raw score of at least seven (7) on the written performance assessment.</u> |

(8) through (10) No change.

Rulemaking Authority 1012.56, 1012.59 FS. Law Implemented 1012.56, 1012.59 FS. History—New 12-25-86, Amended 1-11-89, 5-19-98, 10-6-99, 7-17-00, 7-16-01, 3-24-02, 10-17-02, 3-24-03, 7-21-03, 6-22-04, 5-19-08, 7-21-08, 9-6-09, 12-16-12, 12-3-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Juan Copa, Deputy Commissioner, Division of Accountability,
 Research and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Pam Stewart, Commissioner, Department
 of Education

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: June 20, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03022
 RULE TITLE: Special Programs for Students who are
 Dual-Sensory Impaired

PURPOSE AND EFFECT: The purpose this amendment is to
 update rule language to reflect current knowledge in the field
 and to insure consistency with the federal law, the Individuals
 with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33,
 and its implementing regulations. The effect of this revision
 will be consistency with the federal requirements and current
 knowledge in the field.

SUMMARY: The rule has been amended with regard to the
 definition, eligibility criteria, and evaluation procedures. These
 amendments reflect current knowledge in the respective
 disability fields.

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

The Agency has determined that the proposed rule is not
 expected to require legislative ratification based on the
 statement of estimated regulatory costs or if no SERC is
 required, the information expressly relied upon and described
 herein: 1) no requirement for SERC was triggered under
 Section 120.541(1), Florida Statutes, and; 2) based on past
 experiences with rules that affect individual students and their
 families in an educational setting and have no impact on small
 businesses, the adverse impact or regulatory cost, if any, do not
 exceed nor would be expected to exceed any one of the
 economic analysis criteria set forth in Section 120.541(2)(a),
 Florida Statutes.

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: 1003.01, 1003.57, 1003.571
 FS.

LAW IMPLEMENTED: 1003.01, 1003.57, 1003.571 FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055
 AAA Drive, Heathrow, FL 32746

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Mary Jane Tappen, Executive Vice
 Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite
 1502, Tallahassee, Florida 32399-0400,
 Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-6.03022 follows. See
 Florida Administrative Code for present text.)

6A-6.03022 Exceptional Special Programs for Students
 Education Eligibility for Students with ~~who are~~ Dual-Sensory
 Impairments Impaired.

(1) Definitions.

(a) Dual sensory impairment is defined to mean
 concomitant hearing and visual impairments, or an etiology or
 diagnosed medical condition that indicates a potential dual
 sensory loss, the combination of which impacts
 communication, independence, and other developmental and
 educational needs.

(b) Functional blindness is defined to mean that the
 physical structures of the eye may be functioning, but the
 student does not attend to, examine, or utilize visual
 information. This may include cortical visual impairment.

(c) Functional hearing loss is defined to mean that parts of
 the auditory system may be functioning but the student does not
 attend to, respond, localize, or utilize auditory information. This
 may include cortical hearing impairment or auditory
 neuropathy or auditory dyssynchrony.

(2) General education interventions and activities. Prior to
 referral for evaluation the requirements in subsection 6A-
 6.0331(1), F.A.C., must be met.

(3) Evaluation. In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation procedures for determining eligibility shall include all of the following:

(a) A medical eye examination by a ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(e), F.A.C., describing: etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;

(b) An audiological evaluation;

(c) A comprehensive assessment of skills known to be impacted by hearing and vision impairments, to include: functional hearing assessment; an assessment of social development; evaluation of receptive and expressive communication by a speech and language pathologist; functional vision evaluation; learning media assessment; and, if appropriate, orientation and mobility assessment and sign language assessment; and

(d) If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

(4) Criteria for eligibility. A student with a dual sensory impairment is eligible for exceptional student education when either of the following criteria is met:

(a) For students diagnosed with a medical condition having the potential for dual sensory loss:

1. A medical report from a physician licensed in Florida in accordance with Chapter 458 or 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(e), F.A.C., confirming the existence of such a diagnosis, its prognosis, and the potential for dual sensory loss; and

2. The student needs special education as defined in Rule 6A-6.03411, F.A.C.; or

(b) For students with vision and hearing impairments:

1. The student meets criteria listed in subsection 6A-6.0314(4), F.A.C., or has functional blindness; and

2. The student meets criteria listed in subsection 6A-6.0313(4), F.A.C., or has functional hearing loss; and

3. The student needs special education as defined in Rule 6A-6.03411, F.A.C.

(5) Students identified with a dual sensory impairment shall be included in the state's annual census report for the national child count of children and youth who are both deaf and blind and be registered to receive materials from the Florida Instructional Materials Center for the Visually Impaired.

(6) Reevaluation shall occur at least every three (3) years and shall include, a comprehensive assessment of skills known to be impacted by hearing and vision impairments, to include: functional hearing assessment; an assessment of social development; evaluation of receptive and expressive communication by a speech and language pathologist; functional vision evaluation; learning media assessment; and, if appropriate, orientation and mobility assessment and sign language assessment.

Rulemaking Authority 1003.01, 1003.57, 1003.571 FS. Law Implemented 1003.01, 1003.57, 1003.571 FS. History--New 7-2-79, Formerly 6A-6.3022, Amended 10-3-91, 12-15-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 25, 2014

DEPARTMENT OF EDUCATION

State Board of Education

| | |
|-----------|---|
| RULE NO.: | RULE TITLE: |
| 6A-6.0331 | General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services |

PURPOSE AND EFFECT: The purpose of this amendment is to revise form 313181 as referenced in paragraph (10)(b) of this rule. Specifically Section 1003.4282, F.S., was amended during the 2014 legislative session to create new standard diploma options for students with disabilities beginning with the student cohort entering grade 9 in 2014-2015. Special diploma will no longer be an option for these students. Students instructed in access points curriculum and administered the Florida Alternate Assessment will be able to work toward a standard diploma given this legislation. Therefore, the form must be revised to align with this statutory change. In addition, timelines related to the evaluation process for students with disabilities are proposed for revision.

SUMMARY: The proposed rule amendment will change the timeline for requesting consent to evaluate a student when a school based team suspects that a student may be a student with

a disability in need of special education or when a parent requests an evaluation; adds a new requirement when a child age 3 to kindergarten entry age receives a developmental screening from a Florida Diagnostic and Learning Resource Center (FDLRS), or the district, and a disability and need for special education and related services is suspected; changes the timeline to conduct evaluation of a student to 60 calendar days from time of parental consent, with holidays and summer vacations exempted from the timeline; and amends consent form 313181, related to instruction in the state standards access points curriculum and administration of the Florida Alternate Assessment specifically related to provisions regarding special diploma and impact of new graduation requirements.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1003.4282, 1003.57, 1003.571, 1003.5715 FS.

LAW IMPLEMENTED: 1003.01(3)(a), (b), 1003.4282, 1003.57, 1003.571, 1003.5715 FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400, Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0331 General Education Intervention Procedures, Evaluation, Determination of Eligibility, Reevaluation and the Provision of Exceptional Student Education Services.

The state's goal is to provide full educational opportunity and a free appropriate public education (FAPE) to all students with disabilities ages three (3) through twenty-one (21) and to students who are gifted in grades kindergarten through 12. School districts have the responsibility to ensure that students suspected of having a disability are subject to general education intervention procedures. They must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) as defined in paragraph (1)(n) of Rule 6A-6.03411, F.A.C., are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria specified in Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03019, 6A-6.03020, 6A-6.03022, 6A-6.03023, 6A-6.03026(1)(b) and 6A-6.03027, F.A.C. ESE includes specially designed instruction as defined in paragraph (1)(jj) of Rule 6A-6.03411, F.A.C.; special education as defined in paragraph (1)(kk) of Rule 6A-6.03411, F.A.C.; and related services as defined in paragraph (1)(dd) of Rule 6A-6.03411, F.A.C. These requirements apply to all students, including those who are homeless or are wards of the state or who attend private schools, regardless of the severity of their disability. Additionally, school districts may elect to serve children with disabilities below the age of three (3) years in collaboration with the Part C Early Steps Program. The procedures and criteria for general education interventions, identification, evaluation, and determination of eligibility of students with disabilities and gifted students by school districts shall be set forth in the school district's ESE Policies and Procedures document consistent with the following requirements.

(1) through (2) No change.

(3) Initial evaluation. Each school district must conduct a full and individual initial evaluation before the initial provision of ESE. Either a parent of a kindergarten through grade 12 student or child age three (3) to kindergarten entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted.

(a) The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through grade 12 student, or a child age three (3) to kindergarten entry age, is a student with a disability and needs special education and related services. Circumstances which would indicate that a student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through grade 12 student's response to intervention data indicate that intensive interventions implemented in accordance with subsection (1) of this rule are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources; or

2. When a school-based team determines that the kindergarten through grade 12 student's response to interventions implemented in accordance with subsection (1) of this rule indicates that the student does not make adequate growth given effective core instruction and intensive, individualized, evidence-based interventions; or

3. When a child age three (3) to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resource Center and based on the results of the screening it is suspected that the child may be a child with a disability in need of special education and related services; or

~~4.3.~~ When a parent requests an evaluation and there is documentation or evidence that the kindergarten through grade 12 student or child age three (3) to kindergarten entry age who is enrolled in a school district operated preschool program may be a student with a disability and needs special education and related services.

(b) Within ~~thirty (30) twenty (20) school~~ days of a ~~school-based team's~~ determination that a circumstance described in subparagraphs (3)(a)1., ~~or~~ (3)(a) 2., or (3)(a)3., of this rule exists for a student in grades kindergarten through grade 12; or a child age three (3) to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

(c) As described in subparagraph (3)(a)~~4.3.~~ of this rule, if a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, ~~the kindergarten through grade 12 student's or child's age three (3) to kindergarten entry age eligibility for special education and related services as a student with a disability~~, the school district must within thirty (30) twenty (20) school days, unless the parent and the school agree otherwise in writing:

1. through (d)2. No change.

3. The nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

(e) No change.

(f) For a signed consent for evaluation received by a school district on or before June 30, 2015, ~~The school district shall ensure that initial evaluations of students suspected of having a disability are completed within sixty (60) school days (cumulative) as defined in paragraph 6A-6.03411(1)(h), F.A.C., that the student is in attendance after the school district's receipt of parental consent for the evaluation. For prekindergarten children, initial evaluations must be completed within sixty (60) school days after the school district's receipt of parental consent for evaluation.~~

(g) Beginning July 1, 2015, the school district shall ensure that initial evaluations of students and preschool age children age three (3) through kindergarten entry age suspected of having a disability are completed within sixty (60) calendar days after the school district's receipt of parent consent for evaluation. For the purposes of this rule, the following calendar days shall not be counted toward the sixty (60) calendar day requirement:

1. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

2. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and,

3. In the circumstance when a student is absent for more than eight (8) school days in the sixty (60) calendar day period, the student's absences shall not be counted toward the sixty (60) calendar day requirement.

~~(h)(g)~~ The sixty (60)-day timeframe for evaluation does not apply to a school district if:

1. The parent of the student repeatedly fails or refuses to produce the student for the evaluation; or

2. A student enrolls in a school served by the school district after the timeframe has begun, and prior to a determination by the student’s previous school district as to whether the student is a student with a disability. This exception applies only if the subsequent school district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district agree to a specific time when the evaluation will be completed. Assessments of students with disabilities who transfer from one school district to another school district in the same school year must be coordinated with those students’ prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

(i) ~~(h)~~ The school district shall ensure that students suspected of being gifted are evaluated within a reasonable period of time as specified in the district’s ESE Policies and Procedures Document as defined in subsection 6A-6.03411(2), F.A.C., but no more than ninety (90) school days that the student is in attendance after the school district’s receipt of parental consent for the evaluation.

(4) through (10)(a) No change.

(b) The district shall obtain written parental consent for the actions described above on the Parental Consent Form – Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration, Form 313181, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03383>) (effective December 2014) English, Arabic, Chinese, French, Haitian Creole, Portuguese, Russian, Spanish, Tagalog, and Vietnamese, and Parental Consent Form – Student Placement in an Exceptional Education Center, Form 313182, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03384>) (effective March 2014) English, Arabic, Chinese, French, Haitian Creole, Portuguese, Russian, Spanish, Tagalog, and Vietnamese, adopted by the Department of Education and incorporated by reference to become effective March 2014 and available at <http://www.fldoe.org/ese/> or may be obtained from the Department of Education, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, FL 32399. Both forms were translated into Arabic, Chinese, French, Haitian Creole, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

(c) through (d) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1003.4282, 1003.57, 1003.571, 1003.5715 FS. Law Implemented 1003.01(3)(a), (b), 1003.4282, 1003.57, 1003.571, 1003.5715FS. History New 6-17-74, Promulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A 6.331, Amended 7-13-93, 1-2-95, 9-20-04, 12-22-08, 12-15-09, 3-25-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 4, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03411
 RULE TITLE: Definitions, ESE Policies and Procedures, and ESE Administrators

PURPOSE AND EFFECT: The purpose is update a definition, terminology and to correct an error in a statutory reference.

SUMMARY: The proposed rule has been amended to reflect a change in a definition, update terminology by changing references from vocational education to career and technical education and correcting an error in a statutory reference.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1003.01(3), 1003.57, 1003.571 FS.

LAW IMPLEMENTED: 1001.03(8), 1001.42(4)(l), 1002.38, 1003.01(3), 1003.57, 1003.571, 1011.62(1)(c) FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.
 PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400, Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03411 Definitions, ESE Policies and Procedures, and ESE Administrators.

- (1) through (q) No change.
- (r) General curriculum. The general curriculum is a curriculum or course of study that is available to all students and is based upon state educational standards that address the state and school district requirements for a standard diploma.

(s) through (dd)3.e. No change.

f. Occupational therapy means services provided by a licensed occupational therapist or a licensed occupational therapy assistant pursuant to the provisions of Chapter 468 Section 486.203, F.S., that include improving, developing or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.

- g. through (kk)2.b. No change.
- c. Career and technical ~~Vocational~~ education.
- 3. through c. No change.

d. Career and technical ~~Vocational~~ education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

(ll) through (mm) No change.

(nn) Transition services. Transition services means a coordinated set of activities for a student with a disability that:

- 1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including postsecondary education, career and technical ~~vocational~~ education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; and

2. through (3) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3), 1003.57, 1003.571 F.S. Law Implemented 1001.42(4)(l), 1003.01(3), 1002.38, 1001.03(8), 1003.57, 1003.571 1011.62(1)(c) F.S. History—New 11-18-84, Amended 10-1-85, Formerly 6A-6.3411, Amended 12-14-93, 10-17-04, 12-22-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 4, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03028
 RULE TITLE: Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities

PURPOSE AND EFFECT: The purpose is to update language to reflect changes in Sections 1003.4282 and 1003.4203, F.S., which were amended during the 2014 legislative session, and Section 1003.5716, F.S., which was created during the 2014 legislative session. The rule proposes to amend the requirements for transition planning before the age of 14 to include a statement of intent to pursue a standard high school diploma pursuant to Section 1003.4282(1)-(9), F.S., or Section 1003.4282(11), F.S., and a Scholar or Merit designation in accordance with Section 1003.4285, F.S., as determined by the parent and the preparation needed for the student to graduate with the option and designation chosen. In addition the rule proposes to amend the requirements related to the transition plan to include, beginning not later than the first individual educational plan (IEP) to be in effect when the student turns 16, a statement of intent to receive a standard high school diploma before the student attains the age of 22 and how the student will fully meet the requirements; in addition, a statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation is required. Beginning in the 2015-2016 school year, the IEP must reflect a statement of intent regarding the Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation. The Model Communication Plan for students who are deaf or hard of hearing is also proposed for revision.

SUMMARY: The proposed rule clarifies the obligation to provide FAPE by adding reference to deferral of standard diploma; Amends the role of parents in developing, reviewing and revising the IEP to include course of study leading to a standard diploma with a Scholar or Merit designation; Proposes to add consideration of career goals in addition to a student's postsecondary goals; Changes reference to the Model Communication Plan by deleting the word "model" and amends the content of the plan; Clarifies when a medically complex exemption is granted, the same notification that exists for an extraordinary exemption applies; Amends the requirement for transition planning before the age of 14 to include a statement of intent to pursue a standard high school diploma and a Scholar or Merit designation; The preparation needed for the student to graduate from high school with the standard diploma option and designation the student intends to pursue; and consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, beginning no later than age 14, so that necessary postsecondary and career goals may be identified and in place by age 16; Proposes to amend the requirement related to the transition plan to include, beginning not later than the first IEP to be in effect when the student turns 16 or younger, if determined appropriate by the IEP team and updated annually: A statement of intent to receive a standard high school diploma before the student attains the age of 22 and how the student will fully meet the requirements of Section 1003.4282(3) or 1003.4282(11), F.S.; and a statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation. Amends the content of the IEP to include, beginning with the 2015-2016 school year, a statement identifying the CAPE digital industry tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to Section 1003.4203, F.S.; Amends the role of the parent to include changes to the IEP, the parent, or the adult student if rights have transferred in accordance with subsection 6A-6.03311(8), F.A.C., must approve any change in the selected graduation option and any changes made to the postsecondary or career goals and may select an independent reviewer, as provided in Section 1003.572, F.S., to verify appropriateness; and amends references to vocational education to career technical education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in

the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.4282, 1003.55, 1003.57, 1003.571, 1003.5715, 1008.22 FS.

LAW IMPLEMENTED: 1001.03(8), 1001.42(4)(1), 1002.33, 1002.38, 1003.01(3)(a), (b), 1003.4203, 1003.4282, 1003.55, 1003.57, 1003.571, 1003.5715, 1003.5716, 1008.22 FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400, Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03028 Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities.

(1) Entitlement to FAPE. All students with disabilities aged three (3) through twenty-one (21) residing in the state have the right to FAPE consistent with the requirements of Section 1003.571, F.S. and Rules 6A-6.03011 through 6A-6.0361, F.A.C. FAPE shall be made available to students with disabilities, including students who have been suspended or expelled, and any individual student with a disability who needs special education and related services, even though the student has not failed or been retained in a course or grade, and is advancing from grade to grade. The obligation to make FAPE

available to all students with disabilities does not apply with respect to the following:

(a) Students with disabilities who have graduated from high school with a standard diploma, and who have not deferred receipt of the diploma, in accordance with Section 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate of completion or a general educational development credential (GED); and

(b) through (2) No change.

(3) IEP Requirements. An IEP must be developed, reviewed, and revised for each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, in accordance with this rule. Parents are partners with schools and school district personnel in developing, reviewing, and revising the IEP for their student.

(a) Role of parents. The role of parents in developing IEPs includes, but is not limited to:

1. Providing critical information regarding the strengths of their student;

2. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

3. Participating in discussions about the student's need for special education and related services;

4. Participating in the determination of how the student will be involved and progress in the general curriculum, including participation in the statewide assessment program and in district-wide assessments;

5. Participating in the determination of what services the school district will provide to the student and in what setting; and

6. Participating in the determination of which whether the student is pursuing a course of study leading towards a standard diploma the student will pursue, consistent with Sections ~~1003.428 and 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with Section 1003.4285, F.S. or a special diploma, consistent with Section 1003.438, F.S.~~

(b) through 4. No change.

5. Not later than the first IEP to be in effect when the student turns sixteen (16), or younger if determined appropriate by the IEP Team, the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student, and identify any other agency that will be invited to send a representative to the meeting.

6. through (c)6. No change.

7. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the IEP meeting to identify transition services needs or consider postsecondary and career goals and transition services, the school district shall take other steps to ensure that the student's preferences and interests are considered.

8. through (g)8. No change.

9. In the case of a student who is deaf or hard-of-hearing or dual-sensory impaired, the ~~Model~~ Communication Plan ~~(Form 313189, effective December March 2014, is available at (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03382>)~~ or may be obtained from the Department of Education, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, FL 32399. The ~~Model~~ Communication Plan form is incorporated by reference and shall be used to address, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

10. through (h)4. No change.

5. A statement of any individual appropriate accommodations in the administration of statewide standardized assessments as described in Section 1008.22(3), F.S., or district assessments of student achievement that are necessary in order to measure the academic achievement and functional performance of the student on the assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with Section 1008.22(3)(c)3., F.S. If the IEP Team determines that the student will take the Florida Alternate Assessment instead of other statewide standardized assessments or an alternate district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide standardized assessments or district assessments and, if applicable, why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide assessment program as a result of being granted an extraordinary exemption in accordance with the provisions of Section 1008.212, F.S., or a medically complex exemption in accordance with Section 1008.22(9), F.S., the district must notify the student's parent and provide

the parent with information regarding the implications of such nonparticipation in accordance with Section 1008.22(3), F.S.

6. through 7. No change.

~~8. In accordance with Rule 6A-1.09961, F.A.C., during the student's eighth (8th) grade year or during the school year of the student's fourteenth (14th) birthday, whichever comes first, a statement of whether the student is pursuing a course of study leading to a standard diploma or a special diploma.~~

~~8.9. Before attaining the age of fourteen (14), in order to ensure quality transition planning and services, IEP Teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:~~

~~a. A statement of intent to pursue a standard high school diploma pursuant to Section 1003.4282(1)-(9), F.S., or Section 1003.4282(11), F.S., and a Scholar or Merit designation in accordance with Section 1003.425, F.S., as determined by the parent;~~

~~b. The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and~~

~~c. Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, beginning no later than age fourteen (14), so that needed postsecondary and career goals may be identified and in place by age sixteen (16).~~

~~9.10. Beginning not later than the first IEP to be in effect when the student turns sixteen (16), or younger, if determined appropriate by the IEP Team and updated annually, the IEP must include the following:~~

~~a. A statement of intent to receive a standard high school diploma before the student attains the age of twenty-two (22) and a description of how the student will fully meet the requirements of Section 1003.4282, F.S. This requirement does not apply if the student entered grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;~~

~~b. A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation;~~

~~c. A statement of appropriate measurable postsecondary and career goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills and the transition services (including courses of study) needed to assist the student in reaching those goals; and-~~

~~d. If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall~~

reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including Division of Vocational Rehabilitation Services, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

~~10.11. Beginning at least one (1) year before the student's eighteenth (18th) birthday, a statement that the student has been informed of his or her rights under Part B of the IDEA, if any, that will transfer from the parent to the student on reaching the age of majority, which is eighteen (18) years of age.~~

~~11. Beginning with the 2015-2016 school year, a statement identifying the Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to Section 1003.4203, F.S.~~

~~(i) through (j) No change.~~

~~(k) Changes to the IEP. Generally, changes to the IEP must be made by the entire IEP Team at an IEP Team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to a student's IEP after the annual IEP meeting for a school year, the parent and the school district may agree not to convene an IEP Team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the school district must ensure that the student's IEP Team is informed of those changes. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student if rights have transferred in accordance with subsection 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in Section 1003.572, F.S., and include:~~

~~1. Changes to the postsecondary or career goals; and,~~

~~2. Beginning with students entering grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide standardized assessment results made by the IEP team in accordance with the provisions of Section 1008.22(3)(c), F.S.~~

~~(l) through (s) No change.~~

~~(t) Program options. Each school district must take steps to ensure that its students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career technical vocational education.~~

Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.4282, 1003.55, 1003.57, 1003.571, 1003.5715, 1008.22 FS. Law Implemented 1002.33, 1003.01(3)(a), (b), 1003.4203, 1003.4282, 1003.55, 1003.57, 1003.571, 1003.5715, 1003.5716, 1008.22 FS. History—New 7-13-93, Amended 10-17-04, 12-22-08, 12-15-09, 3-25-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 4, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03029
RULE TITLE: Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years

PURPOSE AND EFFECT: The purpose of this amendment is to ensure that procedures and development of an individualized family support plan for children with disabilities, birth through five years, conforms to the Department of Health, Children’s Medical Services, Early Steps program. The Department of Health, Children’s Medical Services is the lead agency for early intervention services provided to infants and toddlers with disabilities through Part C of the Individual with Disabilities Education Act (IDEA). School districts serving children with disabilities, ages three (3) through (5) may utilize, at the option of the school district and with parental consent, an individualized family support plan (IFSP) in lieu of an individual educational plan (IEP). The effect will be a rule that aligns with the content, definitions and timeline requirements of the Department of Health.

SUMMARY: This amendment provides clarification for use of the IFSP for early intervention services for children with disabilities, ages birth through two (2) or special education and related services to children with disabilities, ages three (3) through five (5) and new language includes the requirements for content, timelines and IFSP team meetings as stipulated in the IDEA Part C Federal Regulations and in the Department of Health, Children’s Medical Services, Early Steps Policy Handbook and Operations Guide for children with disabilities, ages birth through two (2) years or, as referenced in Rule 6A-6.03028, F.A.C., for children with disabilities, ages three (3) through five (5) years.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes (F.S.), and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(1)(c), 1003.571 FS. LAW IMPLEMENTED: 1001.03(8), 1001.42(4), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(1)(c), 1003.571, 1011.62(1)(c) FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.
PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400, Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03029 Development of Individualized Family Support Plans for Children with Disabilities Ages Birth Through Five Years.
Parents are a child’s first teachers and are must be partners with school and school district personnel to identify the their specific concerns and priorities of the family related to enhancing their child’s development. Procedures for developing individualized family support plans shall be set forth in each district’s Exceptional Student Education (ESE) Policies and Procedures for the Provision of Specially Designed Instruction and Related

~~Services to Exceptional Students~~ document, as defined in subsection 6A-6.03411(2), F.A.C., consistent with the following requirements:

(1) Definitions: An individualized family support plan (IFSP) is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services ~~to children with disabilities ages birth through two (2) years or special education and related services to children with disabilities ages three (3) through five (5). To meet the identified outcomes for an individual child and family,~~ a planning process involving the family, professionals, and others shall be used to prepare the document.

(2) Use of ~~IFSPs family support plans~~. For children with disabilities ages birth through two (2) years, ~~an IFSP a family support plan~~ consistent with the requirements of subsections (3), (4), (6), (8), ~~and~~ (9) and (10) of this rule shall be used. For children with disabilities ages three (3) through five (5) years, school districts may utilize, at the option of the school district and with written parental consent, ~~an IFSP a family support plan~~, consistent with the requirements of subsections (3), (5), (7), ~~and~~ (9) and (10) of this rule, in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between ~~an IFSP a family support plan~~ and an IEP.

(3) Contents. The ~~IFSP family support plan~~ shall be in writing and include:

(a) A statement of the child's present levels of physical development; (including vision, hearing, and health status), cognitive development, communication development, social or emotional development; and adaptive skills development based on the information from the child's evaluation and assessment objective criteria;

(b) With the concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the ~~family's child with disabilities~~ as identified through the assessment of the family;

(c) A statement of measurable results or measurable the major outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills as developmentally appropriate, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes identified on the IFSP is being made, and whether modifications or revisions of the expected results or outcomes or early intervention or special education and related-services are necessary; and

(d) A statement of the specific early intervention services, based on peer-reviewed research (to the extent practicable), or ~~for children ages three (3) through five (5) years, the special education specially designed instruction~~ and related services, necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified on the IFSP, including: including the frequency, intensity, and the method of delivering services;

1. Frequency, intensity, and method of delivering services;

2. Location of the services;

3. Length of the services;

4. Funding source or payment arrangements, if any;

5. Anticipated duration of these services;

6. Other services;

7. Projected dates for initiation of services for children birth through two (2), which must be as soon as possible but within thirty (30) calendar days of the date the parent consents to the service, and the anticipated duration of these services; and

8. Steps to be taken to support the transition of the child, when exiting the Early Steps program to preschool services for children with disabilities ages three (3) through five (5), or other services that may be available. The steps required for transition shall include:

a. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

b. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;

c. Notification information to the school district for the purpose of child find;

d. With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and

e. Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

(e) A statement of the natural environments in which early intervention services, or ~~for children ages three (3) through five (5) years, special education specially designed instruction~~ and related services, are to be provided, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

(f) A statement of the strategies needed in order to meet the child's and family's outcomes; The projected dates for initiation of services and the anticipated duration of such services; and

(g) The name of the service coordinator from the profession most immediately relevant to the child's or family's needs, or the individual who is otherwise qualified to be responsible for the implementation of the early intervention or special education and related services identified in ~~of~~ the IFSP plan, including transition services and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at the time ~~that~~ the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP support plan or appoint a new service coordinator;

(h) Family demographic and contact information; support plans developed for children with disabilities ages birth through two (2) years shall also include:

1. ~~The frequency, intensity, and method of delivery of the early intervention service;~~
2. ~~The location of the early intervention services;~~
3. ~~The payment arrangements, if any;~~
4. ~~Other services to the extent appropriate;~~
5. ~~The steps to be taken to support the transition of the child, upon reaching age three (3), to preschool services for children with disabilities ages three (3) through five (5), to the extent that those services are considered appropriate or other services that may be available, if appropriate. The steps required for transition shall include:

 - a. ~~Discussions with an assistance to parent(s) regarding future placements and other matters related to the child's transition;~~
 - b. ~~Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and~~
 - c. ~~With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of family support plans that have been developed and implemented.~~~~

(i) A statement of eligibility, including recommendations for children not found eligible;

(j) A description of everyday routines, activities and places in which the child lives, learns and plays and individuals with whom the child interacts;

(k) Identification of the most appropriate IFSP team member to serve as the primary service provider;

(l) Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP; and

(m) For children ages birth through two (2) years:

1. Identification of any medical and additional supports that the child or family needs or is receiving through other sources, but that are neither required nor funded under the Individuals with Disabilities Education Act, Part C, 34 CFR §303.344(e); and

2. A description of the steps the service coordinator or family will take to assist the child and family in securing additional supports not currently being provided.

(4) ~~Timelines for IFSPs family support plans~~ for children with disabilities ages birth through two (2) years. These timelines shall include the following:

(a) For a child who has been evaluated for the first time and determined to be eligible, a meeting to develop the initial ~~IFSP family support plan~~ must be conducted within forty-five (45) days from referral;

(b) A review of the ~~IFSP family support plan~~ for a child and the child's family must be conducted every six (6) months, from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review. The review may be carried out at a meeting or by another means that is acceptable to the parents and other participants. The purpose of the periodic review is to determine:

1. The degree to which progress toward achieving the results or outcomes identified on the IFSP is being made; and
2. Whether modifications or revisions of the results or outcomes or services are is necessary; and-
3. Whether additional needs have been identified based on ongoing assessment or observation. ~~The review may be carried out at a meeting or by another means that is acceptable to the parents and other participants.~~

(c) A face-to-face meeting must be conducted on at least an annual basis by the IFSP team to re-determine eligibility and review to evaluate the IFSP family support plan for a child and the child's family, ~~and as appropriate and~~ to revise, change or modify its provisions and assess the continuation of the outcomes, strategies and recommended services, as needed. The results of any current evaluations, and other information available from ~~the~~ ongoing assessments of the child and family, must be considered at the annual review of the IFSP used in to determine ~~determining~~ continuing eligibility and the early intervention ~~what~~ services that are needed and will be provided.

(d) ~~IFSP Family support plan~~ meetings must be conducted:

1. In settings and at times that are convenient to families; and
2. In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

(e) Meeting arrangements must be made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

(f) The contents of the ~~IFSP family support plan~~ must be fully explained to the parent(s) and informed written consent from the parent(s) must be obtained prior to the provisions of early intervention services described in the plan. If the parent(s) does not provide consent with respect to a particular early intervention service, that service may not be provided. The early intervention services to which parental consent is obtained must be provided.

(5) Requirements for ~~IFSPs family support plans~~ for children with disabilities ages three (3) through five (5). These ~~IFSPs family support plans~~ shall be consistent with the requirements of ~~paragraphs subsections~~ 6A-6.03028(3)(a)-(g), (j)-(k) and (m)-(t) (3) (6) (10), and (11), F.A.C.

(6) Participants for ~~IFSP meetings family support plans~~ for children with disabilities ages birth through two (2) years. ~~The participants shall include the following:~~

(a) Each initial meeting and each annual meeting to ~~review evaluate the IFSP and re-determine eligibility family support plan~~ must include the following participants:

1. The parent or parents of the child;
2. Other family members, as requested by the parent(s) ~~if feasible to do so~~;
3. An advocate or ~~individual person~~ outside of the family, if the parent(s) requests that the ~~individual person~~ participate;
4. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated to be responsible for implementation of the ~~IFSP family support plan~~;
5. For initial ~~individualized~~ family support plan meetings, ~~a person directly involved in conducting the evaluation or assessment; at least two professionals from two different disciplines directly involved in conducting the evaluations and assessments. For subsequent family support plan meetings, at least two professionals from two different disciplines; and~~
6. As appropriate, ~~individuals persons~~ who will be providing services to the child or family.

(b) If ~~an individual a person~~ listed in paragraph (6)(a) of this rule is unable to attend a meeting, arrangements must be made for the ~~individual's person's~~ involvement through other means, including:

1. Participating in a telephone ~~or video~~ conference call;
2. Having a knowledgeable authorized representative attend the meeting; or

3. Making pertinent records available at the meeting.

(c) Each periodic review must provide for the participation of ~~individuals persons~~ in subparagraphs (6)(a)1.-4., ~~and 6.~~, of this rule. If conditions warrant, provisions must be made for the participation of other representatives.

(7) Participants for ~~IFSP family support plan~~ meetings for children with disabilities ages three (3) through five (5) years shall include those listed in ~~paragraph subsection~~ 6A-6.03028(3)(c)(4), F.A.C.

(8) Provision of services before evaluation and assessments are completed. Early intervention services for a child with disabilities ages birth through two (2) years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

- (a) Parental consent is obtained;
- (b) An interim ~~IFSP family support plan~~ is developed that includes:

1. The name of the service coordinator who will be responsible, consistent with paragraph (3)(g) of this rule, for implementation of the interim ~~IFSP family support plan~~ and coordination with other agencies and ~~individuals persons~~; ~~and~~

2. The early intervention services that have been determined to be needed immediately by the child and the child's family; ~~and~~

3. Outcomes, if feasible; and

4. Signatures of those who developed the IFSP.

(c) The evaluation and assessments are completed within ~~forty-five (45) calendar days from referral as the time period~~ required in paragraph (4)(a) of this rule.

(9) Nonpublic schools. For children with disabilities ages birth through five (5), the procedures described in ~~paragraphs subsection~~ 6A-6.03028(3)(n) and (o) (12), F.A.C., shall be followed.

(10) Financial responsibility. For children ages birth through two (2) years, the school district shall only be responsible for the early intervention services specified and agreed to through the ~~IFSP family support plan~~ process. For children ages three (3) through five (5) years, the school district shall only be responsible for the provision of the special education and related services necessary for the child to benefit from special education.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(1)(c)(5), 1003.571 FS. Law Implemented 1001.03(8), 1001.42(4), 1003.01(3)(a), (b), 1003.21(1)(e), 1003.57(1)(c)(5), 1003.571, 1011.62(1)(c) FS. History—New 7-13-93, Amended 1-4-94, 9-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 26, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-14.0304 Online Courses

PURPOSE AND EFFECT: The purpose of this rule is to enable students to earn academic credit for online courses, including massive open online courses, prior to initial enrollment at a postsecondary institution.

SUMMARY: The proposed rule establishes the components that must be included in Florida College System institutional policies that enable students to earn appropriate credit for online coursework prior to initial enrollment.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Enabling students to earn credit for online coursework will allow students to receive credit for prior learning, thereby reducing duplicative courses and time to degree/credential. This will also result in cost savings.

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: 1004.0961 FS.

LAW IMPLEMENTED: 1004.0961 FS.

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

DATE AND TIME: November 18, 2014, 8:30 a.m.

PLACE: Seminole State College, Heathrow Campus, 1055 AAA Drive, Heathrow, FL 32746

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Alexander, Division of Florida Colleges, at julie.alexander@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0304 Online Courses.

College Credit for Online Courses. Florida College System institutions shall evaluate online coursework, if requested by a student prior to the initial term of enrollment, and award college credit when the following conditions are met: faculty have determined the online course content and learning outcomes to be comparable to a course offered at the institution; online courses meet the quality and accreditation standards intended for a transfer course; and the student's intended program of study is relevant to the online course as determined by subject area faculty. Nothing in this rule should prohibit a Florida College System institution from establishing additional mechanisms for the award of college credit for online courses.

(1) By fall 2015, each Florida College System institution board of trustees shall adopt a policy that enables students to earn appropriate credit for online coursework prior to initial enrollment. The policy shall include:

(a) A description of student responsibilities for initiating a review of prior learning through online courses and documentation requirements for the purposes of determining equivalency of required outcomes within the student's intended program of study.

(b) A description of the review procedures of prior learning through online coursework that is within the same parameters and quality assurance protocols, including faculty credential evaluation, outcome equivalency and student demonstrated mastery of competency, as any other award of credit for prior learning that is not guaranteed to transfer pursuant to Section 1007.24(7), F.S.

(c) A description of credit that may be granted to students for coursework that is recognized by the American Council on Education (ACE).

(d) A description of the student appeals process.

(2) The procedure for the alignment of coursework is to determine whether the online course fulfills a general education or major course or degree program requirement and, if deemed equivalent, apply the credit as such. Otherwise, credit will be granted to the extent elective credits are needed to fulfill program requirements.

(3) Credit awarded for online coursework shall be noted on the student's transcript. A receiving Florida public postsecondary institution may accept in transfer any college credit that was previously evaluated and awarded by a Florida public postsecondary institution, and that is appropriate to the student's program of study.

(4) Each Florida College System institution shall display the policy on its website and within its catalog.
Rulemaking Authority 1004.0961 FS. Law Implemented 1004.0961 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Randy Hanna, Chancellor, Florida College System
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 11, 2014

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 6M-8.605 | VPK Staff Development Plan for Providers on Probation |
| 6M-8.700 | Provider on Probation; Voluntary Prekindergarten Education Program Improvement Plan and Implementation; First Year Probation |
| 6M-8.701 | Provider on Probation; Voluntary Prekindergarten Education Program Annual Probation Progress Report; Second and Subsequent Year Probation |
| 6M-8.702 | Provider on Probation; Removal From Voluntary Prekindergarten Education Program Eligibility |

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement the accountability requirements of the Voluntary Prekindergarten Program. The rules establish what occurs when VPK providers fail to meet the minimum readiness rate. The rules also established required actions by providers who are placed on probation and choose a staff development plan to improve their program.

SUMMARY: The rules contain steps that must be taken when a provider chooses to implement a staff development plan as a condition of probation. The rules explain what must occur for a provider to be placed on probation and what occurs when a provider remains on probation. The rules also include a process for removing a provider from eligibility to deliver the VPK program for five years.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the review by the Office of the proposed rule amendments determined that a Statement of Estimated Regulatory Costs was not necessary and that the rule amendments impose no additional fees or costs on small business as some of the amendments are technical, some incorporate legislative changes and others increase the flexibility for compliance.

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

RULEMAKING AUTHORITY: 1001.213(2), 1002.79 FS.
LAW IMPLEMENTED: 1002.67(4)(b)-(c), 1002.75(3)(a)-(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, November 6, 2014, 10:00 a.m. – 12:00 Noon or at the conclusion of business whichever is earlier

PLACE: Via GoToWebinar only; to register for the hearing go to: <https://attendeegotowebinar.com/register/5749200428397109250> or information may be found at: http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.asp

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: Tara Huls, Bureau Chief, Voluntary Prekindergarten Education Program, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8550 or tara.huls@oel.myflorida.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 IS: Tara Huls, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8635

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-8.605 VPK Staff Development Plan For Providers on Probation.

The VPK Staff Development Plan for Providers on Probation ~~adopted by the State Board of Education~~ outlines the required staff development trainings and required staff development

activities as well as recommended trainings and activities in the document titled “~~OEL-Approved~~ ~~DOE-Approved~~ Staff Development Plan for VPK Providers on Probation, ~~October 2014~~ ~~August 2012~~ (new link)(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01499>).” This document is hereby incorporated by reference in this rule and may be obtained by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, Florida 32399.

Rulemaking Authority ~~1001.213(2), 1002.67(4)(e)2., 3., 1002.79 FS.~~ Law Implemented ~~1002.67(4)(c)2., 3., 1002.67 FS.~~ History—New 8-21-12, Formerly 6A-1.099826, Amended.

6M-8.700 Provider on Probation; Voluntary Prekindergarten Education Program Improvement Plan and Implementation; First Year Probation.

(1) Probation. A provider remains on probation until it meets the minimum rate adopted by the Office as satisfactory under section 1002.69(6), F.S. An early learning coalition or school district, as applicable, shall place on first year probation any Voluntary Prekindergarten Education (VPK) provider which fails to meet the minimum kindergarten readiness rate for a program type (~~school-year~~ ~~school-year~~ or summer) adopted by the ~~Office of Early Learning~~ ~~State Board of Education~~ as satisfactory under Section 1002.69(6), F.S, and require such provider to submit and implement an approved improvement plan designed to improve the provider’s kindergarten readiness rate. An improvement plan shall include:

(a) Use of Approved Curriculum or Staff Development Plan. A VPK provider on probation must select either an approved curriculum from the list of approved curricula for providers on probation on the ~~Office’s~~ ~~Department of Education’s~~ website per Rule 6M-8.604, F.A.C., Rule 6A-1.099825, F.A.C., or a staff development plan available from the ~~Office of Early Learning~~ ~~Department of Education~~ per Rule 6M-8.605, F.A.C., Rule 6A-1.099826, F.A.C., as a targeted area in its improvement plan. An early learning coalition or school district, as applicable, shall require a VPK provider on probation to use an approved curriculum or staff development plan in accordance with Section 1002.67(4)(c)2-3, F.S.

(b) Additional Targeted Areas. A VPK provider on probation must select a minimum of one of the following additional areas ~~as a targeted area~~ in its improvement plan:

1. Administrative and management practices, including training, educational level, and retention of prekindergarten instructors;
2. Classroom learning environment;
3. Child developmental screenings and assessments;
4. Social-emotional interactions among prekindergarten instructors and students;

5. Students’ ability to make age appropriate progress in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities;

6. Percentage of students attending seventy (70) percent or more of the instructional hours offered by the VPK provider; or

7. Family involvement in the early childhood program.

(c) Strategies for Improvement. A description of strategies for improvement of the provider’s VPK program which includes the following and, at the discretion of the provider, any other additional areas:

1. A list of target areas for the VPK provider’s improvement identified under paragraphs (1)(a) and (b) and any additional areas a provider deems important to its improvement;

2. A list of specific actions already taken, and proposed to be taken, by the VPK provider for improvement of targeted areas; and

3. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(2) Submission and Approval of Improvement Plan.

(a) A VPK provider on probation must submit its improvement plan electronically through the website <https://vpk.fldoe.org/>. The provider must have an approved improvement plan in place for at least 30 days prior to receiving an advance payment and for at least 30 days prior to offering VPK instruction for the program type for which the provider must submit an improvement plan, as applicable. A VPK provider on probation may submit an improvement plan any time after the ~~Office~~ ~~Department of Education~~ posts the final ~~preliminary~~ readiness rates.

(b) An early learning coalition or school district, as applicable, shall approve ~~or disapprove~~ a VPK provider’s improvement plan within 14 days following receipt of the improvement plan if the plan is submitted with a list of target areas and specific actions for improvement as described in this rule.

(c) If the improvement plan does not address the criteria established in paragraphs (1)(a)-(c), the early learning coalition or school district, as applicable, shall disapprove the improvement plan ~~and shall return it to the VPK provider~~ with suggestions for revision. The VPK provider on probation shall submit an amended improvement plan within 14 days following the receipt of notification of disapproval of its improvement plan and suggestions for revision. The early learning coalition or school district, as applicable, shall offer to work with the VPK provider on probation to revise a disapproved improvement plan to address the criteria in paragraphs (1)(a)-(c). ~~For each initial disapproved improvement plan that a VPK provider submits, the provider may submit an amended improvement plan no more than two additional times until such time as the State Board of Education adopts the minimum~~

kindergarten readiness rate for the subsequent program year under Rule 6A 1.099821, F.A.C.

~~(3) Technical Assistance. An early learning coalition or school district, as applicable, shall offer to identify technical assistance opportunities for each provider on probation. Such technical assistance shall be offered in a manner and schedule prescribed by the coalition or school district, and shall be designed to facilitate the development and implementation of improvement plans. A provider on probation may elect to receive assistance by contacting the coalition or school district, as applicable, in writing. Whether or not a provider elects to receive resources, referrals or technical assistance, improvement of the provider's kindergarten readiness rate is the sole responsibility of the provider. Compliance with technical assistance does not guarantee that the provider will improve its kindergarten readiness rate.~~

~~(3)(4) Prior to offering registering to offer the VPK program, a provider on probation must demonstrate that it is implementing its improvement plan. The VPK provider must demonstrate its implementation of its improvement plan by using an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S., including all program materials and professional development elements associated with the approved curriculum or staff development plan, and by submitting the following to the early learning coalition or school district, as applicable:~~

~~(a) For use of an approved curriculum:~~

~~1. A receipt or invoice demonstrating that the VPK provider has purchased an approved curriculum and has scheduled instructor trainings developed by the curriculum publisher on use of the curriculum; or~~

~~2. An acknowledgement that the VPK provider has received the complete approved curriculum through a donation and has scheduled instructor trainings developed by the curriculum publisher on use of the curriculum.~~

~~(b) For use of a staff development plan:~~

~~1. Copy Copies of Department of Children and Families (DCF) transcripts certificates evidencing successful training completion for VPK staff consistent with the staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S.; and~~

~~2. An acknowledgement that the VPK provider has implemented its staff development plan.~~

~~Rulemaking Authority 1001.213(2), 1002.79(2) FS. Law Implemented 1002.67(4)(c)1-3., 1002.75(3)(a)-(b) FS. History—New 3-26-13, Amended _____.~~

6M-8.701 Provider on Probation; Voluntary Prekindergarten Education Program Annual Probation Progress Report; Second and Subsequent Year Probation.

(1) Probation. A provider remains on probation until it meets the minimum rate adopted by the Office as satisfactory under Section 1002.69(6), F.S. An early learning coalition or school district, as applicable, shall place on second or subsequent year probation any Voluntary Prekindergarten Education (VPK) provider which receives kindergarten readiness rates for the same program type (school year or summer) which fail to meet the minimum rates adopted by the Office of Early Learning State Board of Education as satisfactory under Section 1002.69(6), F.S., for two or more consecutive years. For the purpose of this rule, consecutive years means years in which a VPK provider receives kindergarten readiness rates for the same program type (school year or summer).

(2) Second or Subsequent Year Probation Corrective Action. A VPK provider that remains on probation under this rule must submit an annual probation progress report electronically through the website <https://vpk.fldoe.org/>. The annual probation progress report must demonstrate progress toward meeting the specific actions for improvement in the target areas identified in the provider's approved improvement plan. The provider must have an approved probation progress report in place for at least 30 days prior to receiving an advance payment and for at least 30 days prior to offering VPK instruction for the program type for which the provider must submit a probation progress report, as applicable. A VPK provider may submit a probation progress report any time after the Office of Early Learning Department of Education posts the final preliminary readiness rates. The probation progress report shall provide information regarding the provider's progress in implementing its improvement plan approved under Rule 6M-8.700, F.A.C. The second or subsequent year probation progress report shall contain a description of strategies for improvement of the VPK program that includes the following:

(a) A list of target areas for the VPK provider's improvement per Rule 6M-8.700, F.A.C., and any additional areas a provider deems important to its improvement, including specifically;

1. Identification and description of the provider's use of an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c)2-3., F.S., including all associated program materials and professional development elements associated with the approved curriculum or staff development plan as described in paragraph 6M-8.700(1)(a) and subsection (4), F.A.C.; and

2. Identification and description of the provider's action steps in the additional targeted area(s) as described in paragraph 6M-8.700(1)(b), F.A.C.

(b) A list of specific actions the VPK provider will take in the future for improvement of the targeted areas; and

(c) An implementation schedule or timeline for the VPK provider to implement any proposed actions.

Rulemaking Authority 1001.213(2), 1002.79(2) FS. Law Implemented 1002.67(4)(c)2., 1002.75(3)(b) FS. History–New 3-26-13, Amended _____.

6M-8.702 ~~Provider on Probation; Removal From Voluntary Prekindergarten Education Program Eligibility.~~

(1) Removal from Future Eligibility. Except when a provider receives a good cause exemption under Section 1002.69(7), F.S., an early learning coalition or school district, as applicable, shall remove a Voluntary Prekindergarten Education (VPK) Program provider for five (5) years from future eligibility to offer new VPK classes under the following conditions:

(a) ~~When of the program type (school-year or summer) for which the provider receives kindergarten readiness rates for the same program type (school-year school-year or summer) that for three consecutive years which fail to meet the minimum kindergarten readiness rates adopted by the Office of Early Learning State Board of Education as satisfactory under Section 1002.69(6), F.S., for three consecutive years the provider shall not offer VPK class in that program type.~~ For the purpose of this rule, consecutive years has the same meaning as defined in subsection 6M-8.701(1), F.A.C. The Office of Early Learning will notify early learning coalitions and school districts when a provider is removed from eligibility under this condition.

(b) Failure to implement an approved improvement plan or staff development plan under Section 1002.67(4)(c)2., F.S.

(c) If a provider, or an owner, officer or director is (or is acting as the beneficial owner for someone who has been) convicted, found guilty of, or pleads guilty or nolo contendere to public assistance fraud, according to Section 1002.91, F.S.

(d) If a provider's executed statewide provider contract adopted in Rule 6M-8.301, F.A.C., is terminated after due process procedures adopted in the contract are completed.

(2) Letter of Removal to Private VPK Providers. ~~Florida's Office of Early Learning shall notify the early learning coalition, in writing, to remove a private VPK provider from future eligibility to offer new VPK classes of the program type.~~ The coalition shall ~~then~~ issue a written Letter of Removal to the provider, which shall be delivered to the provider via postal service, electronic mail (email), facsimile, or courier service. The Letter of Removal shall be provided within 30 days after the decision on an application for good cause exemption by the ~~office State Board of Education~~, or, if no application was filed by the provider, within 30 days after the deadline to file a good cause exemption application has expired, with a copy to the ~~Florida's~~ Office of Early Learning, at the following address:

250 Marriott Drive, Tallahassee, Florida 32399. A Letter of Removal shall contain the following provisions:

(a) Notice of the program type (~~school-year school-year~~ or summer) for which the provider is ineligible, in situations where a good cause exemption is not granted under paragraph (1)(a);

(b) The name and address of the provider's program;

~~(c)(b)~~ The date upon which the provider was deemed ineligible to offer the program type in the future; and,

~~(d)(e)~~ Notice of termination of any provider contracts agreements, if applicable, under which the provider would have begun a new VPK class for the VPK program type for which the provider has been deemed ineligible.

(3) Notification of Removal to Public School VPK Providers. The Office of Early Learning ~~Florida Department of Education~~ shall notify the school district, in writing, to remove a public school VPK provider from future eligibility to offer new VPK classes of the program type for five (5) years and shall provide a copy of such notification to the early learning coalition.

Rulemaking Authority 1001.213(2) 1002.79(2) FS. Law Implemented 1002.67(4)(b)-(c), 1002.75(3)(c) FS. History–New 3-26-13, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tara Huls, Bureau Chief, Voluntary Prekindergarten
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shan Goff, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 26, 2014; August 26, 201

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: 6M-9.121 RULE TITLE: Federal Quality Funds

PURPOSE AND EFFECT: To repeal this rule, as it is no longer necessary.

SUMMARY: Rule repeal.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Repealing this rule will neither increase nor decrease the

impact on small business as the content of the rule has now been incorporated into the state statutes.

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: 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(4)(c), 411.01(4)(d)5. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 6, 2014, 9:00 a.m. – 10:00 a.m. or at the conclusion of business whichever is earlier

PLACE: via GoToWebinar; information to register and access the webinar may be found at: http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.aspx

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: Judy Jones at (850)717-8550. 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: Stephanie Gehres, Deputy Director, Office of Early Learning, 250 Marriott Dr., Tallahassee, Florida 32399, (850)717-8550 or Stephanie.gehres@oel.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-9.121 Federal Quality Funds.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(c), 411.01(4)(d)5. FS. History—New 8-18-08, Formerly 60BB-9.121, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephanie Gehres, Deputy Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shan Goff, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2014

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-17.001
 RULE TITLE: Normal Penalty Ranges

PURPOSE AND EFFECT: Increase fines and penalties for unlicensed activities and other disciplinary actions.

SUMMARY: Fines and penalties for disciplinary actions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not

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

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

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

RULEMAKING AUTHORITY: 455.277, 489.108, 489.129 FS.

LAW IMPLEMENTED: 455.277, 455.2273, 489.129 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-17.001 Normal Penalty Ranges.

(1) The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this chapter.

| VIOLATION | PENALTY RANGE | |
|---|--|--|
| | MINIMUM | MAXIMUM |
| (a) Section 489.129(1)(a), F.S. Obtaining license through fraud or misrepresentation. If misrepresentation If fraud | \$5,000 fine and or probation, suspension, and/or revocation. \$5,000 fine and <u>probation, suspension or r</u> Revocation. | \$10,000 fine and revocation. \$10,000 fine and revocation. |
| (b) Sections 489.129(1)(b), 455.227(1)(c), F.S. Convicted or found guilty of a crime relating to contracting. | \$3,500 <u>\$2,500</u> fine and/or probation, or suspension. | \$10,000 fine and <u>probation, suspension, or revocation.</u> |
| (c) Section 489.129(1)(c), F.S.: Violating any part of Chapter 455, F.S. 1. Section 455.227(1)(a), F.S.: Fraud, deceit, misleading, or untrue representations. | \$5,000 fine and or probation or suspension. | \$10,000 fine and <u>probation, suspension or revocation.</u> |
| 2. Section 455.227(1)(r), F.S.: Improperly interfering with an investigation or disciplinary action. | \$5,000 fine and/or probation or suspension. | \$10,000 fine and <u>probation, suspension or revocation.</u> |
| (d) Section 489.129(1)(d), F.S.: Assisting unlicensed person to evade provision of Chapter 489, F.S. | \$5,000 <u>\$2,500</u> fine and or probation or suspension. | \$10,000 fine and <u>probation, suspension or revocation.</u> |
| (e) Section 489.129(1)(e), F.S.: Combining and conspiring with unlicensed person or entity to evade provision of Chapter 489, F.S. | \$5,000 <u>\$4,000</u> fine and or probation or suspension. | \$10,000 fine and <u>probation, suspension or revocation.</u> |
| (f) Sections 489.129(1)(f), 489.119(2), F.S.: Acting under a name not on license. <u>FIRST OFFENSE</u> <u>SECOND OFFENSE</u> | \$1,500 fine. <u>\$2,500 fine</u> | \$5,000 <u>\$3,000</u> fine and or probation or suspension. <u>\$5,000 fine and suspension or revocation.</u> |
| (g) Section 489.129(1)(g), F.S.: Mismanagement or misconduct causing financial harm to the customer. FIRST OFFENSE REPEAT OFFENSE | \$1,500 fine and/or probation or suspension. \$2,500 fine and or probation or suspension. | \$5,000 fine and or probation or suspension. \$10,000 fine and revocation. |
| (h) Section 489.129(1)(h), F.S.: Local disciplinary action. | Use penalty herein listed for the violation most closely resembling the act underlying the local discipline; | Use penalty herein listed for the violation most closely resembling the act underlying the local discipline; |

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| (i) Section 489.129(1)(i), F.S.: Failing in any material respect to comply with the provisions of Part I of Chapter 489, F.S. | Use penalty herein listed for the violation most closely resembling the act underlying the local discipline; | Use penalty herein listed for the violation most closely resembling the act underlying the local discipline; |
| 1. Section 489.1195(2)(e), F.S.: Failure to supervise construction activities. FIRST OFFENSE REPEAT OFFENSE | \$2,500 \$1,000 fine and or probation or suspension. \$5,000 \$2,500 fine and or probation or suspension. | \$5,000 \$3,000 fine and or probation or suspension. \$10,000 fine and revocation. |
| 2. Sections 489.113, 489.117, F.S.: Contracting beyond scope of practice allowed by license, no safety hazard. FIRST OFFENSE REPEAT OFFENSE | \$1,000 fine and or probation or suspension. \$5,000 \$3,000 fine and or probation or suspension. | \$3,000 fine and or probation or suspension. \$10,000 fine and revocation. |
| 3. Sections 489.113, 489.117, F.S.: Contracting beyond scope of license, safety hazard is created. FIRST OFFENSE REPEAT OFFENSE | \$4,000 fine and or probation or suspension. \$5,000 fine and or probation or suspension. | \$8,000 fine and or probation, or suspension <u>or revocation</u> . \$10,000 fine and revocation. |
| 4. Section 489.1425, F.S.: Failure to notify residential property owner of recovery fund. FIRST OFFENSE REPEAT OFFENSE | \$250 fine. \$1,000 fine. | \$500 fine. \$1,000 fine. |
| 5. Section 489.115, F.S.: Contracting with a delinquent license. FIRST OFFENSE REPEAT OFFENSE | \$1,500 \$500 fine, respondent must pay all fees and costs required to place license in current and active status, and or probation or suspension. \$2,500 fine, respondent must pay all fees and costs required to place license in current and active status, and or probation or suspension. | \$2,500 fine, respondent must pay all fees and costs required to place license in current and active status, and or probation or suspension. \$5,000 fine and suspension or revocation, respondent must pay all fees and costs required to place license in current and active status, and or probation or suspension. |
| 6. Section 489.116, F.S.: Contracting with an inactive license. | \$5,000 fine and or probation or suspension. | \$10,000 fine and revocation. |

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| <p>7. Section 489.117, F.S.: Contracting in a city or county where the contractor is not licensed. First violation, where the jurisdiction is not adjacent to one where contractor is properly licensed, or practice outside the geographical scope of the license was willful.</p> | <p>\$1,000 fine and/or probation or suspension.</p> | <p>\$2,500 fine and/or probation or suspension.</p> |
| <p>8. Section 489.119, F.S.: Failure to <u>qualify a business register qualified business organization.</u> FIRST OFFENSE REPEAT OFFENSE</p> | <p>\$2,500 \$250 fine. \$5,000 \$500 fine.</p> | <p>\$5,000 \$1,000 fine and/or probation or suspension. \$10,000 \$2,000 fine and/or probation, or suspension or <u>revocation.</u></p> |
| <p>9. Section 489.119(5)(6)(b), F.S.: License number not appearing in advertisement. FIRST OFFENSE REPEAT OFFENSE</p> | <p>\$250 fine. \$500 fine.</p> | <p>\$1,000 fine. \$2,500 fine and probation.</p> |
| <p>10. Section 489.124, F.S.: Failure to keep business and financial records as required.</p> | <p>\$1,000 fine</p> | <p>\$5,000 fine and revocation.</p> |
| <p>11. Section 489.126(2), F.S.: Failure to <u>apply for all necessary permits within 30 days of entering contract or failure to start within 90 days after issuance of all necessary permits wen the contractor receives an initial payment of more than 10 percent of the contract price for repair, restoration, improvement or construction to residential real property.</u> FIRST OFFENSE REPEAT OFFENSE</p> | <p>\$2,500 fine or probation or suspension. \$5,000 fine and probation or suspension.</p> | <p>\$5,000 fine and probation or suspension. \$10,000 fine and probation, suspension, or revocation.</p> |
| <p>(j) Section 489.129(1)(j), F.S.: Abandonment. FIRST OFFENSE REPEAT OFFENSE</p> | <p>\$2,500 fine and/or probation or suspension. \$5,000 fine and/or probation or suspension.</p> | <p>\$7,500 fine and/or probation or suspension. \$10,000 fine and revocation.</p> |
| <p>(k) Section 489.129(1)(k), F.S.: False payment statements, false statement of insurance coverage.</p> | | |
| <p>1. False payment statement. FIRST OFFENSE</p> | <p>\$2,500 \$1,000 fine.</p> | <p>\$7,500 \$3,000 fine and probation or suspension.</p> |

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| REPEAT OFFENSE | \$5,000 \$3,000 fine and/or probation or suspension. | \$10,000 fine and revocation. |
| 2. False statement of insurance coverage. FIRST OFFENSE | \$1,000 fine and or probation or suspension. | \$5,000 \$2,000 fine and or probation or suspension. |
| REPEAT OFFENSE | \$5,000 \$2,500 fine and or probation or suspension. | \$10,000 fine and probation, suspension or revocation. |
| (l) Section 489.129(1)(l), F.S.: Committing fraud or deceit in the practice of contracting. | | |
| 1. Causing no monetary or other harm to licensee's customer, and no physical harm to any person. | \$2,500 fine and or probation or suspension. \$2,500 fine. | \$10,000 fine and revocation. \$10,000 fine and suspension or revocation. |

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| 2. Causing monetary or other harm to licensee's customer or physical harm to any person. | \$5,000.00 \$2,500 fine and or probation or suspension. | \$10,000 fine and revocation. |
| (m) Misconduct or incompetency in the practice of contracting, shall include, but is not limited to: 1. Failure to honor a warranty. FIRST OFFENSE | \$1,000 fine and or probation or suspension. | \$5,000 fine and or probation or suspension. |
| REPEAT OFFENSE | \$2,500 fine and or probation or suspension. | \$10,000 fine and revocation. |
| 2. Violation of any provision of Chapter 61G4, F.A.C., or Chapter 489, Part I, F.S. FIRST OFFENSE | \$1,000 fine and or probation or suspension. | \$2,500 fine and or probation or suspension. |
| REPEAT OFFENSE | \$5,000 \$2,500 fine and or probation or suspension. | \$10,000 fine and suspension or revocation. |
| 3. Failure to abide by the terms of a mediation agreement or another offense under this part. FIRST OFFENSE | \$2,500 \$500 fine. | \$5,000 \$2,500 fine and probation. |
| REPEAT OFFENSE | \$5,000 \$3,000 fine and probation or suspension. | \$10,000 fine and <u>suspension</u> or revocation. |
| 4. The following guidelines shall apply to cases involving misconduct or incompetency in the practice of contracting, absent aggravating or mitigating circumstances: | | |
| (n) Section 489.129(1)(n), F.S.: Being found guilty of gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property. FIRST OFFENSE | | |

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| REPEAT OFFENSE | \$3,000 \$1,000 fine <u>and</u> <u>probation, suspension or revocation.</u> \$10,000 \$3,000 fine <u>and</u> <u>suspension or revocation.</u> | \$10,000 \$3,000 fine and probation, suspension or revocation. \$10,000 fine and revocation. |
| (o) Section 489.129(1)(o), F.S.: Proceeding on any job without obtaining applicable local building department permits and/or inspections. | | |
| 1. Late permits. Contractor pulls permit after starting job but prior to completion of same and does not miss any inspections. | \$250 fine. | \$3,000 fine and or probation. |
| 2. Failure to obtain inspections. FIRST OFFENSE REPEAT OFFENSE | \$500 \$250 fine. \$2500 \$1,000 fine <u>and</u> <u>probation or suspension.</u> | \$2500 \$1,000 fine and or probation or suspension. \$5,000 fine and suspension or revocation. |
| 3. Job finished without a permit having been pulled, or no permit until caught after job, or late permit during the job resulting in missed inspection or inspections. FIRST OFFENSE REPEAT OFFENSE | \$1,000 fine. \$5000 \$2,500 fine. | \$5,000 fine and or probation. \$10,000 fine and suspension or revocation. |
| (p) Section 489.129(1)(p), F.S.: Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner or notice to contractor pursuant to Chapter 713, F.S. FIRST OFFENSE REPEAT OFFENSE | \$2500 \$1,000 fine and or probation or suspension. \$5,000 fine and or probation or suspension. | \$5,000 fine and suspension or revocation. \$10,000 fine and suspension or revocation. |
| (q) Section 489.129(1)(q), F.S.: Failure to satisfy a civil judgment obtained against the licensee or the business organization qualified by the licensee within a reasonable time. For purposes of this section “reasonable time” means sixty (60) days following the entry of a civil judgment that is not appealed. The Board will consider a mutually agreed upon payment plan as satisfaction of such judgment, so long as the payments are current. FIRST OFFENSE REPEAT OFFENSE | \$500 fine and or proof of satisfaction of civil Judgment. | \$5,000 fine and or proof of satisfaction of civil Judgment. |

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| | \$5,000 \$3,000 fine and/or proof of satisfaction of civil judgment. | To \$10,000 fine and/or proof of satisfaction of civil judgment, and suspension or revocation. |
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(2) through (6) No change.

Rulemaking Authority 455.227, 489.108, 489.129 FS. Law Implemented 455.227, 455.2273, 489.129 FS. History–New 10-26-86, Amended 12-21-92, Formerly 21E-17.001, Amended 11-2-93, 10-12-94, 7-2-95, 9-3-96, 10-31-96, 2-4-98, 8-2-98, 2-2-04, 1-24-05, 11-2-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2014
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2013

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-6.004
RULE TITLE: Approval of Continuing Education Providers
PURPOSE AND EFFECT: The Board proposes the rule amendment to specify documents to be provided for approval of continuing education providers.

SUMMARY: The documents that need to be provided for approval of continuing education providers will be specified.

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

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

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 491.004(5), 491.0085(1), (3), (4) FS.

LAW IMPLEMENTED: 491.0085(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.004 Approval of Continuing Education Providers.

(1) No change.

(2) Continuing education provider status shall be granted to continuing education providers who satisfy the following requirements:

(a) Provide the Board with one sample continuing education program, including containing a detailed agenda specifying content and time frames for instruction, a copy of any power point or similar presentation materials, and a copy of the course materials, which has been designed or approved by the current continuing education director and meets all of the following criteria:

1. through 5. No change.

(b) through (g) No change.

(3) through (6) No change.

Rulemaking Specific Authority 491.004(5), 491.0085(1), (3), (4) FS. Law Implemented 491.0085(1) FS. History–New 1-9-94, Formerly 61F4-6.004, Amended 10-2-94, 12-29-96, Formerly 59P-6.004, Amended 12-11-97, 2-9-99, 6-30-02, 8-13-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 29, 2014

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: RULE TITLES:
64B8-41.001 Fees

PURPOSE AND EFFECT: To change licensure/renewal fees.
SUMMARY: Fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule amendments reduce certain application and license renewal fees. Since fees are being reduced, the impact of the rule amendments will be to reduce costs to regulated entities and small businesses, and accordingly, neither a SERC nor legislative ratification is required.

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

RULEMAKING AUTHORITY: 456.036(3), (13), 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.013, 456.036(4)(b), 456.065, 468.508 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Department of Health, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-0797

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) The application fee for licensure shall be \$80.00 ~~\$100.00~~.

(2) through (3) No change.

(4) The fee for initial licensure shall be \$80.00 ~~\$175.00~~.

The Department of Health assesses an additional fee of \$5.00, payable at the time of initial licensure, for the fund to combat unlicensed activity pursuant to Section 456.065, F.S.

(5) through (6) No change.

(7) The biennial renewal fee shall be \$95.00 ~~\$100.00~~. The Department of Health assesses an additional fee of \$5.00, payable at the time of each biennial renewal, for the fund to combat unlicensed activity pursuant to Section 456.065, F.S.

(8) through (11) No change.

Rulemaking Specific Authority 456.036(3), ~~(16)(13)~~, 468.507, 468.508 FS. Law Implemented 456.013, 456.036(4)(b), 456.065(3), 468.508 FS. History--New 4-9-89, Amended 8-28-90, 11-9-90, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, 9-26-01, 7-22-02, 8-18-02, 2-20-06, 11-18-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practices Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2014

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: RULE TITLES:
64B8-42.001 Licensure by Endorsement
64B8-42.002 Licensure by Examination

PURPOSE AND EFFECT: To update the application form and make minor editorial changes to the rules.

SUMMARY: Update application forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendments to the incorporated application form reduce application fees and make changes to the form to clarify the existing procedures and requirements. Because no additional requirements are being imposed, and the clarifications should reduce confusion and questions from applicants, the rule amendments are expected to reduce costs on all entities, including licensees, small business and government, and accordingly will not have any adverse impact or increase regulatory costs in any way.

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: 468.507 FS, 456.017(1) FS.
LAW IMPLEMENTED: 468.507, 468.511, 468.513, 456.027, 468.509 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Department of Health, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-0797

THE TEXT OF THE PROPOSED RULE IS:

64B8-42.001 Licensure by Endorsement.

Each applicant for certification as a dietitian/nutritionist by endorsement shall file the Application for Dietitian/Nutritionist Licensure, DOH Form DH-MQA 1161, ND APP, Rev. 04/2014 07/2012, incorporated by reference, which can be accessed at <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition> www.doh.state.fl.us/mqa, or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-02317> and demonstrate the following:

(1)(a) That she or he holds registered dietitian credentials issued by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics; or

(b) That she or he holds certification or licensure to deliver dietetic and nutritional practice in another state, district, or territory of the United States; such certification must have been ~~was~~ granted to requirements determined to be equivalent to or more stringent than the requirements in Florida.

(2) That she or he is not under investigation, involved in disciplinary proceedings in any jurisdiction, or otherwise disqualified by reason of violation for any act which is a violation of Chapter 456, Part II, Chapter 468, Part X, F.S., or the rules promulgated thereunder.

Rulemaking Authority 468.507 FS. Law Implemented 468.507, 468.511, 468.513 FS. History—New 4-9-89, Formerly 21M-48.001, 61F6-48.001, 59R-42.001, Amended 5-31-09, 2-15-10, 9-13-12, 3-5-13,_____.

64B8-42.002 Licensure by Examination.

(1) Every applicant for certification by examination shall file the Application for Dietitian/Nutritionist Licensure, DOH Form DH-MQA 1161, ND APP, Rev. 04/2014 07/2012, incorporated by reference, which can be accessed at <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition>

nutrition www.doh.state.fl.us/mqa, or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-02317> and demonstrate to the Council that he or she meets one of the following:

(a)1. through (5) No change.

Rulemaking Authority 456.017(1), 468.507 FS. Law Implemented 456.027, 468.509, 468.511 FS. History—New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended 8-19-99, 3-9-08, 5-31-09, 1-26-10, 9-13-12, 3-5-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practices Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2014

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:

69B-167.001 Return of Unearned Premium

PURPOSE AND EFFECT: Rule 69B-167.001, F.A.C., is being repealed since it is duplicative of Rule 69O-167.001, F.A.C., which is administered by the Office of Insurance Regulation.

SUMMARY: Rule 69B-167.001, F.A.C., is repealed.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an economic analysis of the potential impact of the proposed rule and determined that there will be no adverse economic impact or regulatory increases that would require legislative ratification.

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

RULEMAKING AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 627.4133, 627.728 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 13, 2014, 10:00 a.m.

PLACE: Room 139, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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: Barry Lanier at (850)413-5601 or Barry.Lanier@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 IS: Barry Lanier, Chief, Bureau of Investigations, Room 416, Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5601 or Barry.Lanier@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-167.001 Return of Unearned Premium.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.4133, 627.728 FS. History—New 12-29-71, Formerly 4-28.03, 4-28.003, Amended 11-2-92, Formerly 4-167.001, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barry Lanier, Chief, Bureau of Investigations, Division of Agent and Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2014

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.307 Disciplinary Hearings

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. 40, No. 177, September 11, 2014 issue of the Florida Administrative Register.

The changes are in response to comments made by the Joint Administrative Procedures Committee in a letter dated September 15, 2014. The changes are as follows:

33-601.307 Disciplinary Hearings.

(1)(a) No hearing shall commence prior to 24 hours following the delivery of the charges except when the inmate's release date does not allow time for such notice or the inmate waives the 24 hour period. In such cases, an explanation shall be provided in the basis of findings section of the disciplinary report. The inmate may waive the 24-hour waiting period. In such cases, a waiver must be signed by the inmate, witnessed by an employee, and copies attached to each copy of the disciplinary report. Form DC6-112D, 24 Hour/Refusal to Appear Waiver Form, shall be used for this purpose. The disciplinary team or hearing officer shall provide an explanation in the basis of findings section whenever the waiver process is utilized. Form DC6-112D is incorporated by reference in Rule 33-601.313, F.A.C.

(b) The inmate charged shall be present at the disciplinary hearing unless a confirmed medical condition makes the inmate unable to attend, the inmate demonstrates disruptive behavior, either before or during the hearing, that impedes the process or poses a threat to the safety of others or the security of the institution, or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, Form DC6-112D, ~~the~~ 24 Hour/Refusal to Appear Waiver Form, ~~Form DC6-112D~~, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate may not submit a written closing statement to the disciplinary team or hearing officer in place of the oral closing statement permitted in paragraph (1)(g). If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of decision section of the disciplinary report.

(c) No change.

(d) The inmate shall be asked whether staff assistance is required or desired for the hearing. If in the opinion of the hearing officer or disciplinary team the inmate needs staff assistance, such assistance shall be assigned.

(e) In the case of minor violations ~~disciplinary reports~~ the hearing officer shall explain to the inmate that he may request that the case be referred to the disciplinary team.

(f) No change.

(g) If the inmate pleads "guilty," no further evidence needs to be heard. If the inmate pleads "not guilty," evidence is to be presented, including witness statement forms obtained from witnesses. If evidence is not revealed to the inmate, the

reason(s) shall be documented in the comment section of Form DC6-112B, ~~the~~ Witness Disposition Form, ~~DC6-112B~~, the comment section of Form DC6-151, ~~the~~ Documentary or Physical Evidence Disposition Form, ~~DC6-151~~, or the comment ~~comments~~ section of Form DC6-2028, ~~the~~ Disposition of Videotape/Audiotape Evidence, ~~Form DC6-2028~~, depending on the nature of the evidence, and in the witness comments section in the Department's ~~department's~~ automated database. Forms DC6-112B, DC6-151, and DC6-2028 are incorporated by reference in Rule 33-601.313, F.A.C. The inmate may make only an oral closing statement concerning the infraction for consideration by the hearing officer or disciplinary team. In the event the inmate refuses to enter a plea, it shall be treated as a "not guilty" plea insofar as hearing procedures are concerned. A "no contest" plea shall be handled as a guilty plea.

(h) through (i) No change.

(2) No change.

(3)(a) through (b) No change.

(c) The testimony of witnesses requested by the charged inmate shall be presented at the hearing through Form DC6-112C, ~~the written~~ Witness Statement Form, ~~Form DC6-112C~~, unless the inmate:

1. Has completed and signed the witness request form during the investigation;

2. Makes a request at the hearing for a witness to appear to provide live testimony; and

3. The disciplinary team or hearing officer determines that the reason provided by the charged inmate for requesting live testimony overcomes the burden on institutional staff caused by the retrieval and escort of live witnesses as well as the diversion of security staff from assigned posts due to the potential security risk that may result from the appearance of live inmate witnesses and the disruption to the assignments and activities of inmate witnesses.

Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C.

(d) Failure to sign and complete ~~the witness disposition~~ Form DC6-112B, Witness Disposition Form, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement. Form DC6-112B must be used for listing witnesses. Listing witness names on any other document, including Form DC6-112C, ~~the~~ Witness Statement, ~~Form DC6-112C~~, will not result in their being considered.

(e) through (g) No change.

(h) If the disciplinary team or hearing officer utilizes confidential informant information during the hearing, the disciplinary team or hearing officer shall determine whether the informant has direct or indirect knowledge of the events in question. The disciplinary team or hearing officer shall consider

the informant's reliability by analyzing the informant's past record for providing accurate or inaccurate information. The disciplinary team or hearing officer shall not accept assurance alone from an officer as to the authenticity of the informant's information. Hearsay and second-hand knowledge not corroborated by other evidence shall not be used to support a finding of guilt. Unless supported by other evidence, information provided by a single informant shall not be used to support a finding of guilt unless the information is especially compelling. The disciplinary team or hearing officer shall document the information used to determine guilt and the reliability of the information in the basis of decision section of Form DC6-112E, ~~the~~ Disciplinary Hearing Worksheet, ~~Form DC6-112E~~. Form DC6-112E is incorporated by reference in Rule 33-601.313, F.A.C. If disclosure of the information would endanger the informant or adversely affect institutional security and order, the disciplinary team or hearing officer shall document the information and the reasons for not revealing it to the inmate in the comment section of Form DC6-112B, Witness Disposition Form ~~the witness disposition form~~.

(i) If a witness is requested by the disciplinary team or hearing officer to appear at the hearing and is unavailable the witness statement form shall be accepted as testimony. Signed witness statements used as testimony shall be read to the charged inmate at the hearing except as provided in paragraphs (a) and (c) above. Where a witness statement is not read or the inmate witness does not appear at the hearing as requested, the reason shall be recorded on ~~in~~ Form DC6-112B, Witness Disposition Form ~~the witness disposition form~~, ~~Form DC6-112B~~.

(j) No change.

(k) The only persons present during disciplinary team deliberations shall be the disciplinary team, employees being trained, and others whom the warden, the chief of security, or the classification supervisor have previously authorized to be present after having determined that these persons will not disrupt the hearing and will benefit by observing the proceedings.

(4) through (5) No change.

(6) Notwithstanding any other rule to the contrary, when an inmate escapes or is otherwise absent from Department custody, the Department may conduct a disciplinary hearing in the inmate's absence at the institution in which the inmate was last confined. Any gain time forfeiture imposed in accordance with this section shall be immediately effective to modify the inmate's release date. When the inmate returns to custody the Warden shall have the charges reheard before a disciplinary team within 60 days after the inmate's arrival at a permanent institution. The team shall ensure that the inmate has all rights required for a hearing as set forth in this rule.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History--New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, 3-22-05, 10-12-05, 7-17-07.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.045 RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF-MR/DD Facilities)

NOTICE OF PUBLIC HEARING

The Agency for Health Care Administration announces an additional hearing regarding the above rule, as noticed in Vol. 40, No. 147, July 30, 2014 Florida Administrative Register.

DATE AND TIME: Thursday, October 23, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling a public hearing in Tallahassee, FL for the purpose of discussing the following updates: changing the start date of the fines to the 20th of the month to allow a five day grace period, amending the timeframe to 12 months for invoice resubmission, replacing the word “sanction” with the word “fine,” and changes the title of the rule to Payment Methodology for Services in Facilities Not Publicly Owned and Not Publicly Operated.

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: Edwin Stephens at the Bureau of Medicaid Services, (850)412-4077. 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). https://www.flrules.org/admin/publisherNoticeHome.asp?string=15173630&iid=1716&idate=10/15/2014 Vol. 40/201

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-28.0052 RULE TITLE: Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

61H1-28.0052 Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

NOTICE IS HEREBY GIVEN that on October 2, 2014, the Board of Accountancy received a petition for variance or waiver filed by Christopher M. Daboul, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed. In the event all four test sections of the CPA Examination are not passed within the rolling eighteen-month period, credit for any test section(s) passed outside the eighteen-month period will expire and that test section(s) must be retaken.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.006 RULE TITLE: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees

61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees
NOTICE IS HEREBY GIVEN that on September 24, 2014, the Board of Accountancy, received a petition for waiver or variance from Andrew Frye, seeking a variance from paragraph 61H1-33.006(2)(c), Florida Administrative Code, that requires that Florida certified public accountants who have been inactive for three or more reporting periods since maintaining a current/active license, shall satisfy the requirements of their most recent biennium plus 200 additional CPE hours in the following manner: at least 40 hours in Accounting/Auditing, at least 4 hours in Ethics, no more than 20 hours in Behavioral.

The petitioner is also seeking a wavier/variance of Rule 61H1-31.006, Florida Administrative Code, that sets forth the application fee for reactivation of an inactive status license to active status as \$250.00.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.013 Non-Credit Enhanced Multifamily Mortgage Revenue Bonds

NOTICE IS HEREBY GIVEN that on October 13, 2014, the Florida Housing Finance Corporation received a petition for waiver from Heritage Park Apartments, Ltd., requesting a waiver from Rule 67-21.013 to approve the sale of the revenue bonds to a purchaser meeting the heightened criteria set forth in the Petition. Rule 67-21.013 states “Any issuance of non-Credit Enhanced revenue bonds shall be sold only to a Qualified Institutional Buyer.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ashley Marie Black, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing’s website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

NOTICE IS HEREBY GIVEN that on October 13, 2014, the Florida Housing Finance Corporation, received a petition for waiver from Lennard Road Partners, Ltd., requesting a waiver from subsection 67-21.003(8) to permit a decrease in the Total Set-Aside Percentage submitted in the Application. Subsection 67-21.003(8) states the Total Set-Aside Percentage as stated the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ashley Marie Black, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing’s website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.004 Selection Procedures for Developments

NOTICE IS HEREBY GIVEN that on October 13, 2014, the Florida Housing Finance Corporation, received a petition for waiver from Martin Lakeside Apartments, Ltd., requesting a waiver from Rule 67-48.004 to instead apply the Compliance Monitoring Fees as estimated in the 2011 Universal Application Instructions for RD Developments or in the alternative, as estimated in the 2011 Universal Application Instructions for all developments, rather than the actual fees in the new contracts with the Compliance Monitors.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ashley Marie Black, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing’s website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

The Florida Department of Agriculture and Consumer Services announces a public meeting to which all persons are invited.

DATE AND TIME: November 21, 2014, 10:00 a.m. – 2:00 p.m.

PLACE: Institute of Food and Agricultural Sciences, Gulf Coast Research and Education Center, 14625 County Road 672, Wimauma, Florida 33598

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Agriculture and Consumer Services will conduct a listening session regarding the United States Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA) rules. The listening session will include presentations by the FDA regarding the updated revisions for two proposed FSMA rules: Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption and the Foreign Supplier Verification Programs for Importers of Food for Humans and Animals. A question and answer session will immediately follow the rule presentations.

A copy of the agenda may be obtained by contacting: Mr. Daniel S. Hixson, Senior Management Analyst II, 3125 Conner Boulevard, Suite 178, Tallahassee, Florida 32399-1650, (850)245-5588, daniel.hixson@freshfromflorida.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: Mr. Daniel S. Hixson, Senior Management Analyst II, 3125 Conner Boulevard, Suite 178, Tallahassee, Florida 32399-1650, (850)245-5588, daniel.hixson@freshfromflorida.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).

For more information, you may contact: Mr. Daniel S. Hixson, Senior Management Analyst II, 3125 Conner Boulevard, Suite 178, Tallahassee, Florida 32399-1650, (850)245-5588, daniel.hixson@freshfromflorida.com.

DEPARTMENT OF EDUCATION

University of West Florida

The University of West Florida - Florida Public Archeology Network announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 23, 2014, 12:00 Noon – 3:00 p.m., CDT

PLACE: 207 E. Main Street, Pensacola, FL 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: Semi-annual FPAN Board of Directors meeting to discuss updated strategic goals and current matters.

A copy of the agenda may be obtained by contacting: Cheryl Phelps at cphelps@uwf.edu, (850)595-0050, ext. 100.

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: UWF Office of Human Resources at (850)474-2694 (voice) or (850)857-6114 (TTY). 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: Cheryl Phelps, FPAN Office Administrator, email: cphelps@uwf.edu or phone: (850)595-0050, ext. 100. District Administrator, (305)242-1288.

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: Tuesday, October 21, 2014, 5:30 p.m. – 7:00 p.m. (CDT)

PLACE: Beulah Senior Center, 7425 Woodside Road, Pensacola

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to solicit comments and recommendations from the public concerning the placement of a traffic roundabout at the intersection of State Road 10A (U.S. 90/Nine Mile Road) and County Road 99 (Beulah Road) in Escambia County.

Roundabouts have been identified by the Federal Highway Administration as an effective means of reducing the frequency and severity of crashes at intersections. The proposed roundabout would replace the existing flashing beacon system and provide a new, yield-only movement for local road users. Although this project is in preliminary planning stage; design and construction are not currently funded.

This meeting will provide you an opportunity to preview the proposed design, ask questions, and/or submit comments concerning upcoming projects. Maps, drawings, and other information will be on display. There will be no formal presentation, however, representatives from FDOT will be available to answer questions and explain the proposed project.

A copy of the agenda may be obtained by contacting: Jared Perdue, P.E., FDOT Project Manager, 1074 Highway 90, Chipley, FL 32428, toll-free at 1(888)638-0250, extension 1692 or via email: jared.perdue@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: Jared Perdue, P.E., FDOT Project Manager, 1074 Highway 90, Chipley, FL 32428, Toll-free at 1(888)638-0250, extension 1692 or via email: jared.perdue@dot.state.fl.us. 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: Jared Perdue at the contact information above.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 30, 2014, 1:30 p.m.

PLACE: Commission Hearing Room, 148 Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 110013-TP - Request for submission of proposals for relay service, beginning in June 2012, for the deaf, hard of hearing, deaf/blind, or speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

This is a meeting of the Telecommunications Access System Act Advisory Committee established pursuant to Section 427.705, F.S. The meeting is to discuss current relevant issues related to relay such as Federal and State Regulatory updates, AT&T Relay, the 2013-2014 Florida Telecommunications Relay, Inc. Annual Report, and other telecommunications Relay Service updates. One or more of the Florida Public Service Commissioners may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Curtis Williams, Office of Telecommunications, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, cjwillia@psc.state.fl.us or at (850)413-6924. A copy of the agenda and meeting materials will also be available on the Commission's website: www.floridapsc.com, by October 20, 2014.

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: Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. 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).

METROPOLITAN PLANNING ORGANIZATIONS

Broward Metropolitan Planning Organization

The Local Coordinating Board for Transportation Disadvantaged Services announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2014, 2:00 p.m.

PLACE: Board Room of the Broward Metropolitan Planning Organization, Trade Centre South, 100 West Cypress Creek Road, Suite 850, Fort Lauderdale, Florida 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Regular Business meeting of the Local Coordinating Board for Transportation Disadvantaged Services (LCB).

A copy of the agenda may be obtained by contacting: please visit the Broward MPO website to download the agenda at <http://www.browardmpo.org/about-us/agendas-minutes>.

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 10 days before the workshop/meeting by contacting: Priscila Clawges at (954)876-0047. 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.

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: Priscila Clawges at (954)876-0047, clawgesp@browardmpo.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 30, 2014, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida. Any person interested in participating by telephone may dial: 1(888)670-3525, conference code: 5350618829. If you have any difficulty accessing the teleconference, please call the Florida Center's main number at (850)412-3730.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be a teleconference (conference call) to which all interested parties are invited. The purpose of this call/meeting is to provide interested parties input on the Agency's Ambulatory Data collection programs. It is expected that participants in the teleconference will discuss the regulations governing patient data collection in Florida and help develop recommendations to improve the quality of the process and the resulting data.

A copy of the agenda may be obtained by contacting: Nancy Tamariz, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop 16, Tallahassee, FL 32308-5403.

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: Cindy Kucheman at (850)412-3760. 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 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: Cindy Kucheman at (850)412-3760.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: October 24, 2014, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Management Services will conduct a public, non-mandatory pre-bid conference for Invitation to Bid (ITB) No.: DMS-14/15-017, entitled "Sign Fabrication and Installation Services."

The purpose of this pre-bid conference is to answer any questions or concerns vendors may have regarding the services sought by the Department or ITB.

This meeting may be attended telephonically by calling 1(888)808-6959. At the prompt, enter participant passcode: 1864478772#.

This meeting is subject to cancellation. Further information and future updates regarding this meeting schedule or any future meetings will be available via the system of record, the Vendor Bid System, located at http://www.myflorida.com/apps/vbs/vbs_www.search.criteria_form and searching for DMS-14/15-017.

Any person requiring a special accommodation due to a disability should contact the Department's Americans with Disabilities Act (ADA) Coordinator, Dan Callahan at (850)922-7535. Requests for accommodation for this meeting must be made at least five workdays prior to the meeting. A person who is hearing or speech impaired can contact the ADA Coordinator by using the Florida Relay Service at 1(800)955-8771 (TDD). A copy of the agenda may be obtained by contacting: Christina Espinosa, Procurement Officer, christina.espinosa@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

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

DATE AND TIME: December 12, 2014, 9:00 a.m.

PLACE: Hilton St. Augustine Historic Bayfront, 32 Menendez, St. Augustine, FL 32084, (904)829-2277

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982.

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: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982. 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: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

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

DATE AND TIME: December 2, 2014, 8:00 a.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850) 717-1399.

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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399. 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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Environmental Regulation Committee (ERC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2014, 10:00 a.m.

PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32344

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division of Waste Management will present for adoption its Phase II changes to Ch. 62-701. The changes continue DWM's efforts to clarify and streamline the solid waste rules and incorporate changes required by Florida Statutes.

A copy of the agenda may be obtained by contacting: Lisa Brown, ERC Coordinator, at 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, email: ERC@dep.state.fl.us, phone: (850)245-8531 or on the Department's ERC website: <http://www.dep.state.fl.us/legal/ERC/default.htm>.

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: Lisa Brown. 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 HEALTH

Board of Optometry

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

DATE AND TIME: Friday, November 14, 2014, 9:00 a.m.

PLACE: Embassy Suites Orlando – Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL 34746, (407)597-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Edith Rogers, Board of Optometry, 4052 Bald Cypress Way, BIN C-07, Tallahassee, Florida 32399 or by accessing the board's website at <http://floridasoptometry.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 48 hours before the workshop/meeting by contacting: Edith Rogers at edith.rogers@flhealth.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: Edith Rogers at edith.rogers@flhealth.gov.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2014, 9:00 a.m.

PLACE: Doubletree by Hilton Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee to the Florida Department of Children and Families (DCF) for the Deaf or Hard of Hearing will meet to commence its responsibilities as outlined in the Settlement Agreement between the Florida Department of Children and Families and the US Department of Health and Human Services on November 6, 2014, and is open to the public from 9:00 a.m. – 5:00 p.m. This meeting is accessible by Communication Access Realtime (CART) via internet at: <http://www.streamtext.net/player?event=DCFHHS>.

A copy of the agenda may be obtained by contacting: Lira M. Latimer at (850)922-6829 or lira_latimer@dcf.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: Lira M. Latimer at (850)922-6829 or lira_latimer@dcf.state.fl.us. 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: Lira M. Latimer at (850)922-6829 or lira_latimer@dcf.state.fl.us. If you are unable to attend but would like to share comments, forward them to: Lira M. Latimer at lira_latimer@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2014, 2:00 p.m. – 3:00 p.m., ET

PLACE: Sunland Center, Office of Quality Management, Room 52, 3700 Williams Drive, Marianna, Florida 32446-7973

CALL-IN INFORMATION: 1(888)670-3525, passcode: 510 653 9718

This meeting will involve Microsoft Lync for sharing presentations over the internet. If you already have access to Microsoft Lync, please use to the following link to join the meeting and then choose “Don’t join audio”:

<https://meet.lync.com/apdf/mary.gallagher/Z871JM01>

If you do not already have Microsoft Lync installed, please follow the hotlink below and choose “Meeting Readiness”:

<http://office.microsoft.com/client/helppreview.aspx?AssetId=HA102621125&lcid=1033&NS=OCO14&Version=14>

You will be presented with two options: 1) install Active X or 2) download and install Microsoft Attendee. We recommend you install Microsoft Attendee.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting to discuss Alzheimer’s and Aging Caregivers housing and service delivery initiatives.

A copy of the agenda may be obtained by contacting: Tracey Tolbert, (850)488-4358, Tracey.Tolbert@apdcares.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 72 hours before the workshop/meeting by contacting: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4358. 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: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4358, Tracey.Tolbert@apdcares.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: December 1, 2014, 2:00 p.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee conference call.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.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 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2014, 10:00 a.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Affordable Housing Committee conference call.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.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 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2014, 10:00 a.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Awareness & Outreach Committee conference call.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.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 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Office on Homelessness

RULE NO.: RULE TITLE:

65I-1.006 Program Administration

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: December 23, 2014, 2:00 p.m.

PLACE: Conference call toll-free: 1(888)670-3525, press 9798513235 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Continuum of Care Committee conference call.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.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 48 hours before the workshop/meeting by contacting: Erik Braun. 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: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik_braun@dcf.state.fl.us.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2014, 9:00 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. 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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

MOFFITT CANCER CENTER & RESEARCH INSTITUTE

The H. Lee Moffitt Cancer Center and Research Institute, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: October 24, 2014, 9:30 a.m.
 PLACE: Moffitt Cancer Center, Stabile Research Building
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by contacting: Kim Chewning at (813)745-5427.

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: Kim Chewning. 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).

SCRIPPS FLORIDA FUNDING CORPORATION

The Audit Committee of the Scripps Florida Funding Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 24, 2014, 1:30 p.m., ET
 PLACE: Call-in number: (605)475-3200, access code: 255626#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: SFFC engagement letter and 3/31/2014 and 6/30/2013 TSRI/SF unaudited financial statements.

A copy of the agenda may be obtained by contacting: scrippscorp@bellsouth.net.

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: scrippscorp@bellsouth.net. 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: scrippscorp@bellsouth.net.

QUEST CORPORATION OF AMERICA, INC.

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

DATE AND TIME: Tuesday, October 21, 2014, 5:30 p.m. – 7:30 p.m., loop presentation available continuously throughout the meeting

PLACE: Calvary Temple of Praise, 2020 McCracken Road, Sanford, Florida 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 431807-1-22-01.

Project Description: Goldsboro Community Gateway Improvements (formerly known as Sanford Amtrak Auto Train Gateway Improvements) Project Development and Environment (PD&E) Study in Seminole County, Florida.

In response to the feedback from the first alternatives public meeting in June, additional alternatives will be presented that improve the connectivity, access, mobility and safety associated with the existing transportation network within and around the Goldsboro Community and other nearby facilities in Sanford. Study limits are bordered by Martin Luther King, Jr. Boulevard on the west; State Road (SR) 46 (First Street) on the north; Pecan Avenue on the east; and McCracken Road on the south. A copy of the agenda may be obtained by contacting: Eileen LaSeur, Public Involvement Coordinator, by phone: (407)883-8257 or by email: eileen.laseur@qcausa.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Eileen LaSeur (see information above).

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: Mary McGehee, FDOT Project Manager at (386)943-5603 or by email: mary.mcgehee@dot.state.fl.us and/or Jim Hagon, DRMP Consultant Project Manager at (407)896-0594 or by email: jhagon@drmp.com.

SCALAR CONSULTING GROUP INC.

The Florida Department of Transportation, District 4, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 22, 2014, 5:30 p.m. – 7:30 p.m. with an open house format

PLACE: Polish-American Social Club, 7500 US Highway 1, Vero Beach, FL 32967

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Alternatives Public Meeting is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed roadway improvements to SR 5/US 1 in Indian River County, Florida. Financial Project ID No. 431724-1-22-01.

This project proposes to widen SR 5/US 1 from four to six lanes.

A copy of the agenda may be obtained by contacting: Anson Sonnett at Florida Department of Transportation, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309 or by email: anson.sonnett@dot.state.fl.us. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. For more information, please visit our website: www.us1study.com, where an agenda is also available.

Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Mr. Anson Sonnett, P.E., FDOT Project Manager at (954)777-4474 or toll-free: 1(866)336-8435, ext. 4474 or by email: anson.sonnett@dot.state.fl.us at least seven days prior to the meeting.

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

NOTICE IS HEREBY GIVEN that the Board of Physical Therapy Practice has received a Petition for Declaratory Statement from Vivian Ybanez, on behalf of I.A.C.E.S., on October 14, 2014. Petitioner seeks the agency’s opinion as to the applicability of Section 486.081(1), Florida Statutes, as it applies to Petitioner. The Petition seeks a Declaratory Statement from the Board listing all lawfully authorized examining boards based in the European Union; listing all lawfully authorized Physical Therapy examinations offered in the European Union; or identifying the steps I.A.C.E.S. would need to take such that its principal therapists could meet the requirements for licensure in Florida. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373, Allen_Hall@doh.state.fl.us.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF TRANSPORTATION

DOT District 3 Design Conference Room Addition

Bids will be received by the District Three Headquarters until 2:00 p.m. on Thursday, November 13, 2014, for Proposal ID E3N83 Addition of 990 s.f. to the existing FDOT District Three Design Building Conference Room. Complete letting advertisement information for this project is available on our website at <http://www.dot.state.fl.us/contractsadministrationdistrict3/> or by calling (850)330-1364.

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications 2014-10, for Real Estate Brokerage Services

The Florida Housing Finance Corporation invites all qualified Offerors to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2014-10, for Real Estate Brokerage Services. Florida Housing expects to select multiple Offerors that proposes to provide these services as specified in this RFQ. Proposals shall be accepted until 2:00 p.m. (Eastern Time), November 3, 2014, to the attention of Contracts Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Jenny Marshall at (850)488-4197 or Jenny.Marshall@floridahousing.org. To obtain a copy of the RFQ, which outlines selection criteria and applicant’s responsibilities, please submit your request to the attention of

Jenny Marshall, or you can download the RFQ from the Florida Housing Finance Corporation website at: <http://www.floridahousing.org/BusinessAndLegal/Solicitations/RequestForQualifications/>. Any modifications that occur to the RFQ will be posted at the website and may result in an extension of the deadline.

FISH AND WILDLIFE CONSERVATION COMMISSION
FWC Marine Youth Conservation Center at Apollo Beach
Marine Center

Notice of Bid

MARINE YOUTH CONSERVATION CENTER AT
APOLLO BEACH MARINE CENTER

BIDS ARE REQUESTED FROM QUALIFIED
CONTRACTORS BY THE FLORIDA FISH AND
WILDLIFE CONSERVATION COMMISSION FOR THE
CONSTRUCTION OF:

PROJECT NO: FWC 14/15-35, INVITATION TO BID
PROJECT NAME: APOLLO BEACH MARINE YOUTH
CONSERVATION CENTER

PROJECT LOCATION: 505 Elsberry Road, Apollo Beach FL,
33572

FOR: To construct Marine Youth Conservation Center (MYCC) building, crushed concrete access road, all utilities, sidewalks, planting, site lighting, site grading and all associated work, as necessary to perform the work. All work done on this project shall be done in accordance with the technical specifications and construction plans. QUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit qualification data of their eligibility to submit proposals with their bid.

PRE-BID CONFERENCE: A mandatory pre-bid conference will be held at the Apollo Beach Youth Conservation Center, 505 Elsberry Road, Apollo Beach FL 33572 on October 21, 2014 at 10:00 a.m., EDT. The purpose of the pre-bid conference/Site Visit is to discuss the contents of this ITB and to accept verbal questions from contractors concerning the project. Contractors must attend this pre-bid conference in order to submit a ITB. Failure to attend the entire conference, from the time it is called to order to the time it is adjourned, shall disqualify a potential bidder.

REQUIRED BONDS: On projects where the base bid and sum of all additive alternates exceeds \$100,000, bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of contract, a 100% performance bond and a 100% labor and material payment bond will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Bids for this project are due by 5:00 p.m., Eastern Time, November 18, 2014

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, tel.: (850)488-3427

PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Permits, Bidding Conditions, and Contractual Conditions.

BID PACKAGE:

Please follow the steps below to review the complete advertisement.

<http://www.myflorida.com>

Click on Business

Click on "Doing Business with the State"

Under the "Everything for Vendors and Customers" heading, click on "Vendor Bid System"

Click on Search Advertisements

Under Agency, select the "Fl. Fish and Wildlife Conservation Commission" from the drop down box

Scroll to the bottom of the page and click on "Initiate Search".

Click on the solicitation number FWC 14/15-35. This will allow you to view the advertisement for this solicitation.

At the bottom of the advertisement, there is a list of Downloadable Files for the Advertisement.

Click on the link for each file.

All technical specifications and construction plans are located at: <https://explorer.myflorida.com/>

To access documents at this website, use the following Username and Password:

Username: FWC_Bid_Info

Password: FWCbids1!

Access the folder(s) with this bid number and title to download the associated files.

CONTACT PERSON: Direct questions to the Bid Supervisor: Ms. Gerri Faircloth, Florida Fish & Wildlife Conservation Commission, Purchasing Dept., 620 South Meridian Street, Tallahassee, Florida 32399-1600, tel.: (850)488-3427, fax: (850)921-2500, email: Gerri.Faircloth@MYFWC.com

FISH AND WILDLIFE CONSERVATION COMMISSION
FWC Law Enforcement Office Building At Windley Key

Notice of Bid

FWC LAW ENFORCEMENT OFFICE BUILDING AT
WINDLEY KEY

BIDS ARE REQUESTED FROM QUALIFIED
CONTRACTORS BY THE FLORIDA FISH AND
WILDLIFE CONSERVATION COMMISSION FOR THE
CONSTRUCTION OF:

PROJECT NO: FWC 14/15-48, INVITATION TO BID.

PROJECT NAME: FWC LAW ENFORCEMENT OFFICE
BUILDING AT WINDLEY KEY

PROJECT LOCATION: 83988 Overseas Hwy, Islamorada,
Florida

FOR: To construct a new FWC Law Enforcement office
building, all utilities, site lighting, site drainage and grading,
electric gate opener, and all associated work per the plans and
specifications. All work done on this project shall be done in
accordance with the technical specifications and construction
plans.

QUALIFICATION: Each bidder whose field is governed by
Chapter 399, 455, 489, and 633 of the Florida Statutes for
licensure or certification must submit qualification data of their
eligibility to submit proposals with their bid.

PRE-BID CONFERENCE: A mandatory pre-bid conference
will be held at the 83988 Overseas Hwy, Islamorada, Florida on
October 23, 2014 @ 10:00 a.m., EDT. The purpose of the pre-
bid conference/Site Visit is to discuss the contents of this ITB
and to accept verbal questions from contractors concerning the
project. Contractors must attend this pre-bid conference in order
to submit a ITB. Failure to attend the entire conference, from
the time it is called to order to the time it is adjourned, shall
disqualify a potential bidder.

REQUIRED BONDS: On projects where the base bid and sum
of all additive alternates exceeds \$100,000, bids shall be
accompanied by a bid guarantee of not less than five (5) percent
of the amount of the bid.

After award of contract, a 100% performance bond and a 100%
labor and material payment bond will be required.

Sealed bids will be received, publicly opened and read aloud
on:

DATE AND TIME: Bids for this project are due by 5:00 p.m.,
Eastern Time, November 19, 2014.

PLACE: Purchasing Office, Room 364, Florida Fish and
Wildlife Conservation Commission, 620 South Meridian Street,
Tallahassee, Florida 32399-1600, tel.: (850)488-3427.

PROPOSAL: Bids must be submitted in full accordance with
the requirements of the Drawings, Specifications, Permits,
Bidding Conditions, and Contractual Conditions.

BID PACKAGE:

Please follow the steps below to review the complete
advertisement.

<http://www.myflorida.com>

Click on Business

Click on "Doing Business with the State"

Under the "Everything for Vendors and Customers" heading,
click on "Vendor Bid System"

Click on Search Advertisements

Under Agency, select the "Fl. Fish and Wildlife Conservation
Commission" from the drop down box

Scroll to the bottom of the page and click on "Initiate Search".

Click on the solicitation number FWC 14/15-48. This will allow
you to view the advertisement for this solicitation.

At the bottom of the advertisement, there is a list of
Downloadable Files for the Advertisement.

Click on the link for each file.

All technical specifications and construction plans are located
at: <https://explorer.myflorida.com/>

To access documents at this website, use the following
Username and Password:

Username: FWC_Bid_Info

Password: FWCbids1!

Access the folder(s) with this bid number and title to download
the associated files.

CONTACT PERSON: Direct questions to the Bid Supervisor:
Ms. Gerri Faircloth, Florida Fish & Wildlife Conservation
Commission, Purchasing Dept., 620 South Meridian Street,
Tallahassee, Florida 32399-1600, tel.: (850)488-3427, fax:
(850)921-2500, email: Gerri.Faircloth@MYFWC.com.

FISH AND WILDLIFE CONSERVATION COMMISSION
Fisheating Creek Wildlife Management Area Maintenance
Office

Notice of Bid

FISHEATING CREEK WILDLIFE MANAGEMENT AREA
MAINTENANCE OFFICE

BIDS ARE REQUESTED FROM QUALIFIED
CONTRACTORS BY THE FLORIDA FISH AND
WILDLIFE CONSERVATION COMMISSION FOR THE
CONSTRUCTION OF:

PROJECT NO: FWC 14/15-51, INVITATION TO BID.

PROJECT NAME: FWC FISHEATING CREEK WILDLIFE
MANAGEMENT AREA MAINTENANCE OFFICE

PROJECT LOCATION: Fisheating Creek WMA, 1937 Banana
Grove Road, Moore Haven FL, 33471

FOR: To construct a new FWC maintenance office building, all
utilities, site lighting, site drainage and grading, and all
associated work per the plans and specifications. All work done
on this project shall be done in accordance with the technical
specifications and construction plans.

QUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit qualification data of their eligibility to submit proposals with their bid.

PRE-BID CONFERENCE: A mandatory pre-bid conference will be held at the Fisheating Creek WMA, 1937 Banana Grove Road, Moore Haven Fl, 33471 on October 22, 2014 @ 10:00 a.m., EDT. The purpose of the pre-bid conference/Site Visit is to discuss the contents of this ITB and to accept verbal questions from contractors concerning the project. Contractors must attend this pre-bid conference in order to submit a ITB. Failure to attend the entire conference, from the time it is called to order to the time it is adjourned, shall disqualify a potential bidder.

Site address is 1937 Banana Grove Rd, Moore Haven, FL - From Moore Haven, FL drive north on SR-78 8.2 miles and turn left onto Banana Grove Road and drive west 0.9 mi to site.

REQUIRED BONDS: On projects where the base bid and sum of all additive alternates exceeds \$100,000, bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of contract, a 100% performance bond and a 100% labor and material payment bond will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Bids for this project are due by 5:00 p.m., Eastern Time, November 17, 2014. =

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, tel.: (850)488-3427

PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Permits, Bidding Conditions, and Contractual Conditions.

BID PACKAGE:

Please follow the steps below to review the complete advertisement.

<http://www.myflorida.com>

Click on Business

Click on “Doing Business with the State”

Under the “Everything for Vendors and Customers” heading, click on “Vendor Bid System”

Click on Search Advertisements

Under Agency, select the “Fl. Fish and Wildlife Conservation Commission” from the drop down box

Scroll to the bottom of the page and click on “Initiate Search”.

Click on the solicitation number FWC 14/15-51. This will allow you to view the advertisement for this solicitation.

At the bottom of the advertisement, there is a list of Downloadable Files for the Advertisement.

Click on the link for each file.

All technical specifications and construction plans are located at: <https://explorer.myflorida.com/>

To access documents at this website, use the following Username and Password:

Username: FWC_Bid_Info

Password: FWCbids1!

Access the folder(s) with this bid number and title to download the associated files.

CONTACT PERSON: Direct questions to the Bid Supervisor: Ms. Gerri Faircloth, Florida Fish & Wildlife Conservation Commission, Purchasing Dept., 620 South Meridian Street, Tallahassee, Florida 32399-1600, tel.: (850)488-3427, fax: (850)921-2500, email: Gerri.Faircloth@MYFWC.com.

Section XII Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development

Final Order No.: DEO-14-145

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-14-145 on October 13, 2014, in response to an application submitted by Tree Lake Homeowners Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department determined that the application met the statutory requirements for covenant revitalization. Accordingly, the Department’s Final Order granted the application for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@deo.myflorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-14-146

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY,
FLORIDA, ORDINANCE NO. 011-2014

FINAL ORDER

APPROVING MONROE COUNTY ORDINANCE NO. 011-2014

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by Monroe County, Florida, Ordinance No. 011-2014 (the “Ordinance”).

FINDINGS OF FACT

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

2. The Ordinance was adopted by Monroe County on July 16, 2014, and rendered to the Department on September 12, 2014.

3. The Ordinance amends the Monroe County Land Development Code by modifying Chapter 101 (General Provisions), Section 101-1 (Definitions – live-aboard vessel); Chapter 114 (Development Standards), Article I (In General), Section 114-19 (Live-aboards); and Chapter 138 (Rate of Growth Restrictions), Article II (Residential Rate of Growth Limitations), Section 138-19 (Residential Rate of Growth Ordinance). These specific sections were revised to address live-aboard vessels and to provide for severability and the repeal of conflicting provisions.

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. § 380.05(6) and § 380.0552(9), Florida Statutes.

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

6. 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. §§ 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Florida Statutes.

7. The Ordinance is consistent with the Monroe County Comprehensive Plan generally, and specifically with Policy 101.2.3 and Policy 202.4.1.

8. The Ordinance is consistent with the Principles for Guiding Development in section 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principle:

(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 Monroe County Ordinance No. 011-2014 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 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/

William B. Killingsworth, Director
Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS 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 DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF RECEIPT OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110
TALLAHASSEE, FLORIDA 32399-4128
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 DAYS OF RECEIPT OF THIS FINAL ORDER.

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 14th day of October, 2014.

_____/s/_____
Katie Zimmer, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By Certified 011-U.S. Mail:
Honorable Sylvia Murphy
Mayor, Monroe County, Florida
1100 Simonton St.
Key West, FL 33040

Townsley Schwab, Director
Planning and Environmental Resources
Monroe County, Florida
2798 Overseas Highway
Marathon, FL 33050

Amy Heavilin, Clerk
Monroe County, FL
500 Whitehead St.
Key West, FL 33040

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.
