

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Electrical Contractors' Licensing Board

RULE NOS.: RULE TITLES:
61G6-9.001 Continuing Education for Reactivation
61G6-9.004 Continuing Education Requirements for
Renewal for Certificateholders and
Registrants
61G6-9.006 Approval of Continuing Education Courses
PURPOSE AND EFFECT: For Rule 61G6-9.001, F.A.C., the
Board proposes the rule amendment to add additional required
continuing education and to add an additional hour for a course
on false alarm prevention. For Rule 61G6-9.004, F.A.C., the
Board proposes the rule amendment to add additional
requirements for continuing education and to add an hour for a
course on false alarm prevention for alarm system and electrical
contractors. For Rule 61G6-9.006, F.A.C., the Board proposes
the rule amendment to add additional opportunities for
obtaining continuing education.
SUBJECT AREA TO BE ADDRESSED: Continuing
Education for Reactivation; Continuing Education
Requirements for Renewal for Certificateholders and
Registrants; Approval of Continuing Education Courses.
RULEMAKING AUTHORITY: 455.2124, 489.507(3),
489.517(3), (6) 489.519 FS.
LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(3),
(6), 489.519 FS.
IF REQUESTED IN WRITING AND NOT DEEMED
UNNECESSARY BY THE AGENCY HEAD, A RULE
DEVELOPMENT WORKSHOP WILL BE NOTICED IN
THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE
REGISTER.
THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT AND A COPY OF
THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Daniel
Biggins, Executive Director, Electrical Contractors' Licensing
Board, 1940 North Monroe Street, Tallahassee, Florida 32399-
0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE
DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM
THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-4.009 Dispensing Practitioner Registration
PURPOSE AND EFFECT: To provide additional information
to licensees who register as Dispensing Practitioners regarding
statutory and legal obligations associated with dispensing
prescription medications for a fee.
SUBJECT AREA TO BE ADDRESSED: Licensees who
register as Dispensing Practitioners.
RULEMAKING AUTHORITY: 463.005 FS.
LAW IMPLEMENTED: 465.0276 FS.
IF REQUESTED IN WRITING AND NOT DEEMED
UNNECESSARY BY THE AGENCY HEAD, A RULE
DEVELOPMENT WORKSHOP WILL BE SCHEDULED
AND ANNOUNCED IN THE F.A.R.
THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT AND A COPY OF
THE PRELIMINARY DRAFT, IF AVAILABLE IS: Adrienne
Rodgers, Executive Director, Board of Optometry, 4052 Bald
Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257,
(850)245-4393
THE PRELIMINARY TEXT OF THE PROPOSED RULE
DEVELOPMENT IS AVAILABLE AT NO COST FROM
THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-6.001 Fees
PURPOSE AND EFFECT: To eliminate the fee for branch
office licensure, which is no longer required.
SUBJECT AREA TO BE ADDRESSED: Branch office
licensure fee.
RULEMAKING AUTHORITY: 456.013(2), 456.025(7),
456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.
LAW IMPLEMENTED: 456.013(2), 456.025, 456.036,
463.0057, 463.006, 463.007, 463.008 FS.
IF REQUESTED IN WRITING AND NOT DEEMED
UNNECESSARY BY THE AGENCY HEAD, A RULE
DEVELOPMENT WORKSHOP WILL BE SCHEDULED
AND ANNOUNCED IN THE F.A.R.
THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT AND A COPY OF
THE PRELIMINARY DRAFT, IF AVAILABLE IS: Adrienne
Rodgers, Executive Director, Board of Optometry, 4052 Bald
Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257,
(850)245-4393

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

**DEPARTMENT OF HEALTH**

**Board of Optometry**

- RULE NOS.:           RULE TITLES:  
 64B13-15.005    Designation of Administrative Violations;  
                           Major; Minor  
 64B13-15.006    Designation of Patient Care Violations;  
                           Major; Minor

PURPOSE AND EFFECT: To add Section 465.0276, F.S., to the statutory requirements which, if violated, can subject a practitioner to potential disciplinary action.

SUBJECT AREA TO BE ADDRESSED: Disciplinary violations.

RULEMAKING AUTHORITY: 456.079, 463.005(1) FS.

LAW IMPLEMENTED: 456.079, 465.0276(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE F.A.R.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adrienne Rodgers, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, (850)245-4393

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

- RULE NOS.:           RULE TITLES:  
 64B19-12.002    Application and Examination Fee for  
                           Licensure by Examination; Review Fee  
 64B19-12.004    Application Fee for Licensure by  
                           Endorsement  
 64B19-12.0041   Initial Fee for Licensure  
 64B19-12.005    Biennial Active Renewal Fee  
 64B19-12.007    Biennial Inactive Renewal Fee

PURPOSE AND EFFECT: To lower the initial, biennial and review fees for application.

SUBJECT AREA TO BE ADDRESSED: Lowering application fees.

RULEMAKING AUTHORITY: 456.013(2), 456.015(1), (4), 456.025(1), 456.036(3), 490.004(4), 490.005(1)(a), 490.007(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.015, 456.017, 456.025(1), (4), 456.036(3), 490.005(1)(a), 490.006(1), 490.007(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE F.A.R.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

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

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

- RULE NO.:           RULE TITLE:  
 73B-10.032       Employing Unit Records

PURPOSE AND EFFECT: The purpose of the rule is to allow large agents to have access to the reemployment tax data of their clients without having to first produce a Power of Attorney (“POA”) to the Department of Revenue. Federal reemployment tax rules, as incorporated into Chapter 443, Florida Statutes, allow the release of confidential tax data to the agent of an employer when it is impractical to first obtain a POA.

SUBJECT AREA TO BE ADDRESSED: Disclosure of reemployment tax data to agents of employers. Agents often need reemployment tax data quickly to properly fill out Department of Revenue (“DOR”) forms and returns and do not always have quick access to a power of attorney (“POA”) signed by their client. Large agents in particular often have difficulty quickly submitting a POA for their many clients to DOR. This rule will allow the Department to release confidential reemployment tax data to large agents (those with over 100 clients) without having to first produce a POA. The agreement that will be signed by the agents before DOR releases any information, confirms that the agent has a POA with their client employer and will submit it upon request to DOR.

RULEMAKING AUTHORITY: 443.1317 FS.

LAW IMPLEMENTED: 443.071(2), (3), 443.141(2), 443.171 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 7 days before the workshop/meeting by



2. High validity evidenced by the alignment of the test with nationally recognized content standards, as well as specific evidence of content, concurrent, or criterion validity;

3. Norming studies within the last five (5) to ten (10) years, with norming within five (5) years being preferable; and

4. Serves as a measure of grade 3 achievement in reading comprehension.

(b) Districts may submit requests for the approval of alternative standardized reading assessments to be used as a good cause exemption for promotion to fourth grade. Once an assessment has been approved by the Department of Education, the assessment is approved for statewide use.

(c) The Department of Education shall approve the required percentile passing score for each approved alternative standardized reading assessment based on an analysis of Florida student achievement results. If an analysis is not feasible, students must score at or above the 50th percentile on the approved alternative standardized reading assessment.

(d) The earliest the alternative assessment may be administered for student promotion purposes is following administration of the Grade 3 statewide English Language Arts assessment FCAT Reading. An approved standardized reading assessment may be administered two (2) times if there are at least thirty (30) days between administrations and different test forms are administered.

(3) To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student’s mastery of the Language Arts Florida Sunshine State Standards in reading equal to at least a Level 2 performance on the Grade 3 statewide English Language Arts assessment FCAT Reading. Such evidence shall be an organized collection of the student’s mastery of the Language Arts Florida Sunshine State Standards Benchmarks for Language Arts that are assessed by the Grade 3 statewide English Language Arts assessment FCAT Reading. The student portfolio must meet the following criteria:

(a) Be selected by the student’s teacher,

(b) Be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom,

(c) Include evidence that the standards benchmarks assessed by the Grade 3 statewide English Language Arts assessment FCAT Reading have been met. Evidence is to include multiple choice items and passages that are approximately sixty (60) percent literary text and forty (40) percent information text, and that are between 100-700 words with an average of 500 words. Such evidence could include chapter or unit tests from the district’s/school’s adopted core reading curriculum that are aligned with the Language Arts Florida Sunshine State Standards or teacher-prepared assessments.

(d) Be an organized collection of evidence of the student’s mastery of the Language Arts Florida Sunshine State Standards Benchmarks for Language Arts that are assessed by the Grade 3 statewide English Language Arts assessment FCAT Reading. For each standard benchmark, there must be at least three (3) examples of mastery as demonstrated by a grade of seventy (70) percent or above on each example, and

(e) Be signed by the teacher and the principal as an accurate assessment of the required reading skills.

Rulemaking Authority 1008.25(9) FS. Law Implemented 1008.25(6) FS. History—New 5-19-03, Amended 7-20-04, 3-24-08, 2-1-09, 4-21-11,\_\_\_\_\_.

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: August 26, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 13, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

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

SUMMARY: This rule amendment will incorporate the following changes into the “Course Code Directory and Instructional Personnel Assignments” document: add any new courses approved by the Commissioner of Education, remove any outdated/deleted courses, and provide updates based on recent changes in law. Legislative changes were required to references about middle grades progression and promotion, high school graduation requirements, and exceptional student 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: This proposed rule is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in Section 120.541(2)(a), F.S. No increase in regulatory costs are anticipated as a result of the rule changes. More specifically, deleting obsolete courses will have no effect. Adding new courses provides additional opportunities for funding.

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), 1011.62(1)(t) FS.  
**LAW IMPLEMENTED:** 1011.62(1) FS.

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

**DATE AND TIME:** September 29, 2014, 8:30 a.m.

**PLACE:** Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Matthew Bouck, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400

**THE FULL TEXT OF THE PROPOSED RULE IS:**

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

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) through (4) No change.

(5) The "Course Code Directory and Instructional Personnel Assignments 2014-2015," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03701>) is hereby

incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Office of Articulation, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved. To request a new course, complete Form CCD01, Course Code Directory Request to Add a New Course, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03702>) which is hereby incorporated by reference and made a part of this rule, effective March 2014. A hard copy may be obtained by contacting the Office of Articulation, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, or [www.fldoe.org/articulation/CCD/](http://www.fldoe.org/articulation/CCD/).

Rulemaking Authority 1001.02(1), 1011.62(1)(t) (†) FS. Law Implemented 1011.62(1) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, 5-19-08, 1-5-09, 6-22-09, 5-3-10, 8-21-11, 9-5-12, 11-3-13, 4-2-14.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Matthew Bouck, Director, Office of Articulation

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 26, 2014

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** August 15, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-2.0010 **RULE TITLE:** Educational Facilities

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is: (1) To amend the publication, State Requirements for Educational Facilities 2012 (SREF), a document incorporated by reference in the rule. Changes in the publication include: (a) adding a provision to clarify how district school boards and Florida College System institution boards of trustees must account for the proceeds from the sale of real property; (b) defining the roles of the Office of Educational Facilities (OEF) and the Fixed Capital Outlay Office of the Bureau of School Business Services (FCO) within the Florida Department of Education with respect to educational facilities financing; (c) making conforming

revisions to references to forms; (d) clarifying district requirements regarding the permissibility of reallocating funds for one Qualified Zone Academy Bonds (QZAB) project to another previously approved QZAB project; (e) deleting an obsolete provision requiring universities to purchase an insurance policy guarantying the payment of all principal and interest payable under a lease-purchase agreement; and (f) making technical corrections in legal citations and grammar; (2) To incorporate the most recently compiled Occupational Safety and Health Administration, Department of Labor, 29 C.F.R. Parts 1910 and 1926 (replacing the outdated compilations); (3) To adopt form OEF SCFA-10A, Special Facilities Construction Account (SFCA) District School Board Resolution; (4) To revise the following forms to revise form names, to update form numbers, to correct office contact information and to make other technical, formatting and grammar changes that do not require the collection of or reporting of additional data: OEF 216CC – Capital Outlay Bond Issue (COBI) Amendment (Florida Colleges); OEF 216PS – Capital Outlay Bond Issue (COBI) Amendment (Districts); OEF 217CC - Request to State Board of Education for Approval of Order of Priority for Expenditure of State Capital Outlay Funds (Florida Colleges); OEF 217PS – Request to State Board of Education for Approval of Order of Priorities for Expenditure of State Capital Outlay Funds (Public Schools); OEF 352 – Capital Outlay Request Encumbrance Authorization; OEF 400 – Qualified Public Educational Facility Bond – Application; OEF 410 – Qualified Zone Academy Bond Program Application; OEF 442 - DOE Project Disbursement Report; OEF 564CC – 2011 Report of Cost of Construction – Florida Colleges; OEF 564PS – 2011 Report of Cost of Construction – Public Schools; and OEF SCOA-1CC – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Florida Colleges; (5) To eliminate the incorporation of the Charter School Capital Outlay Plan because the subject is addressed in a separate rule; and (6) To make other revisions necessary to update or clarify the text of the rule or incorporated documents.

**SUMMARY:** The proposed rule amends the SREF as described above. The amendment specifies that district school boards and Florida College System institution boards of trustees must deposit the proceeds from the sale of land or other real property into the account used to fund the original acquisition, or if the original fund source was by donation or is not known, into the account for proceeds from the sale of real property. The amendment updates the publication's finance chapter to define the roles of the OEF and the FCO with respect to public educational facilities finance, to remove an obsolete provision requiring universities to purchase an insurance policy guarantying the payment of all principal and interest payable

under a lease-purchase agreement and to make other clarifying and technical revisions. The amendment adopts the most recent compilation of 29 C.F.R. Parts 1910 and 1926 by the Occupational Safety and Health Administration, Department of Labor. The amendment revises certain forms adopted by reference in the rule to update form numbers, to add instructions and to update office contact information. The amendment adopts new form OEF SFCA-10A Special Facilities Construction Account (SFCA) District School Board Resolution. The amendment eliminates the incorporation of the Charter School Capital Outlay Plan, which is a subject addressed in a separate rule. The amendment makes other revisions necessary to update or clarify the text of the rule or incorporated documents.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to have an adverse impact on economic growth, business competitiveness or any other factors listed in Section 120.541(2)(a), F.S. No increase in regulatory costs is anticipated as a result of the rule changes. More specifically, the proposed rule related to accounting for the proceeds from the sale of real property is not expected to increase regulatory costs for district school boards or Florida College System institutions because the change in existing accounting processes would not increase operating costs. The proposed rule is not expected to increase the cost of monitoring for the Florida Department of Education or the Auditor General because the change in the review of district accounting processes would be minor and would not increase operating costs. The clarifying and technical revisions regarding the administration of public educational facilities finance programs and the updates to the forms will not increase costs to educational agencies because no new regulatory requirement is imposed and no new information must be collected or reported. The repeal of the obsolete university insurance provision will have no cost effect. Technical, clarifying and grammar changes will have no cost effect.

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: Article XII, § 9(d)(10), Fla. Const.; 159.835, 159.845, 381.006, 1001.02(1), 1010.01, 1010.02, 1011.01, 1011.06, 1011.09, 1011.60, 1013.02(2), 1013.03, 1013.12(1), 1013.20, 1013.28, 1013.31, 1013.36, 1013.37 FS.

LAW IMPLEMENTED: 159.834, 159.844, 163.31777, 381.006(16), 553.79, 553.80, 633.206, 1001.02, 1001.453, 1010.01, 1010.02, 1011.01, 1011.06, 1011.09, 1011.60, 1011.74, 1013.01, 1013.03, 1013.12(1), 1013.14, 1013.15, 1013.20, 1013.28, 1013.31, 1013.33, 1013.35, 1013.36, 1013.37, 1013.371, 1013.372, 1013.38, 1013.40, 1013.45, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

DATE AND TIME: September 29, 2014, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas H. Inserra, Director, Office of Educational Facilities, 325 West Gaines Street, Room 1014, Tallahassee, Florida 32399-0400, (850)245-0494 or tom.inserra@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0010 Educational Facilities.

State Board of Education requirements adopted pursuant to Chapter 120, F.S., to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, F.S., are contained in Section 423 of the Florida Building Code and the Florida Department of Education publication, “State Requirements for Educational Facilities 2014 2012” (effective November 2014) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01898>), which is hereby incorporated by reference. All educational and ancillary facilities constructed by a school board or Florida college board shall comply with “State Requirements for Educational Facilities 2014 2012”. Copies of “State Requirements for Educational Facilities 2014 2012” are available from the Office of Educational Facilities, Florida Department of Education, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400, at a cost to be determined by the Commissioner, but which shall not exceed actual cost, or from the Department of Education’s website at: <http://www.fldoe.org/edfacil> in PDF format. In addition, ~~to the State Requirements for Educational Facilities 2012, Rule 14-15.002, F.A.C.~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01654>) (effective June 2012), and the following manuals incorporated therein are incorporated by reference in this rule: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, May 2011 Edition; AASHTO Load

and Resistance Factor Design (LRFD) Bridge Design Specifications, 5th Edition (2010); Department of Transportation, Office of Maintenance, Bridge Load Rating Manual; and Department of Transportation Drainage Manual. Rule 14-15.002, F.A.C., may be obtained from the Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0450 or from the web link provided above. In addition, the following documents and forms are also incorporated by reference as part of this rule: Chapter XVII – Occupational Safety and Health Administration, Department of Labor, 29 CFR Parts 1910 and 1926 (7-1-14 ~~7-1-14~~ Edition)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01594>), FCO 352 – Capital Outlay Request Encumbrance Authorization (effective November 2014)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref->), FCO 400 – Qualified Public Educational Facility Bond – Application (effective November 2014)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref->), FCO 410 – Qualified Zone Academy Bond Program Application (effective November 2014)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref->), FCO 442 – FDOE Project Disbursement Report (effective November 2014)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref->), FCO 564FC – Cost of Construction Report – Florida College System (effective November 2014)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref->), FCO 564PS – Cost of Construction Report – Public Schools (effective November 2014)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref->), OEF 110A – Project Implementation Information (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01899>), OEF 110B – Certificate of Occupancy (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01900>), OEF 208 – Letter of Transmittal (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01901>), OEF 208A – Facility Space Chart/Net and Gross Square Footage (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01902>), OEF 209 – Certificate of Final Inspection (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01903>), OEF 216FCC – Capital Outlay Bond Issue (COBI) Amendment (Florida Colleges System) (effective November-2014 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01904>), OEF 216PS – Capital Outlay Bond Issue (COBI) Amendment (Districts) (effective November-2014 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01905>), OEF 217 FCC – Request to State Board of Education for Approval of Order of Priority for Expenditure of State Capital

Outlay Funds (Florida Colleges System) (effective November 2014 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01906>),  
 OEF 217PS – Request to State Board of Education for Approval of Order of Priority Priorities for Expenditure of State Capital Outlay Funds (Public Schools) (effective November–2014 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01907>),  
 OEF 220 – Building Permit Application (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01908>),  
 OEF 226 – Annual Facility Maintenance Permit (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01909>),  
~~OEF 352 – Capital Outlay Request Encumbrance Authorization (effective November 2012)~~

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01910>),  
~~OEF 400 – Qualified Public Educational Facility Bond – Application (effective November 2012)~~

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01911>),  
~~OEF 410 – Qualified Zone Academy Bond Program Application (effective November 2012)~~

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01912>),  
~~OEF 442 – DOE Project Disbursement Report (effective November 2012)~~

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01913>),  
~~OEF 564CC – 2011 Report of Cost of Construction – Florida Colleges (effective November 2012)~~

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01914>),  
~~OEF 564PS – 2011 Report of Cost of Construction – Public Schools (effective November 2012)~~

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01915>),  
 OEF FISH CERT – Florida Inventory of School Houses Certification of Facilities Data (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01916>),  
 OEF LCCA-1 – Life Cycle Cost Analysis (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01917>),  
 OEF SCOA-1 FCC – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Florida Colleges System (effective November–2014 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01918>),  
 OEF SCOA-1PS – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Public Schools (effective November 2012)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01919>), and  
 OEF SFCA-10A – Special Facilities Construction Account (SFCA) District School Board Resolution (Effective November 2014)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01920>),  
 Charter School Capital Outlay Plan (effective November 2012)

Rulemaking Authority Article XII, §9(d)(10), Fla. Const.:159.835, 159.845, 381.006, 1001.02(1), 1010.01, 1010.02, 1011.01, 1011.06, 1011.09, 1011.60, 1013.02(2), 1013.03, 1013.12(1), 1013.20, 1013.28, 1013.31, 1013.36, 1013.37 FS. Law Implemented 159.834, 159.844, 163.31777, 381.006(16), 553.79, 553.80, 633.206 ~~633.022~~, 1001.02, 1001.453, 1010.01, 1010.02, 1011.01, 1011.06, 1011.09, 1011.60, 1011.74, 1013.01, 1013.03, 1013.12(1), 1013.14, 1013.15, 1013.20, 1013.28, 1013.31, 1013.33, 1013.35, 1013.36, 1013.37, 1013.371, 1013.372, 1013.38, 1013.40, 1013.45, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History–New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06, 2-12-08, 12-15-09, 11-19-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Linda Champion, Deputy Commissioner, Finance and Operations

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 15, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

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

PURPOSE AND EFFECT: The purpose of this rule revision is to amend the rule to conform to statutory changes from Chapters 2014-33 and 2014-184, Laws of Florida. In addition, an updated CAPE Industry Certification Funding List and Comprehensive Industry Certification List will be adopted by reference. The effect of the amended rule is to ensure that appropriate certifications are included on the CAPE Industry Certification Funding List.

SUMMARY: The amendment includes substantial rewording of this rule and updated documents to be incorporated by reference. The 2014-2015 CAPE Industry Certification Funding List is adopted with new statutorily required designations. The rule includes updated criteria for inclusion on the CAPE Industry Certification Funding List for CAPE Industry Certifications, CAPE Acceleration Industry Certifications, and CAPE Digital Tool Certificates. Test administration criteria for school districts to report industry certifications are added to the rule. A new process for submission of industry certifications for farm occupations by the Department of Agriculture and Consumer Services is specified. The timelines and process for the submission of CAPE Industry Certifications are updated. The Department of Education’s mailing address is provided for public access to materials incorporated by 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 been prepared by the Agency.

The Agency has determined that the proposed rule does not require legislative ratification and is not expected to have any impact on the factors found in Section 120.541(2)(a), F.S. The SERC is prepared based on the potential costs to districts associated with the new requirement that teachers may not proctor the written industry certifications for their own students. Since the exact number of districts that currently allow teacher to proctor these exams is not known, this SERC is based on the assumption that all districts currently allow teachers to proctor these exams and would have to hire/compensate another individual to proctor the exam.

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:** 1003.4203(9), 1003.492(3), 1008.44, 1011.62(1)(0) FS.

**LAW IMPLEMENTED:** 1003.4203, 1003.492, 1003.493, 1003.4935, 1008.44, 1011.62(1)(o) FS.

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

**DATE AND TIME:** September 29, 2014, 8:30 a.m.

**PLACE:** Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Tara Goodman, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, Suite 744, Tallahassee, Florida 32399-0400, phone: (850)245-9001, Tara.Goodman@fldoe.org

**THE FULL TEXT OF THE PROPOSED RULE IS:**

(Substantial rewording of Rule 6A-6.0573 follows. See Florida Administrative Code for present text.)

6A-6.0573 Industry Certification Process.

(1) Purpose. The purpose of this rule is to specify the procedures and timelines for implementation of an industry certification process.

(2) Definitions. The following definitions shall be used in this rule and incorporated documents:

(a) "CAPE" means career and professional education.

(b) "CAPE Industry Certification Funding List" means a list of industry certifications, certificates, and courses adopted by the State Board of Education for implementation of the Florida Career and Professional Education Act.

(c) "CAPE Acceleration Industry Certifications" means certifications identified on the "CAPE Industry Certification Funding List" pursuant to the requirements in Sections 1003.4203(5)(b) and 1008.44(1)(e), Florida Statutes. These certifications have statewide articulation agreements for 15 or more college credits in a related postsecondary associate degree program.

(d) "Comprehensive Industry Certification List" means a list of certifications identified by the not-for-profit corporation in Section 445.004, Florida Statutes, and adopted by their board of directors.

(e) "CAPE Digital Tool Certificates" means certificates identified on the "CAPE Industry Certification Funding List" pursuant to the requirements in Sections 1003.4203(3) and 1008.44(1)(b), Florida Statutes. These certificates assess digital skills that are necessary for a student's academic work and are appropriate for elementary school and middle grades students.

(f) "CAPE Industry Certifications" means certifications identified on the "CAPE Industry Certification Funding List" pursuant to the requirements in Sections 1003.4203(4) and 1008.44(1)(a), Florida Statutes. An industry certification is a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized, as specified in Section 1003.492(3), Florida Statutes, or an industry certification for farm occupations as specified in Sections 570.07(43) and 1003.492(3), Florida Statutes. These certifications either do not have a statewide articulation agreement for college credit or have a statewide articulation agreement for no more than fourteen (14) college credits in a related postsecondary associate degree program.

(g) "CAPE Innovation Courses" means courses identified by the Commissioner of Education on the "CAPE Industry Certification Funding List" pursuant to the requirements in Sections 1003.4203(5)(a) and 1008.44(1)(d), Florida Statutes. These courses combine academic and career content and include at least two (2) third-party assessments, one (1) of which must be an industry certification identified on the "CAPE Industry Certification Funding List."

(h) "Career-themed course" means a course as defined in Section 1003.493(1)(b), Florida Statutes, offered in secondary schools which meets the requirements in Section 1003.493(4), Florida Statutes.

(i) “Career and professional academy” means a program as defined in Section 1003.493(1)(a), Florida Statutes, offered in secondary schools which meets the requirements in Section 1003.493(4), Florida Statutes. An academy is a research-based program with rigorous academic and industry-specific curriculum aligned to the priority workforce needs.

(j) “Farm occupation” means an occupation related to the science, business, marketing or technology of agricultural production.

(3) Adoption of the annual “Comprehensive Industry Certification List.” Workforce Florida, Inc.’s approved list of industry certifications, which has been named the “2014-2015 Workforce Florida, Inc. dba CareerSource Florida Comprehensive Industry Certification List for the Career and Professional Education Act” (reference \_\_\_\_\_) is adopted by the State Board of Education and incorporated by reference in this rule. The list may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(4) Annual publication date for the “Comprehensive Industry Certification List.” The “Comprehensive Industry Certification List” shall be published by March 1 of each calendar year for use in development of the “CAPE Industry Certification Funding List” for the subsequent school year.

(5) Adoption of an annual “CAPE Industry Certification Funding List.” The “CAPE Industry Certification Funding List” is comprised of industry certifications, certificates, and courses as specified in Section 1008.44, Florida Statutes and Section 1011.62(1), Florida Statutes.

(a) The list includes the following certifications and certificates:

1. “CAPE Industry Certifications;”
2. “CAPE Acceleration Industry Certifications;” and
3. “CAPE Digital Tool Certificates.”

(b) This list will be known as the “2014-2015 CAPE Industry Certification Funding List” (reference \_\_\_\_\_) published by the Department of Education and is incorporated by reference in this rule. The list may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(6) General requirements for inclusion on the “CAPE Industry Certification Funding List.” All items on the “CAPE Industry Certification Funding List” must include written exams that are third-party developed, scored by the certifying agency, and given in a proctored testing environment. Written exams to earn the certification may not be scored by any school district staff member.

(7) Requirements for “CAPE Industry Certifications,” “CAPE Acceleration Certifications,” and “CAPE Digital Tool Certificates” for inclusion on the “CAPE Industry Certification Funding List.” For “CAPE Industry Certifications” and “CAPE Acceleration Industry Certifications,” the Department of Education shall review the approved “Comprehensive Industry Certification List” to identify certifications eligible for additional full-time equivalent (FTE) membership funding, pursuant to Section 1011.62(1), F.S., based upon the criteria listed below.

(a) To be included as a “CAPE Industry Certification” on the “CAPE Industry Certification Funding List,” a certification shall:

1. Be on the “Comprehensive Industry Certification List;”
2. Be achievable by secondary students; and
3. Require a minimum of one hundred fifty (150) hours of instruction.

(b) Pursuant to section 1008.44, Florida Statutes, one (1) industry certification that does not articulate for college credit shall be included on the “CAPE Industry Certification Funding List” where Workforce Florida, Inc. submits the following information to the Department of Education no later than June 1 of each year:

1. Certifying agency information including name of the certifying agency, contact information for the agency, and web link for the certification on a site maintained by the certifying agency;

2. The requirements to earn the certification including required written and performance tests, work experience, or any other components of earning the certification; and

3. Information on the test format and test administration policies and procedures including documentation that the written exams are third-party developed, scored by the certifying agency, and given in a proctored testing environment.

(c) To be included as a “CAPE Acceleration Industry Certification” on the “CAPE Industry Certification Funding List,” a certification shall:

1. Be on the “Comprehensive Industry Certification List;”
2. Be achievable by secondary students;
3. Require a minimum of one hundred fifty (150) hours of instruction; and

4. Have a statewide articulation agreement approved by the State Board of Education in Rule 6A-10.0401, F.A.C. with fifteen (15) or more college credits.

(d) Requirements for “CAPE Digital Tool Certificates” on the “CAPE Industry Certification Funding List.” To be included as a “CAPE Digital Tool Certificate” on the “CAPE Industry Certification Funding List,” a certificate shall:

1. Be achievable by elementary school and middle grades students;

2. Assess at least one (1) of the following digital skills: word processing; spreadsheets; presentations including sound, motion, and color; digital arts; cybersecurity; and coding; and

3. Be part of a career pathway leading to the attainment of a “CAPE Industry Certification” on the “CAPE Industry Certification Funding List.”

(e) Priority for the industry certificates designated as “CAPE Digital Tool Certificates” on the “CAPE Industry Certification Funding List” shall be given to those that assess multiple digital skills.

(8) Grade level limitations for industry certifications. No later than March 1 of each year, the Commissioner shall identify the grade level limitations for the subsequent school year. A list of the grade level limitations will be posted on the Department’s web site at the following link: <http://www.fldoe.org/workforce/fcpea/default.asp>. The grade level limitations shall be specified on the next adoption of the “CAPE Industry Certification Funding List.”

(9) School district requests to add a “CAPE Industry Certification” to the “CAPE Industry Certification Funding List.

(a) No later than March 5 of each year, the Department shall produce a preliminary “CAPE Industry Certification Funding List.” This list shall be based on certifications identified on the previous year’s “CAPE Industry Certification Funding List” and on the most recently adopted “Comprehensive Industry Certification List.”

(b) School districts shall submit any requests to include an industry certification, not on the preliminary “CAPE Industry Certification Funding List,” to the final “CAPE Industry Certification Funding List” to the Department of Education. The Department shall grant the request based upon the following criteria:

1. The request demonstrates that the certification meets the requirements for inclusion on the list as specified in paragraph (7)(a) of this rule; and

2. The requests is received no later than April 1.

(c) Districts shall be notified of the decision for inclusion on the list through a posting by June 15 on the Department’s web site at the following link: <http://www.fldoe.org/workforce/fcpea/default.asp>

(10) Requirements for inclusion of “CAPE Industry Certifications” for farm occupations on the “CAPE Industry Certification Funding List.” Pursuant to Section 570.07(43), Florida Statutes, the Department of Agriculture and Consumer Services (DOACS) shall submit industry certifications for farm occupations to the “CAPE Industry Certification Funding List” according to the following requirements:

(a) The request must be received by the Department no later than March 15;

(b) The request must be submitted on official DOACS letterhead; and

(c) The request must include the following:

1. The name of the certifying agency, contact information for the agency, and web link for the certification on a site maintained by the certifying agency;

2. Information on the requirements to earn the certification including required written and performance tests, work experience, or any other components of earning the certification;

3. Information on the test format and test administration policies and procedures including documentation that that the written exams are third-party developed, scored by the certifying agency, and given in a proctored testing environment; and

4. Information on the farm occupations demonstrating that the certification addresses a critical local or statewide economic need.

(d) The Department of Education shall add the industry certification to the “CAPE Industry Certification Funding List” based on the following criteria:

1. The industry certification meets the statutory requirements in Sections 570.70 and 1003.492, Florida Statutes;

2. The request meets the requirements set forth in paragraphs (10)(a) through (c) of this rule;

3. The certification meets the following requirements:

a. Written exams are third-party developed, scored by the certifying agency, and given in a proctored testing environment;

b. The certification is achievable by secondary students; and

c. The certification requires a minimum of one hundred fifty (150) hours of instruction.

(e) In the event the requested industry certification does not meet the requirements for inclusion on the “CAPE Industry Certification Funding List,” the Department of Education shall notify DOACS of deficiencies no later than April 15. DOACS shall provide any additional information that addresses the deficiencies by May 15 in order for the industry certification to be considered for inclusion on the “CAPE Industry Certification Funding List” for the following year.

(11) Publication Date for the “CAPE Industry Certification Funding List.” The “CAPE Industry Certification Funding List” for the school year shall be published no later than August 1.

(12) Funding Weights for “CAPE Industry Certifications” and “CAPE Acceleration Industry Certifications.” Pursuant to Section 1011.62(1), F.S., the weight used for “CAPE Industry Certifications” and “CAPE Acceleration Industry Certifications” in the Florida Education Finance Program

(FEFP) shall be based on statewide articulation agreements approved by the State Board of Education in Rule 6A-10.0401, F.A.C., which is incorporated herein by reference.

(13) Conditions for Florida Education Finance Program (FEFP) calculation and reporting.

(a) A school district shall be eligible for additional full-time equivalent (FTE) membership under the following conditions:

1. Middle grades or high school student is enrolled in a registered career-themed course and completes a "CAPE Industry Certification" or "CAPE Acceleration Industry Certification" on the "CAPE Industry Certification Funding List," or

2. Elementary school or middle grades student completes a "CAPE Digital Tool Certificate" on the "CAPE Industry Certification Funding List," or

3. Middle grades or high school student is enrolled in a "CAPE Innovation Course" and completes all of the requirements for the "CAPE Innovation Course" on the "CAPE Industry Certification Funding List."

(b) Pursuant to section 1011.62(1), Florida Statutes, middle grades students who earn additional FTE membership for a CAPE Digital Tool may not use the previously funded examination to satisfy the requirements for earning a "CAPE Industry Certification," "CAPE Acceleration Certification," or "CAPE Innovation Course." The district shall not report a certification for which a portion of the industry certification exams were previously funded as a "CAPE Digital Tool Certificate."

(c) In order for the district to report successful attainment of certifications and course completion on the "CAPE Industry Certification Funding List," the following test administration procedures for all written examinations associated with earning the industry certification must be followed:

1. The exam is not proctored by the individual providing the direct instruction for the industry certification or certificate, except under the following conditions:

a. If the only individual permitted to be a proctor by the certifying agency is providing direct instruction for the industry certification and only one (1) eligible proctor is approved in a school, the individual providing direct instruction shall be permitted to proctor the exam; and

b. All written tests proctored by the individual providing direct instruction is independently monitored by a second individual who does not provide direct instruction for the industry certification to the individuals taking the test(s).

2. The exam questions are delivered in a secure manner and paper-based tests are not available to the test proctor for a period of time, other than the time necessary to receive, distribute, and return any written materials to the scoring entity.

3. The exam is scored by the certifying agency for the industry certification or certificate or an approved vendor of the certifying agency and may not be scored by a representative of the school district or the examinee.

4. The exam has been administered in accordance with the test administration procedures specified by the certifying agency, and,

5. The exams leading to the industry certification must not have been administered to a student more than three (3) times during the academic year with a minimum of thirty (30) calendar days between test administrations.

(d) School districts may report students who complete industry certifications during the update period allowed by the Department of Education for survey 5 after an initial submission as specified in Rule 6A-1.0451, F.A.C.

(14) Registration of career and professional academies and career-themed courses. The Department of Education shall maintain a web site for school districts to register high school career and professional academies, middle grades career and professional academies, and career-themed courses.

(a) For high school career and professional academies, school districts shall submit up-to-date information on each career and professional academy through an annual reporting window which shall open on or after July 15 and close on September 15, and shall remain open for a minimum of thirty (30) days. Form FCAPEA-01, Florida Career and Professional Education Act Career and Professional Academies, (<http://www.flrules.org/Gateway/reference.asp?No=Ref->

\_\_\_\_\_ ) is hereby incorporated by reference in this rule to become effective November 2014 and shall be utilized for reporting the information. Form FCAPEA-01 may be found on the Department's web site at: <https://app1.fldoe.org/workforce/CAPE/>.

(b) For middle grades career and professional academies, school districts shall submit up-to-date information on each career and professional academy through an annual reporting window which shall open on or after September 16 and close on October 15 and shall be open for a minimum of twenty (20) days. Form FCAPEA-02, Florida Career and Professional Education Act Career and Professional Academies, (<http://www.flrules.org/Gateway/reference.asp?No=Ref->

\_\_\_\_\_ ) is hereby incorporated by reference in this rule to become effective November 2014, and shall be utilized for reporting the information. Form FCAPEA-02 may be found on the Department's web site at: <https://app1.fldoe.org/workforce/CAPE/>.

(c) For career-themed courses, school districts shall submit up-to-date information on each career-themed course by school during an initial registration period from October 16 to November 30 and shall be allowed to submit updates after the initial registration period during the subsequent period of

February 1 to March 1. Form FCAPEA-03, Career and Professional Education Act Career-Themed Course Registration Form. (reference \_\_\_\_\_) is hereby incorporated by reference in this rule to become effective November 2014, and shall be utilized for reporting the career-themed course information. Form FCAPEA-03 may be found on the Department's web site at: <https://app1.fldoe.org/workforce/CAPE>.

Rulemaking Authority 1003.4204(9), 1003.492(3) (2), 1008.44, 1011.62(1)(o) FS. Law Implemented 1003.4203, 1003.492, 1003.493, 1003.4935, 1008.44, 1011.62(1)(o) FS. History--New 10-20-08, Amended 8-18-09, 6-22-10, 6-21-11, 10-25-11, 8-23-12, 3-25-13, 11-3-13, 6-25-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rod Duckworth, Chancellor, Career and Adult Education  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 2, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0574  
RULE TITLE: Postsecondary Industry Certification Funding List

PURPOSE AND EFFECT: The purpose and effect of this rule is to amend the CAPE Postsecondary Industry Certification Funding List. New occupational areas were added to the funding eligibility in the 2014 General Appropriations Act. In addition, test administration procedures required for reporting of fundable certifications are added to the rule.

SUMMARY: The CAPE Postsecondary Industry Certification Funding list adopted by this rule will be used by the Division of Career and Adult Education and the Division of Florida Colleges for the distribution of postsecondary incentive funding related to the student attainment of industry certifications. Districts and colleges will be required to follow the test administration procedures for the industry certification to be reported for funding.

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

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to have any impact on the factors found in 120.541(2)(a), F.S. This is because the amendment increases the number of industry certifications along with test administration procedures for which school districts and Florida Colleges are provided monetary incentives to offer to postsecondary students. These certifications have been evaluated and determined to be rigorous and tied to the statewide occupational demand in Florida.

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: 1008.44, 1011.80, 1011.81 FS.

LAW IMPLEMENTED: 1008.44, 1011.80, 1011.81 FS.

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

DATE AND TIME: September 29, 2014, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, Suite 744, Tallahassee, Florida 32399-0400, phone: (850)245-9001, Tara.Goodman@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0574 CAPE Postsecondary Industry Certification Funding List.

(1) Section 1008.44, F.S., requires the State Board of Education to approve annually a list of industry certifications appropriate for postsecondary programs. This list will be known as the “2014-2015 CAPE Postsecondary Industry Certification Funding List December—2013” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03385>) published by the Department of Education and is incorporated by reference in this rule. The “2014-2015 CAPE Postsecondary Industry Certification Funding List” may be obtained from the Department of Education’s web site at <http://www.fldoe.org/workforce> or may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(2) For inclusion on the “2014-2015 CAPE Postsecondary Industry Certification Funding List,” the certification shall:

(a) Require written examinations for postsecondary students that are designed to award a certificate only when a student demonstrates competency or proficiency in the certification area;

(b) Be developed by a third party; ~~and~~  
 (c) Require that written examinations be given in a proctored environment; ~~and~~ -

(d) Require that the written examinations be scored by the certifying agency.

(3) This list shall contain waivers of age, grade level, diploma or degree, and post-graduation work experience of at least twelve (12) months, in accordance with Section 1008.44(3), F.S.

(a) The specific type of waiver shall be noted on the incorporated list.

(b) Students earning a certification with a waived requirement may be reported for funding if the student completed all of the requirements for earning the certification with the exception of the waived component.

(4) School districts and Florida College System institutions may report industry certifications earned by students for performance funding under the following conditions:

(a) The written exam(s) is proctored by an independent third-party and is not proctored by the individual providing the direct instruction for the industry certification;

(b) The exam questions are delivered in a secure manner and are not available to the test proctor for an extended period of time, other than the time necessary to receive, distribute, and return any written materials to the scoring entity; and

(c) The exams have been administered in accordance with the test administration procedures specified by the certifying agency.

~~(5)~~(4) This list shall contain a designation of performance funding eligibility in accordance with the provisions of Sections 1011.80(6)(b) and 1011.81(2)(b), F.S., based upon the highest available certification for postsecondary students. School districts and Florida College System institutions are eligible for performance funding for students who earn an initial industry certification from the incorporated list with an approved funding designation in the occupational areas identified in the 2014 2013-14 General Appropriations Act.

Rulemaking Authority 1001.02(1), (2)(n), 1008.44, 1011.80, 1011.81 FS. Law Implemented 1008.44, 1011.80, 1011.81 FS. History—New 1-1-14, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Rod Duckworth, Chancellor, Career and Adult Education  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2014  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 19, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0786  
 RULE TITLE: Model Forms for Charter School Applicants and Sponsors.

PURPOSE AND EFFECT: The purpose of this amendment is to revise the timeline relating to the negotiation of a charter school contract and to implement and incorporate the standard charter school contract, as required by law.

SUMMARY: The proposed rule requires that a sponsor provide the first draft of a charter school contract within 30 days of the date the charter application is approved and provides the parties an additional 40 days thereafter to negotiate the final terms of the charter contract. The proposed rule also requires that a sponsor use the standard contract, Form IEPC-SC, as the basis for the initial draft and must display proposed revisions to the standard contract using strikethrough and underline text.

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: This rule requires the use of revised timelines and requires the use of a form, as required by law. No requirement for SERC was triggered under Section 120.541(1), Florida Statutes. There would be no economic impact from this amendment and the adverse impact or regulatory cost, if any, does 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: 1002.33(28) FS.

LAW IMPLEMENTED: 1002.33 FS.

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

DATE AND TIME: September 29, 2014, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0786 ~~Model~~ Forms for Charter School Applicants and Sponsors.

(1) through (2) No change.

(3) Upon approval of a charter school application, the sponsor shall have thirty (30) ~~sixty (60)~~ days to propose an initial proposed charter contract to the charter school. The sponsor shall use Form IEPC-~~SC M3~~, Florida Standard Model Charter Contract Format, effective November 2014 ~~June 2012~~, ([http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_01257](http://www.flrules.org/Gateway/reference.asp?No=Ref-____01257)) as the basis for the initial draft contract. Proposed deletions to Form IEPC-SC must be displayed as strike-through text. Proposed additions to form IEPC-SC must be displayed as underlined text. The applicant and the sponsor have forty (40) days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. Charter school contracts must address, at a minimum, the components included in Form IEPC M3. Additional components may be included in a charter school contract if mutually agreed upon by both parties. Form IEPC-~~SC M3~~ is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(4) through (7) No change.

Rulemaking Authority 1002.33(27) FS. Law Implemented 1002.33(6), (21), 1002.331 FS. History--New 10-25-10, Amended 7-9-12,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 11, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-6.0960 Florida Tax Credit Scholarship Program

PURPOSE AND EFFECT: The purpose of this amendment is to reflect legislative revisions related to accountability for approved nonprofit scholarship-funding through a more thorough application, review and approval process. The effect will be a rule that is consistent with the governing statute.

SUMMARY: The proposed rule revises the application and review process administered by the Department to approve scholarship funding organizations to participate in the Florida Tax Credit Scholarship program. The rule incorporates, by reference, revised application forms that reflect changes made during the 2014 Legislative session.

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 rule is limited to prescribing processes and procedures to implement requirements contained in Section 1002.395, 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: 1002.395(13) FS.

LAW IMPLEMENTED: 1002.395 FS.

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

DATE AND TIME: September 29, 2014, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0960 Florida Tax Credit Scholarship Program.

The Florida Tax Credit Scholarship Program will be implemented as required by Section 1002.395, F.S., to allow nonprofit scholarship-funding organizations to provide scholarships from eligible contributions to qualified students attending eligible private schools or public schools outside the school district in which the student resides or in a laboratory school.

(1) Eligibility of nonprofit scholarship-funding organizations.

(a) A nonprofit ~~charitable~~ organization may apply or register to be a an-eligible scholarship-funding organization by having its principal officer or legal representative submit

documentation to the Department of Education as specified in Form IEPC SFO-1, ~~2010 Nonprofit Scholarship-Funding Organization Participation Application for New Scholarship Funding Organization~~ (insert link) ~~Renewal Florida Tax Credit Scholarship Program~~, or Form IEPC SFO-2, ~~2010 Nonprofit Scholarship-Funding Organization Participation Renewal for Scholarship Funding Organization~~ (insert link) ~~Application Florida Tax Credit Scholarship Program~~, or Form IEPC SFO-3, ~~Nonprofit Scholarship-Funding Organization Participation Application for State Universities and Independent Colleges or Universities~~ (insert link), which are hereby incorporated by reference to become a part of this rule to become effective ~~November 2014~~ ~~October 25, 2010~~. The appropriate Nonprofit Scholarship-Funding Organization Form must be signed by the owner or operator, submitted annually, and be postmarked no later than ~~September~~ ~~February~~ 1. Forms may be obtained through Florida Department of Education, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399 or [http://www.floridaschoolchoice.org/information/CTC/SFO\\_Renewal.asp](http://www.floridaschoolchoice.org/information/CTC/SFO_Renewal.asp).

(b) By ~~July~~ ~~December~~ 1 of each year, ~~beginning in 2006~~, the Department of Education shall make available the forms for organizations to use pursuant to paragraph (1)(a) of this rule.

(c) Each application ~~submitted to be listed~~ shall be reviewed by the Department ~~in consultation with the Department of Revenue, and the Chief Financial Officer~~, to determine compliance with Section 1002.395, F.S., and requirements in this rule.

(d) ~~Within thirty (30) days of receipt of an application, the Department shall send to each nonprofit scholarship-funding organization applicant, at the address listed on the Nonprofit Scholarship-Funding Organization Form, a written notice of any deficiencies in the application. By March 1, the Department shall send to each nonprofit scholarship funding organization applicant, at the address listed on the Nonprofit Scholarship-Funding Organization Form, a notice of its eligibility to participate in the program for the next school year.~~

(e) ~~Upon notification by the Department, each nonprofit scholarship-funding organization applicant will have thirty (30) days to correct any deficiencies and resubmit the final application.~~

(f) ~~Within thirty (30) days of receipt of the finalized application, the Commissioner of Education shall recommend approval or disapproval of the application to the State Board of Education.~~

1. ~~The State Board of Education shall consider the application and recommendation at the next scheduled meeting.~~

2. ~~In order to assist the State Board of Education in its decision, a Nonprofit Scholarship-Funding Organization must make a brief presentation to the State Board of Education.~~

3. ~~If the State Board of Education disapproves an organization's application, it shall provide the organization with a written explanation of that determination.~~

4. ~~The action of the State Board of Education is not subject to proceedings under Chapter 120, F.S.~~

(g)(e) No later than March 15 of each year, the Department shall submit to the Florida Department of Revenue and the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation a list of organizations that it has determined to be eligible to be listed as a nonprofit scholarship-funding organization for participation in the Florida Tax Credit Scholarship Program.

(h) ~~A state university; or an independent college which is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, located and chartered in Florida, and is not for profit and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, is exempt from the initial or renewal application process, but must file a registration notice with the Department of Education in order to be an eligible nonprofit scholarship-funding organization.~~

(i)(f) If, at any point during the school year, a nonprofit scholarship-funding organization no longer meets the eligibility requirements for nonprofit scholarship-funding organizations, the Commissioner shall:

1. through 2. No change.

(j)(g) Nonprofit scholarship-funding organizations suspended or removed pursuant to paragraph (1)(i)(f) of this rule shall have fifteen (15) days from receipt of the notice of proposed action to file with the Department's agency clerk a request for a proceeding pursuant to Sections 120.569 and 120.57, F.S. All resulting proceedings shall be conducted in accordance with Chapter 120, F.S.

(k)(h) Upon removal of an approved nonprofit scholarship-funding organization, the Department shall notify the Department of Revenue and the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation that the organization is no longer approved to participate in the program.

(2) Nonprofit scholarship-funding organization requirements. Eligible nonprofit scholarship-funding organizations shall:

(a) Beginning with the ~~2014-2015~~ ~~2007-2008~~ school year, upon each first-time scholarship student's entry to the scholarship program, ~~if the student was enrolled in a Florida public school in the year prior to entering the scholarship program~~, obtain a written statement that the parent has informed the student's school district that the child will be attending an eligible private school. The written statement shall be maintained on file by each nonprofit scholarship-funding organization for no less than three (3) years or until such time



as the student graduates or otherwise exits the program. ~~This requirement shall not apply to a kindergarten or first grade student, or a student placed in foster care, who was not enrolled in a Florida public school prior to entering the scholarship program.~~

(b) through (3) No change.

(4) Qualified students. Applications for a Florida Tax Credit Scholarship shall be made by parents directly through an eligible nonprofit scholarship-funding organization. The nonprofit scholarship-funding organization shall identify qualified students and award all scholarships consistent with the requirements of Section ~~1002.395~~ 1002.395, F.S. The process used to identify qualified students and award scholarships is subject to the annual financial and compliance audit required by law.

(5) No change.

(6) Measurement of student achievement. Private schools participating in the program are responsible for ensuring that all students ~~in grades three through ten who if in the public school system would otherwise be assessed under Section 1008.22(3)(c), F.S., and~~ who are receiving scholarships are assessed annually and the results reported as required by Section 1002.395(8)(c)2., F.S. Achievement data for scholarship students shall not be used to rate publicly the performance of private schools that participate in the program.

(a) through (9) No change.

Rulemaking Authority 1002.395(9)(i), (13)(d) FS. Law Implemented 1002.395 FS. History—New 2-5-07, Amended 11-26-08, 6-22-10, 10-25-10,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 9, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0961  
RULE TITLE: Florida Personal Learning Scholarship Account Program

PURPOSE AND EFFECT: The purpose and effect of this new rule is to implement the requirements in Section 1002.385, Florida Statutes.

SUMMARY: The proposed rule creates processes for the Department of Education to distribute funds to eligible nonprofit scholarship-funding organizations for the purpose of providing scholarships to eligible students with specific disabilities. The rule also creates the processes to be used by the Department to deny, suspend or revoke participation in the program.

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 rule is limited to prescribing processes and procedures to implement requirements contained in Section 1002.385, 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: 1002.385(18) FS.

LAW IMPLEMENTED: 1002.385 FS.

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

DATE AND TIME: September 29, 2014, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0961 Florida Personal Learning Scholarship Accounts Program.

The Florida Personal Learning Scholarship Accounts Program will be implemented as required by Section 1002.385, F.S., to allow nonprofit scholarship-funding organizations to provide the option for a parent to better meet the individual educational needs of his or her eligible child by establishing an account for the funding of eligible expenditures.

(1) Eligibility of nonprofit scholarship-funding organizations.

(a) An eligible nonprofit scholarship-funding organization that participates in the Florida Tax Credit Scholarship Program under Section 1002.395, F.S., may establish personal learning scholarship accounts for eligible students.

(b) If, at any point during the school year, a nonprofit scholarship-funding organization no longer meets the eligibility requirements for nonprofit scholarship-funding organizations, the Commissioner shall:

1. Issue a notice of noncompliance that gives the nonprofit scholarship-funding organization a reasonable time to meet the requirements; or,

2. Issue a notice of proposed action to suspend the nonprofit scholarship-funding organization or to remove the nonprofit scholarship-funding organization from the list of eligible nonprofit scholarship-funding organizations where the health, safety, or welfare of students is involved or the nonprofit scholarship-funding organization has failed to meet requirements specified in a notice of noncompliance pursuant to this paragraph.

(c) Nonprofit scholarship-funding organizations suspended or removed pursuant to subsection (9) of this rule shall have fifteen (15) days from receipt of the notice of proposed action to file with the Department's agency clerk a request for a proceeding pursuant to Sections 120.569 and 120.57, F.S. All resulting proceedings shall be conducted in accordance with Chapter 120, F.S.

(2) Nonprofit scholarship-funding organization requirements. Eligible nonprofit scholarship-funding organizations shall:

(a) Receive applications and determine eligibility of students in accordance with the requirements of Section 1002.385(3)(a), F.S.;

(b) By March 1 before the school year in which students will participate, submit in a format to be specified by the Department an electronic list of all scholarship students that have applied to receive scholarship funds. The list shall include the following information:

1. Information for each student, including name, date of birth, grade level, and address, including county of residence;

2. Eligible disability;

3. Matrix funding level for the student;

4. Status of eligibility determination; and,

5. Whether student is current participant in program.

(3) Nothing in this rule shall limit the Department's authority to request any other information related to the scholarship program.

(4) Eligible students. Applications for a Florida Personal Learning Scholarship Account shall be made by parents directly through an eligible nonprofit scholarship-funding organization. The nonprofit scholarship-funding organization shall verify the eligibility of students pursuant to the criteria established in

Section 1002.385, F.S., and award scholarships consistent with the requirements of Section 1002.385, F.S. The process used to identify eligible students and award scholarships is subject to the annual financial and operational audit required by law.

(5) Scholarship payments. The following provisions relate to the distribution of funds from the Department of Education to an eligible nonprofit scholarship-funding organization.

(a) An eligible scholarship funding organization may request a payment from the Department of Education for an eligible student only after it has confirmed that the student has met the eligibility criteria in Section 1002.385(3)(a), F.S. Using the Department's web-based system, the nonprofit scholarship-funding organization must:

1. Confirm the eligibility of each scholarship student;

2. Attest to the accuracy of each student's information submitted by the nonprofit scholarship-funding organization, which must include the following:

a. Student name, date of birth, social security number, gender, race, grade level, and address including county of residence;

b. Category under which student is eligible, pursuant to Section 1002.385(2)(d), F.S.;

c. Matrix level of funding; and,

d. Date and time the nonprofit scholarship-funding organization confirmed eligibility.

3. Submit a request for payment to include the amount requested for each individual student as well as the total amount requested.

(b) The Department shall verify, prior to payment, that each eligible student for which the nonprofit scholarship funding organization is requesting payment is not enrolled in public school or receiving a scholarship under another program pursuant to Chapter 1002, Florida Statutes, and has not had participation suspended or revoked pursuant to Section 1002.385(10), F.S. Upon verification, the Department shall distribute funds to the nonprofit scholarship-funding organization. The Department shall distribute funds on a first-come first-served basis, based upon the date and time the scholarship-funding organization confirmed eligibility pursuant to subparagraph (5)(a)1. of this rule.

(c) Requests for payments by a nonprofit scholarship-funding organization must be submitted no later than May 1 for the fiscal year in which the student is eligible to receive a scholarship.

(d) The Department may suspend a student's participation in the program and withhold a scholarship payment pursuant to Section 1002.385(10), F.S.

(e) Eligible nonprofit scholarship-funding organizations are responsible for the return of all scholarship funds to the Department that were received in error. If the Department identifies scholarship funds that should be returned, it shall send

a letter via both regular and certified mail requesting the return of the funds. The letter shall state the reason the funds are being requested, the student or students involved, instructions on returning the funds, and the procedure to be followed if the eligible nonprofit scholarship-funding organization believes that return of the funds is being requested in error or wishes to provide additional information related to the requested funds. The Department's letter may also require the eligible nonprofit scholarship-funding organization to provide an explanation for how the funds were erroneously obtained.

1. Eligible nonprofit scholarship-funding organizations shall respond to such letter within thirty (30) days by either returning the funds or detailing in writing why its retention of the funds is proper.

2. If the Department receives a letter detailing why the funds were properly retained, it shall determine whether the explanation is sufficient and thereafter alert the eligible nonprofit scholarship-funding organization of any funds still due and a timeframe for the return of those funds. The response shall give the eligible nonprofit scholarship-funding organization at least twenty (20) additional days to repay the funds.

3. Failure to return the funds due to the Department, or failure to provide a sufficient explanation for how the eligible nonprofit scholarship-funding organization claimed funds that were erroneously obtained, within the time period allotted in subparagraphs (5)(e)1. and 2. of this rule, shall result in the initiation of noncompliance procedures pursuant to the Commissioner's authority described in Section 1002.385(10), F.S., and this rule.

(f) All claims by eligible nonprofit scholarship-funding organizations for missed scholarship payments must be made by May 1 of the fiscal year in which the scholarship payment was originally due.

(6) Quarterly Reports: Four (4) times a year, no later than October 30, January 30, April 30, and June 30 of each year, an eligible nonprofit scholarship-funding organization shall submit in a format to be specified by the Department an electronic list of all participating scholarship students, providers of services, and participating private schools. The list shall include the following information:

(a) Demographic information for each student, including name, date of birth, social security number, grade level, gender, race, parent's name, and address;

(b) Information on all providers of services, including name, licensure information, and fee amounts received for services;

(c) Information on the student's school of attendance, if applicable, including tuition, fees, and transportation amounts;

(d) The cumulative amount of scholarship funds received for each student; and.

(e) The amount of scholarship funds remaining in each student's account.

(7) Complaint process. The following process is established to allow individuals to notify the Department of any violation by parents, providers, private schools, eligible nonprofit scholarship-funding organizations, or school districts of laws or rules related to scholarship program participation.

(a) Persons interested in filing a complaint should contact the Department through the toll-free hotline, established pursuant to Section 1002.395, F.S., or through the Department's website at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org).

(b) An initial complaint shall include, at a minimum, the complainant's name, phone number, address, and details of the situation.

(c) After receipt of the initial complaint, the Department shall offer to provide a formal complaint form to the complainant.

(d) To register a formal complaint, the complainant must complete the formal complaint form, sign it, and mail or fax it to the Department within thirty (30) days of making the initial complaint.

(e) Upon receipt of a formal complaint, the Department shall review the complaint for legal sufficiency. If the complaint is legally sufficient, the Department shall conduct an inquiry, as described in subsection (8) of this rule, or refer the matter to the appropriate agency for investigation. If the complaint is not legally sufficient, the Department may close the complaint.

(f) The Department shall notify the complainant of the final result of all legally sufficient formal complaints.

(8) Inquiry Process. If an inquiry is made as to the conduct of an individual or entity participating in the program:

(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the department. A copy of the letter of inquiry shall be provided to the appropriate nonprofit scholarship-funding organization.

(b) If there is a failure to respond to a letter of inquiry in a timely manner by:

1. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the nature of the inquiry and the parent's deemed admission of alleged violation due to a failure to respond to the letter of inquiry. The nonprofit scholarship-funding organization may use that information to reconsider its determination of student

eligibility. The Department may take action as prescribed under subsection (9) of this rule.

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.385(10), F.S., and this rule.

3. A nonprofit scholarship-funding organization, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.385(10), F.S., and this rule.

4. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation as appropriate.

(c) The Department shall review the response to the letter of inquiry and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the eligible student, approved provider, nonprofit scholarship-funding organization, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, eligible student, approved provider, nonprofit scholarship-funding organization, private school, or school district.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the findings and shall initiate the process prescribed under subsection (9) of this rule.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.385(10), F.S., and this rule.

c. A nonprofit scholarship-funding organization, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.385(10), F.S., and this rule.

d. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation as appropriate.

(d) The Department may at any point in the process set forth in this rule refer an inquiry to the Department's Office of Inspector General or another appropriate agency for investigation.

(e) Notwithstanding any other provisions of this rule, the Commissioner may at any point during the inquiry process exercise the authority given under Section 1002.385(10), F.S., and this rule.

(9) Commissioner's duties. The Commissioner may deny, suspend, or revoke participation in the scholarship program pursuant to Section 1002.385(10), F.S.

(a) If the Commissioner issues a notice of noncompliance:

1. Eligible students, nonprofit scholarship-funding organizations, and private schools shall be given no fewer than five (5) days from the date of the notice, as determined by the Commissioner, to demonstrate compliance;

2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner;

3. The eligible student, nonprofit scholarship-funding organization, or private school's participation status shall be unaffected by the above notice of noncompliance process; and,

4. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(b) Upon issuance of a notice of noncompliance the Commissioner may suspend payments to the non-profit scholarship funding organization until the non-profit scholarship funding organization has demonstrated compliance.

(c) If the Commissioner issues a notice of proposed action denying, suspending, or revoking an eligible student, nonprofit scholarship-funding organization, or private school's participation:

1. The notice shall state the reasons for the action and specify the eligible student, approved provider, nonprofit scholarship-funding organization, or private school's right to appeal;

2. The eligible student, approved provider, nonprofit scholarship-funding organization, or private school's participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired; and,

3. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(d) If the Commissioner denies, suspends, or revokes an authorized use of program funds:

1. The Commissioner shall issue a notice of agency action to the eligible student, nonprofit scholarship-funding organization, or private school;

2. The notice shall state the reasons for the action and the rights the eligible student, nonprofit scholarship-funding organization, or private school has to appeal;

3. The eligible student, nonprofit scholarship-funding organization, or private school participation status will be adjusted so that it will be unable to participate in the program; and

4. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

Rulemaking Authority 1002.385(18) FS. Law Implemented 1002.385 FS. History--New \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 26, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: July 9, 2014

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.: RULE TITLE:

6A-6.0982 Florida Approved Online Course Providers

PURPOSE AND EFFECT: The purpose of this new rule is to  
adopt procedures for approval of providers to offer Florida  
approved courses per Section 1003.499, Florida Statutes. The  
approval process will utilize Form VSP-03, Course Provider  
Approval Application. Form VSP-03 is to be incorporated by  
reference and made a part of this rule.

SUMMARY: This rule outlines the process through which  
organizations and individuals become approved to offer Florida  
approved virtual courses.

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: Approximately twenty private businesses/individuals  
are estimated to apply to be a course provider annually. It is  
unknown if any will be small businesses. There will be no out-  
of-pocket expenses for compliance with the rule, except staff  
time to gather the documentation requested.

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: 1003.499 FS.

LAW IMPLEMENTED: 1003.499 FS.

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

DATE AND TIME: September 29, 2014, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean  
Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Sally Roberts, Division of K-12 Public  
Schools, Department of Education, 325 West Gaines Street,  
Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 6A-6.0982 Florida Approved Online Course Providers.

(1) Purpose. Section 1003.499(2)(b), Florida Statutes (F.S.) requires the Commissioner of Education to annually publish online a list of providers approved to offer Florida approved courses.

(2) Application Form. Form VSP-03, Course Provider Approval Application is hereby incorporated by reference and made a part of this rule (insert link) to become effective November 2014. A copy of Form VSP-03 may be obtained by contacting the Division of Public Schools, Office of the Chancellor, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) Application. The application to become an approved course provider will be available at [www.fldoe.org/Schools/virtualschools/online\\_catalog.asp](http://www.fldoe.org/Schools/virtualschools/online_catalog.asp) beginning November 1, 2014 for the 2015-16 school year and September 1<sup>st</sup> each year thereafter and must be accessed and submitted electronically. The deadline for filing the application is November 30<sup>th</sup> for the 2015-16 school year and September 30<sup>th</sup> each year thereafter.

(a) Pursuant to Section 1003.499(3)(a)5., F.S., the applicant must possess prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains or student growth in each subject area and grade level provided for consideration as an instructional program option. Learning gains data for at least one (1) complete school year from one (1) of the following sources must be submitted for each course submitted for approval in this application:

1. Summative assessments approved to meet No Child Left Behind (NCLB) accountability requirements or state-administered End-of-Course (EOC) assessments. The demonstrated gains will be sufficient if either proficiency rate or gains rate, as calculated for purposes of school grades under Rule 6A-1.09981, F.A.C., which is incorporated by reference herein, meet or exceed the state mean. Equivalent subgroup credit recovery or remediation course data may be considered in determining the equivalency with the state mean, if provided. For course subjects not addressed by state assessments:

2. Nationally standardized summative achievement tests or nationally standardized interim assessments with multiple assessments to measure learning gains. The demonstrated gains will be sufficient if either proficiency rate or gains rate meet or exceed the national mean. Equivalent subgroup or credit recovery or remediation course data may be considered in determining the equivalency with the national mean, if provided.

3. Proctored EOC assessments or semester examinations that assess Florida standards. Electronic proctoring with appropriately identified students is acceptable. Applicants must submit a signed assurance that non-state level EOC examinations cover Florida course benchmarks. Demonstrated gains will be sufficient if the pass rate on the proctored EOC examination meets or exceeds seventy (70) percent.

(b) In accordance with Section 1003.499(3)(a)6., F.S., the applicant ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level that the applicant intends to provide. The curriculum plan must include evidence:

1. That the applicant meets the standards of the International Association for K-12 Online Learning (iNACOL);

2. That its courses and services are aligned to the Florida Student Performance Standards adopted in Rule 6A-1.09401, F.A.C., which is incorporated by reference herein, and measure student attainment of those standards. Each course must align to the course descriptions and benchmarks established pursuant to Rule 6A-1.09412, F.A.C., which is incorporated by reference herein, including:

a. Where the standard is taught in the course;

b. How the standard is taught, and

c. How mastery is assessed.

File names for course alignment documents must include the Florida course codes and titles specified in Florida's most current Course Code Directory incorporated in Rule 6A-1.09441, F.A.C., which is incorporated by reference herein.

3. That mechanisms are in place to determine and ensure students have satisfied course requirements. Mechanisms should include:

a. The use of formative and interim assessments;

b. A multi-tiered system of student supports, interventions and assistance to ensure student progression toward promotion and graduation requirements;

c. Curriculum development, activities and assessments based on principles that give all individuals equal opportunities to learn, supporting flexibility in representation, expression, and engagement;

d. Electronic and information technology accessible to persons with disabilities; and

e. Strategies to ensure comprehensible instruction for students with limited English proficiency.

Upon request, the applicant will provide access for a virtual walk-through of courses during the review phase of the application process.

(c) The applicant must disclose on a prominent place on its website the disclosure information required under Section 1003.499(3)(a)7., F.S. Average student-teacher ratios are to be calculated for each course. Teacher load (the total number of students assigned to a teacher) must also be provided. Student completion rate calculations are to include all students who are enrolled in the course for more than fourteen (14) days. Student performance accountability outcomes are to include student assessment results for all students and by the following subgroups: major racial and ethnic groups, economically disadvantaged students, students with disabilities and students with limited English proficiency. "Major racial and ethnic groups" shall include those groups reported for accountability purposes under the Elementary and Secondary Education Act (ESEA) in any state or, if no such prior reporting is available, shall include, at a minimum: American Indian, Asian, Black/African American, Hispanic, and White. If the course has an EOC, the applicant will publish the results on the website. All disclosure of student performance data must comply with Sections 1002.22 and 1002.221, F.S., by avoiding the disclosure of personally identifiable student information. Assessment data for less than ten (10) students must be redacted to prevent disclosure of identifiable student information.

(4) The Department of Education will review each complete application and provide the applicant with a written decision regarding the approval or denial of the application no later than forty-five (45) calendar days after the deadline. Incomplete applications will not be reviewed. Approved course providers will be posted to the website: [www.fldoe.org/Schools-virtual-schools.asp](http://www.fldoe.org/Schools-virtual-schools.asp).

(5) Notice of Denial. If the application is denied, the applicant will receive written notification identifying the specific areas of deficiency. The applicant shall have thirty (30) calendar days after receipt of the notice of denial to resolve any outstanding issues, and resubmit its application for reconsideration. The applicant will receive a final written notice of approval or denial. If any application is denied a second time, the department will provide a final written notice to the applicant indicating that the application has been administratively closed and that the provider may apply during the next application phase in accordance with subsection (3) of this rule.

(6) Course provider approval will be in effect for three (3) years.

(7) Revocation. The department shall revoke the approval of a course provider who fails to maintain compliance with all the requirements of Section 1003.499(3), F.S., or who fails to implement the course(s) as submitted and approved.

Rulemaking Authority 1003.499(3) FS. Law Implemented 1003.499 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sally Roberts, Bureau Chief, Florida Public Virtual Schools  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 23, 2014

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.024  
RULE TITLE: Articulation Between and Among Universities, Community Colleges, and School Districts

PURPOSE AND EFFECT: The rule implements the statewide articulation agreement of Section 1007.23, Florida Statutes, which facilitates the transfer of credit across Florida educational entities. The purpose of this rule amendment is to update provisions made necessary due to recent statutory and rule changes, and for clarity. The effect will be a rule that is consistent with statute and related rules.

SUMMARY: Proposed changes include: update terms for community college, general education, technical credit, career credit and college preparatory credit; remove the duties of the Articulation Coordinating Committee in favor of statutory provisions; clarify general education program provisions for associate in arts and baccalaureate degrees; update associate in arts and associate in science definitions; modify the associate in arts grade point average requirement to cumulative rather than in each course attempted; add provisions regarding Florida College System institution obligations regarding student advising about baccalaureate programs and institutions of interest; clarify initial award and transfer provisions relating to credit-by-examination and incorporate the Articulation Coordinating Committee Credit-by-Examination Equivalencies, Revised September 2014; remove references to pre-professional courses and remove references to a repealed rule.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule applies to postsecondary institutions and student transfer of credit. It updates and clarifies existing policies and so does not create new regulations; the fiscal impact is minimal.

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

RULEMAKING AUTHORITY: 1001.02(2), 1007.23(1), 1007.25, 1007.27 FS.

LAW IMPLEMENTED: 1007.01(2), 1007.23, 1007.25, 1007.27 FS.

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

DATE AND TIME: September 29, 2014, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew Bouck, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.024 Articulation Between and Among Universities, ~~Florida Community~~ Colleges, and School Districts.

It is the intent of the Board of Governors in regulation and the State Board of Education in rule to facilitate articulation and seamless integration of the education system by agreeing to the provisions of this articulation agreement, pursuant to Section 1007.23, Florida Statutes ~~rule~~. The authority to adopt and amend the regulation ~~this rule~~ aligns with the Constitutional power given the Board of Governors for the state university system and the statutory authority given the State Board of Education for the district school boards, the ~~Florida community~~ College System, and the Department of Education.

(1) Each state university board of trustees, ~~Florida community~~ College System board of trustees, and district school board shall plan and adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit. ~~State universities, community colleges, and school districts shall exchange ideas in the development and improvement of general education, and in the development and implementation of student acceleration mechanisms. They~~

~~shall establish joint programs and agreements to facilitate articulation, acceleration, and efficient use of faculty, equipment, and facilities.~~

~~(2) Articulation Coordinating Committee. The Commissioner shall establish an Articulation Coordinating Committee which shall report to the Commissioner and consist of eighteen (18) members. The committee shall have four (4) standing members from the Department of Education to represent the state university system, the community college system, public workforce education, and the public pre-K-12 schools. Fourteen (14) are appointed by the Commissioner for two year terms: three (3) members representing the state university system; three (3) members representing the state community college system; one (1) member representing career education; three (3) members representing public schools; two (2) members representing nonpublic postsecondary institutions; one (1) member representing nonpublic secondary education; and one (1) member representing students. The Commissioner will appoint a chair from the membership. Ten members of the committee shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present. The Committee shall:~~

~~(a) Function as the statewide pre kindergarten through university advisory committee and accept continuous responsibility for community college university school district relationships.~~

~~(b) Develop suggested guidelines for interinstitutional agreements between and among public schools, community colleges, and universities to facilitate interaction, articulation, acceleration, and the efficient use of faculty, equipment, and facilities.~~

~~(c) Establish groups of university community college school district representatives to facilitate articulation in subject areas.~~

~~(d) Conduct a continuing review of the provisions of this rule and make recommendations to the State Board of Education and the Board of Governors for revisions.~~

~~(e) Review instances of student transfer and admissions difficulties among universities, community colleges, and public schools. Decisions shall be advisory to the institutions concerned.~~

~~(f) Examine statewide data regarding articulation, recommend resolutions of issues, and propose policies and procedures to improve articulation systemwide.~~

~~(g) Recommend the priority to be given research conducted cooperatively by the Department of Education with individual institutions. Such research shall be encouraged and conducted in areas such as admissions, grading practices, curriculum design, and follow up of transfer students. Research findings shall be used to evaluate current policies, programs, and procedures.~~

~~(h) Review and make recommendations to institutions for experimental programs which vary from official transfer policy.~~

~~(i) Collect and disseminate information on successful cooperative programs between and among educational institutions.~~

~~(j) Establish and maintain a standard format to record the performance and credits of postsecondary students. Each such transcript shall include all courses in which a student enrolls each term, the status in each course at the end of each term, all grades and credits awarded, College-Level Academic Skills Test scores, and a statement explaining the grading policy of the institution. The Articulation Coordinating Committee shall collaborate with the Division of Public Schools in the development of a standard format on which district school systems shall record the performance and credits of students.~~

~~(k) Document, maintain and publish a current listing of limited access, capstone, and career ladder degree programs.~~

~~(l) Document, maintain, and publish the statewide associate in science to bachelor of arts/bachelor of science articulation agreements between the community colleges and the state universities. The agreements must be consistent with the policies of the Board of Governors and the State Board of Education and shall be reviewed by the Department of Education.~~

~~(m) Document, maintain, and publish statewide applied technology diploma to associate in applied science/associate in science degree articulation agreements between the career education centers and the community colleges.~~

~~(n) Maintain and review annually the accelerated articulation mechanism examinations, minimum scores guaranteed for transfer, maximum credits guaranteed to transfer, and recommended course equivalencies.~~

~~(o) Perform such other duties as may be assigned in law or by the Commissioner.~~

~~(2)(3) General education.~~

~~(a) Each state university and Florida College System public postsecondary institution shall establish a general education core curriculum, which shall require thirty-six (36) semester hours of communication, mathematics, social sciences, humanities, and natural sciences for students working toward an associate in arts or a baccalaureate degree.~~

~~(b) After a state university or Florida community College System institution has published its general education core curriculum, the integrity of that curriculum shall be recognized by the other public postsecondary institutions. Once a student has been certified by such an institution on the official transcript as having completed satisfactorily its prescribed general education core curriculum, regardless of whether the associate in arts degree is conferred, no other public postsecondary institution to which he or she may transfer shall require any further such general education courses.~~



(c) If a student does not complete ~~the~~ a general education ~~core~~ curriculum prior to transfer, the general education requirement becomes the responsibility of the new institution, consistent with Section 1007.24, F.S.

~~(3)~~(4) Associate in Arts (A.A.) Degree. ~~The associate in arts degree is the basic transfer degree of the community colleges. It is the primary basis for admission of transfer students from community colleges to upper division study in a state university. Every associate in arts graduate of a Florida community college shall be granted admission to the an upper division of a public postsecondary institution program consistent with Section 1007.23, F.S. Admission to the student's preferred public postsecondary institution or program is not guaranteed. The associate in arts degree is defined in subsection 6A-14.030(2), F.A.C., which definition is incorporated by reference herein, and for purposes of this agreement, shall include be awarded upon:~~

(a) Completion of sixty (60) semester hours of college credit courses in an established program of study ~~that includes, exclusive of courses not accepted in the state university system, and including~~ a general education ~~core~~ curriculum of thirty-six (36) semester hours of college credit in communication, mathematics, social sciences, humanities, and natural sciences ~~and foreign language competence as described in Rule 6A-10.02412, F.A.C., which is incorporated by reference herein with the remaining twenty four (24) semester hours consisting of appropriate common program prerequisite courses and electives. The sixty (60) semester hours that comprise a completed associate in arts degree shall be accepted in total upon transfer to an upper division program at another public postsecondary institution.~~

(b) Achievement of a cumulative grade point average of at least 2.0 in all courses attempted, and in all courses taken at the institution awarding the degree, provided that only the final grade received in courses repeated by the student shall be used in computing the average. The grade of "D" shall transfer and count toward the associate and baccalaureate degrees in the same way as "D" grades obtained by native students in the receiving public postsecondary institution state university or receiving community college. Whether courses with "D" grades in the major satisfy requirements in the major field may be decided by the receiving public postsecondary institution university or receiving community college. ~~The 60 hours that comprise a completed Associate in Arts degree shall be accepted in total upon transfer to an upper division program at another public postsecondary institution.~~

~~(c) Completion of the requirements for English and mathematics courses adopted by the State Board of Education in Rule 6A-10.030, F.A.C., and the Board of Governors; and~~

~~(d) Achievement of the minimum standards for college-level communication and computation skills adopted by the State Board of Education in Rule 6A-10.0312, F.A.C., and the Board of Governors.~~

(4) Each student in an associate in arts program at a Florida College System institution must indicate a baccalaureate degree program at an institution of interest by the time the student earns thirty (30) semester hours. If the student indicates a program at a public postsecondary institution, the Florida College System institution in which the student is enrolled must inform the student of the common program prerequisites, pursuant to Section 1007.23(3), F.S.

(5) Associate in Science (A.S.) Degree. The associate in science degree is defined in subsection 6A-14.030(3), F.A.C., which definition is incorporated by reference herein, and for purposes of this agreement shall include: the career education degree of the community colleges. It is a two year degree intended to prepare students for the workforce.

~~(a) The associate in science degree shall be awarded upon:~~

~~(a)1-~~ Completion of the minimum number of semester hours of college credit courses in an established program of study as required in subsection 6A-14.030~~(3)~~(2), F.A.C.

~~(b)2-~~ Completion of a minimum of fifteen (15) semester hours in the general education ~~core~~ curriculum in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences ~~which meet the Southern Association of College and Schools Commission on Colleges criteria. English and mathematics math~~ courses must meet the requirements adopted by the State Board of Education in Rule 6A-10.030, F.A.C., and the Board of Governors Regulation 6.017. No physical education credit will be included in the general education block of credit.

~~3- General education courses not taught in accordance with the Southern Association of Colleges and Schools Commission on Colleges criteria for programs designed for college transfer shall not be included in the associate in science degree.~~

~~(b) Appropriate courses within associate in science degree programs will articulate to baccalaureate degree programs.~~

1. Achievement of the minimum standards adopted by the State Board of Education in Rule 6A-10.0312, F.A.C., and the Board of Governors, will be required by the time the student earns 36 semester hours at the senior institution in upper division work.

~~(c)2-~~ Completion of common prerequisites, pursuant to Section 1007.25(5), F.S., will be required for the baccalaureate degree or as otherwise outlined in program-specific statewide agreements.

~~(d)3-~~ Courses taken as part of the associate in science degree to meet the general education requirements will transfer and apply toward the thirty-six (36) general education credit hours required for the baccalaureate degree. No additional general education credit hours can be required except to complete the total thirty-six (36) general education hours.

~~(e)(e)~~ Capstone Degree Articulation Agreement. A capstone agreement that is entered into by a specific public or private postsecondary institution provides for the acceptance of a specific associate in science degree from any Florida ~~community~~ college and applies it as a block of credit toward a specified baccalaureate degree. The quality and content of the associate in science degree is respected as the technical component of the baccalaureate degree and the remainder of the program is designed to complete general education requirements and provide management skills to assist in job progression. Every associate in science degree graduate of a Florida ~~community~~ College System institution program that articulates with a capstone degree program in a specific Florida public or private postsecondary institution shall be guaranteed admission to that program except for limited access programs and those requiring specific grades on particular courses for admission. All associate in science degree graduates who articulate under the capstone agreement shall be treated equally, regardless of the Florida ~~community~~ Colleges System institution from which they receive their degrees. The general education component of the associate in science degree shall be accepted in total as a portion of the general education requirement upon transfer to the capstone program in a specific Florida public or private postsecondary institution.

~~(f)(d)~~ Career Ladder Degree Articulation Agreement. The Career Ladder agreement integrates specific associate in science degree programs with identified baccalaureate degree programs statewide. Each associate in science degree program must meet specific requirements as prescribed in the agreement and public postsecondary institutions are required to honor the transfer of credit toward the specified baccalaureate degree. Graduates of a Florida ~~community~~ College System institution associate in science degree program with an agreement that is documented and maintained by the Articulation Coordinating Committee shall be granted admission to a public postsecondary institution in the program designated to articulate with their degree, except for limited access programs and those requiring specific grades on particular courses for admission. Admission to the student's preferred public postsecondary institution is not guaranteed. Each State University System institution shall develop admissions criteria to ensure that associate in science degree students are evaluated on an equal basis with associate in arts degree graduates and native university students for admission into Career Ladder

programs designated as limited access and those requiring specific grades on particular courses for admission.

~~1. The associate in science degree shall be awarded based on all of the requirements contained in paragraph (5)(a) of this rule and in accordance with the articulation agreement provisions maintained by the Articulation Coordinating Committee.~~

~~(g)2-~~ The statewide associate in science to baccalaureate degree program articulation agreements between public postsecondary institutions shall be documented and maintained by the Articulation Coordinating Committee. The Department of Education, in consultation with institutions, shall review periodically, as necessary, but no more than once a year, the provisions of the state articulation agreements and the prescribed curricula to ensure the continued effectiveness of the articulation between the A.S. and B.A./B.S. programs. Any recommendations for revisions to the state articulation agreements will be forwarded to the Articulation Coordinating Committee for review. The revisions may be approved after the Board of Governors and the State Board of Education make independent determinations that the recommended revisions are consistent with board policies.

(6) Applied Technology Diploma (A.T.D.). The A.T.D. consists of a course of study that is part of an associate in science (A.S.) or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, is approximately fifty (50) percent of the technical component (non-general education), and leads to employment in a specific occupation. An A.T.D. ~~applied technology diploma~~ program may consist of either clock hours technical credit or college credit.

(a) Students must have a high school diploma, a high school equivalency diploma, or a certificate of completion pursuant to Section 1003.433(2)(b), F.S.; or in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of Section 1002.41, F.S., to be admitted to an applied technology diploma program. Within six (6) weeks of entry, students in applied technology diploma programs of 450 or more hours must be tested pursuant to Rule 6A-10.040, F.A.C., and, if below minimum standards for completion from the program as defined in the program standards document adopted in Rule 6A-6.0571, F.A.C., must receive remedial instruction. The minimum standards must be at least the equivalent of a score of ten (10) on all sections of any basic skills test approved in Rule 6A-10.040, F.A.C. Students must successfully complete all remedial instruction before completing the A.T.D. Applied Technology Diploma.

(b) Florida ~~Community~~ Colleges System institutions may offer either college credit or clock hours ~~or career credit~~ toward

the applied technology diploma. Career centers may offer only clock hours career credits.

(c) All faculty providing instruction must have at least a baccalaureate degree or an associate degree with demonstrated competencies in the specific instructional program area as defined by the Southern Association of Colleges and Schools.

(d) The information related to the guaranteed transfer of credit between an applied technology diploma program and associate in science or an associate in applied science degree must be documented and maintained by the Articulation Coordinating Committee. The documentation shall include the following:

1. The total number of clock or credit hours within the program.
2. The associate in science or associate in applied science degree into which the applied technology diploma is guaranteed to transfer.
3. The number of college credit hours guaranteed to transfer.
4. An effective date.

(e) The transfer of the applied technology diploma to an associate in science or associate in applied science degree is guaranteed for a period of three (3) years following the date of the award of the applied technology diploma.

(f) Applied technology diploma students entering an associate degree program shall meet the admissions standards stipulated in Section 1007.263, F.S.. Additional admissions requirements for limited access programs may be established by the Florida community College System institution boards of trustees.

(7) Credit by examination.

~~(a) General Provisions.~~

~~1. For examination programs listed in paragraphs (b) through (h), examination specifications and content information shall be submitted to the Statewide Course Numbering System for course equivalency recommendations.~~

(a)2- For examination programs listed in Section 1007.27, F.S., a list of examinations, minimum scores for guaranteed transfer credit, maximum credits guaranteed to transfer, and recommended course equivalents shall be maintained by the Articulation Coordinating Committee and reviewed annually. The list is incorporated in the document Articulation Coordinating Committee Credit-by-Examination Equivalencies, Revised September 2014, which is herein incorporated by reference and located at [\_\_\_\_\_]. The list may be requested from the Office of Articulation, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida, 32399.

~~(b)3- Transfer of credit by examination is guaranteed for up to forty-five (45) credits, provided that credit was awarded in accordance with the Articulation Coordinating Committee's recommended minimum scores and course equivalents.~~

~~(c)4- Transfer of examination credit over forty-five (45) credits is at the discretion of the receiving institution.~~

(d)5- Credit by examination may not duplicate credit from previous successfully completed postsecondary courses or examinations previously earned through postsecondary courses or through examination. Credit by examination shall be included in institution grade forgiveness policies.

~~(e)6- No grades or grade points shall be assigned for credit by examination.~~

(f) For all Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), and College-Level Examination Program (CLEP) examinations, credit must be awarded at a minimum in accordance with the credit-by-examinations equivalencies determined by the Articulation Coordinating Committee, pursuant to Section 1007.27, F.S. The postsecondary institution shall determine the credit awarded for examinations completed prior to November 1, 2001, or examinations not included in the Articulation Coordinating Committee Credit-by-Examination Equivalencies.

(g) All credit by examination that is initially awarded based on ACC recommended minimum scores and maximum amount of credit is guaranteed to transfer and must be accepted by all public postsecondary institutions.

~~(h)7- Institutions may award credit for examinations that are not listed in this rule or that do not have recommended course equivalents, minimum scores, and maximum credits. Acceptance of transfer credit so awarded is at the discretion of the receiving institution.~~

~~(b) College Level Examination Program (CLEP) of the College Board.~~

~~1. The transfer of credit awarded on the basis of scores achieved on examinations in the College Level Examination Program is protected by this rule only for examinations taken in an administration authorized by CLEP.~~

~~2. For examinations taken after July 2001, transfer of credit is mandatory for all CLEP examinations. For all CLEP examinations, credit must be awarded at a minimum in accordance with the credit by examination equivalencies determined by the Articulation Coordinating Committee.~~

~~3. For examinations taken prior to July 1, 2001, transfer of credit under the terms of this rule is mandatory provided that the award of credit is consistent with the CLEP recommendations or sealed scores determined to represent student achievement at or above the fiftieth (50) percentile on~~

~~the combined men women sophomore norms in use prior to 1978, with no letter grade or grade points assigned.~~

~~(c) College Board Advanced Placement Program (AP). For all AP examinations, credit must be awarded at a minimum in accordance with the credit by examination equivalencies determined by the Articulation Coordinating Committee. Transfer of Advanced Placement credit under terms of this rule is also mandatory, provided that the award of credit is consistent with the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer.~~

~~(d) International Baccalaureate (IB) Diploma Program. For all IB examinations, credit must be awarded at a minimum in accordance with the credit by examination equivalencies determined by the Articulation Coordinating Committee. Transfer of International Baccalaureate credit under terms of this rule is also mandatory, provided that the award of credit is consistent with the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer.~~

~~The award of credit for students who completed IB Diploma program examinations before April 1993 shall be determined by the public postsecondary institution.~~

~~(e) Advanced International Certificate of Education Program (AICE). Transfer of Advanced International Certificate of Education credit under terms of this rule is mandatory, provided that the award of credit is consistent with the Articulation Coordinating Committee's recommended minimum scores and the statutory maximum amount of 30 credits.~~

~~(f) Excelsior College Examinations, formerly known as the Regents College Examinations or the Proficiency Examination Program (PEP). Transfer of credit under terms of this rule is mandatory provided that the award of credit is consistent with the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.~~

~~(g) Defense Activity of Non-Traditional Education Support (DANTES) Subject Standardized Tests (DSSTs). Transfer of credit under terms of this rule is mandatory provided that the award of credit is consistent with the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.~~

~~(h) United States Armed Forces Institute (USAFI). The award of credits for students who successfully completed USAFI courses or exams before 1974 shall be determined by the public postsecondary institution.~~

~~(8) Pre-professional course responsibility. Lower division programs in state universities and community colleges may offer introductory courses to enable students to explore the principal professional specializations available at the baccalaureate level. Such courses shall be adequate in content to count toward the baccalaureate for students continuing in such specialization. However, deciding major course requirements for a baccalaureate, including courses in the major taken in the lower division, shall be the responsibility of the institution awarding the baccalaureate degree.~~

~~(8)(9) Limited access programs. Florida Community Ceollege System institution and state university transfer students shall have the same opportunity to enroll in baccalaureate limited access programs as native students. Baccalaureate limited access program selection and enrollment criteria shall be established and published in catalogs, counseling manuals, and other appropriate publications. A list of limited access programs shall be filed annually with the Articulation Coordinating Committee.~~

~~(9)(10) A state university may accept non-associate in arts degree credit in transfer based on its evaluation of the applicability of the courses to the student's program at the university.~~

~~(10)(11) State universities and Florida eommunity Ceolleges System institutions shall publish with precision and clarity in their official catalogs the admission, course, and prerequisite requirements of the institution, each unit of the institution, each program, and each specialization. Any applicable duration of requirements shall be specified. The university or college catalog in effect at the time of a student's initial collegiate enrollment shall govern upper division prerequisites in the same manner as for native students at the same institution, provided the student maintains continuous enrollment as defined in that catalog unless otherwise specified.~~

~~(11)(12) The Department and all public universities, Florida eommunity Ceolleges System institutions, and school districts shall maintain the electronic exchange of student transcripts and associated educational records, including acquisition of and access to test scores of students in the standard format established by the ACC.~~

~~(12)(13) All postsecondary courses offered for college credit, clock hours career credit, or developmental education college preparatory credit, or career preparatory credit as they are defined in Rule 6A-10.033, F.A.C., which definitions are incorporated by reference herein, shall be entered in the statewide course numbering system. Each course shall be assigned a single prefix and a single identifying number in the course numbering system.~~

~~(13)(14)~~ When a student transfers among postsecondary institutions that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and that participate in the statewide course numbering system, the receiving institution shall award credit for courses satisfactorily completed at the previous participating institutions when the courses are judged by the appropriate common course designation and numbering system faculty task forces to be academically equivalent to courses offered at the receiving institution including equivalency of faculty credentials regardless of the public or nonpublic control of the previous institution. The award of credit may be limited to courses that are entered in the statewide course numbering system. Credit so awarded shall satisfy institutional requirements on the same basis as credits awarded to native students.

Rulemaking Authority 1001.02(2)(n), 1007.23(1), 1007.25, 1007.27~~(9)~~ FS. Law Implemented 1007.01(2), 1007.23~~(4)~~, 1007.27~~(9)~~ FS. History—New 5-5-75, Amended 10-7-75, 6-8-76, 8-22-77, 12-26-77, 3-28-78, 5-10-78, 7-2-79, 2-27-80, 5-27-81, 1-6-83, 4-5-83, 6-28-83, 1-9-85, Formerly 6A-10.24, Amended 8-4-86, 5-18-88, 5-29-90, 7-30-91, 10-4-93, 5-3-94, 1-2-95, 9-30-96, 6-15-98, 12-13-99, 8-14-00, 10-15-01, 9-22-03, 12-18-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Matthew Bouck, Director, Office of Articulation  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 16, 2014

**DEPARTMENT OF EDUCATION**  
**State Board of Education**

RULE NO.: 6A-10.083  
RULE TITLE: Standards Relating to Gross Immorality and Acts of Moral Turpitude

PURPOSE AND EFFECT: The purpose of this new rule is to provide the definition of gross immorality and acts of moral turpitude as related to the education profession. The effect of this new rule is to define gross immorality and acts of moral turpitude as related to the authority of the Education Practices Commission to impose penalty against an educator’s certificate and to the Commissioner’s authority to engage in a Deferred Prosecution Agreement with an educator.

SUMMARY: The rule establishes definition of what acts or conduct are grossly immoral or acts of moral turpitude for the purpose of discipline against a Florida educator’s certificate.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule provides a definition of terms and does not impose any new or additional regulatory costs and should not have any adverse impact on economic growth, business competitiveness or any other factors listed 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(2)(n), 1012.795(1)(d), 1012.796(3) FS.

LAW IMPLEMENTED: 1012.795(1)(d), 1012.796(3) FS.

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

DATE AND TIME: September 29, 2014, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marian Lambeth, Professional Practices Services, Florida Department of Education, 325 West Gaines Street, Suite 224-E, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.083 Standards Relating to Gross Immorality and Acts of Moral Turpitude.

(1) For the purpose of Section 1012.795(1)(d), Florida Statutes, the term gross immorality shall be defined as any of the following:

(a) Any act or omission, regardless of whether the individual is charged with or convicted of any criminal offense, which would constitute a felony or a first degree misdemeanor under the laws of the State of Florida or any other state or U.S. Territory, or under the laws of the United States of America, which is inexcusable and offends the generally accepted moral standards of the community. The following factors shall be considered in determining whether an act or omission rises to the level of gross immorality:

- 1. The educator’s dishonesty or deception;
- 2. The educator’s use of violence;
- 3. The educator’s negligence;
- 4. The educator’s recklessness;
- 5. The educator’s disregard for human life or safety;
- 6. The educator’s deliberation, premeditation or contemplation of an act;
- 7. The age, abilities and/or limitations of victim(s); and
- 8. The harm or injury or insult to the victim, regardless of the educator’s intent.

(b) Any act or omission resulting in the falsification of any document or information submitted by an educator with the intent to induce the Florida Department of Education to issue, reissue, or renew a Florida educator’s certificate.

(c) Any act or omission which involves physical or mental abuse or neglect of a child regardless of whether any physical or mental injury results from the act or omission.

(d) Any act or omission which deprives any student of his/her legal right to education benefits to which he/she is entitled under law.

(e) Any act or omission which would bring dishonor, disrepute, or disgrace to the education profession.

(f) Any act or omission that is inexcusable and which would offend the generally accepted moral standards of the community considering the factors listed in paragraph (1)(a) of this rule.

(2) For the purpose of Section 1012.795(1)(d) and 1012.796(3), Florida Statutes, Moral Turpitude shall be defined as conduct that is evidenced by an act of baseness, vileness, or depravity in the private or social duties, which according to the accepted standards of the time, a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.

Rulemaking authority 1001.02(2)(n), 1012.795(1)(d), 1012.796 FS. Law Implemented 1012.795(1)(d), 1012.796 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Brian Dassler, Deputy Chancellor, Educator Quality  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2014  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 26, 2014

**DEPARTMENT OF EDUCATION**

**Florida’s Office of Early Learning**

RULE NO.: 6M-8.620  
 RULE TITLE: Voluntary Prekindergarten (VPK) Pre- and Post Assessments

PURPOSE AND EFFECT: The proposed rule will include the processes that must be conducted by early learning coalitions, school districts, and VPK providers in order to be able to deliver and report the results of pre- and post-assessments of students enrolled in the Voluntary Prekindergarten Education Program.

SUMMARY: Voluntary Prekindergarten (VPK) Pre- and Post-Assessment Processes.

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

This rule is required by statute to implement standardized, state-approved prekindergarten pre- and post- assessment screening. The costs associated with the purchase of the materials and operations of the online reporting systems are borne by the Office. The provider will incur some costs associated with requirements of the rule in that the provider must administer and report in the assessment process if they choose to participate as a provider authorized to offer the VPK Education program services.

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 prepared SERC.

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(3), 1002.73(2)(d) 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: Monday, September 22, 2014, 2:00 p.m. – 3:00 p.m. or at the conclusion of business whichever is earlier

PLACE: Via GoToWebinar; to register for the webinar go to: <https://attendee.gotowebinar.com/register/4200966009615237890> or information on the webinar is also available at: [http://www.floridaearlylearning.com/oel\\_resources/rules\\_guidance\\_technical\\_assistance/proposed\\_rules.aspx](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: Tara Huls, Bureau Chief, Voluntary Prekindergarten Education Program, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8550, [tara.huls@oel.myflorida.com](mailto: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, Bureau Chief, Voluntary Prekindergarten Education Program, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8550, [tara.huls@oel.myflorida.com](mailto:tara.huls@oel.myflorida.com)

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-8.620 Voluntary Prekindergarten (VPK) Pre- and Post-Assessments.

(1) Pre- and Post-Assessments.

(a) Each private or public Voluntary Prekindergarten Education Program provider must implement the pre- and post-assessments as directed by the Office of Early Learning, in accordance with Section 1002.67(3), Florida Statutes (F.S.).

(b) The pre- and post-assessments include both a progress monitoring tool and an observational instrument. The progress monitoring tool is identified as the Florida VPK Assessment and adopted by reference. The observational instrument will be selected through the state's procurement process.

(2) Ordering Assessment Materials.

VPK Assessment Materials. Private VPK providers and school districts must register and request VPK Assessment pre- and post-assessment materials via the VPK Assessment Online Ordering System at <https://marcomcentral.app.pti.com/graphiccommunicationscorp/earlylearning>.

(3) Administration of Pre- and Post-Assessments.

(a) Assessment periods.

1. All VPK providers operating a 540-hour school-year program with a class schedule that begins in August or September and ends in April or May are required to administer the VPK Assessment Period 1 (AP1) during the month of September and Assessment Period 3 (AP3) during the last month of the VPK Program.

2. Programs for which class schedules differ from (3)(a)1., including summer programs, are required to administer the VPK assessment items for AP1 in the first 30 days of the program and AP3 in the 30 days prior to the end of the program.

(b) Qualified assessors. The pre- and post-assessments shall be administered by individuals, consistent with the assessment publisher's instructions, who are employed by a private VPK provider or school district and meet the following requirements:

1. Participate in one of the following professional development opportunities to ensure the proper administration of the approved pre- and post-assessments:

a. Instructor-led training available through OEL VPK regional facilitators and other OEL-approved VPK trainers from early learning coalitions and school districts across the state. VPK providers on probation who chose the Staff Development Plan must have required staff participate in instructor-led training to receive credit on their Department of Children and Families transcript.

b. Web-based training, if available.

c. Training DVD, if available. A training DVD is included in each VPK assessment kit and contains the same information provided in the instructor-led training.

2. Meet the minimum qualifications to be a VPK instructor during the school-year program, regardless of the program (summer or school-year).

(c). Confirmation and attestation. Each private VPK provider and school district shall confirm and attest that every individual administering the pre- and post-assessments has met the criteria outlined in (3)2.(b).

(4) Requirement to Report Assessment Results Online.

(a) VPK providers and public schools must register their VPK programs, enter programmatic and demographic information, and enter data of the results of the assessments on Form OEL-VPK BBORS (August 2014) located by logging into the following website: <https://www.brightbeginningsfl.org/login.aspx>, which is hereby adopted by reference.

(b) Deadlines to enter results.

1. For VPK providers with classes on schedules aligned with subparagraph (3)(a)1., assessment data for AP1 shall be entered by October 31 and assessment data for AP3 shall be entered by June 15.

2. VPK providers with classes on schedules aligned with subparagraph (3)(a)2., are required to enter and submit assessment data no later than 15 days after the last day of the VPK Program.

(5) Early Learning Coalition and School District Responsibilities.

(a) Each coalition and school district shall register to access the VPK Assessment Online Ordering System.

(b) The coalition will be responsible for the review, approval or disapproval of orders for VPK assessment materials placed by VPK private providers. The coalition shall

1. Receive and monitor email notifications from the VPK Assessment Online Ordering System.

2. Review orders and verify that the quantity of materials ordered aligns with the number of VPK classrooms offered by the contracted VPK provider ordering the materials.

3. Approve orders that align with the contracted VPK provider's classroom needs no later than seven (7) calendar days after receiving email notification of orders pending approval.

4. Disapprove orders determined to exceed VPK classroom alignment and notify the VPK provider of the disapproval including the reason for disapproval.

(c) The school district will be responsible for VPK assessment material orders placed by public school VPK providers. The school district shall

1. Order a sufficient quantity of assessment materials to ensure that each VPK classroom has the materials necessary to administer the VPK assessment; and,

2. Ensure that each person who will administer the VPK assessment receives the appropriate assessment materials.

(6) Verification of Compliance.

(a) Each coalition and school district shall designate a staff member to register and serve as the administrator and access the VPK Assessment Online Reporting System on behalf of the coalition or district.

1. The administrator shall receive and monitor email notifications from the VPK Assessment Online Reporting System regarding which providers or schools have entered and submitted assessment data for Assessment Period 1 (AP1) and Assessment Period 3 (AP3).

2. The administrator shall access the coalition or district VPK Assessment Data Status Report to verify which providers and schools have entered and submitted assessment data in the online reporting system.

(b) The coalition shall notify private VPK providers and the school district shall notify public schools that have not entered and submitted assessment data for AP1 and AP3 of their responsibility to do so.

(7) Non-Compliance. If a private prekindergarten provider or public school fails or refuses to comply with this rule, the office will direct the early learning coalition to remove the provider and require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program for a period of five (5) years, in accordance with Section 1002.67(4)(b), F.S.

Rulemaking Authority 1001.213(2), 1002.67(3), 1002.79 FS. Law Implemented 1002.67(3), (4), 1002.73(2)(d) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tara Huls, Bureau Chief

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2014

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

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-7.002      RULE TITLE: Investment Policy Guidelines

PURPOSE AND EFFECT: To adopt the most recent revised Investment Policy Statements approved by the Trustees effective July 1, 2014 for the Local Government Surplus Funds Trust Fund (Non-Qualified) and the Fund B Surplus Funds Trust Fund (Non-Qualified).

SUMMARY: To adopt the most recent Investment Policy Statements for Florida PRIME. There are no other rules incorporating this proposed rule. The proposed amendments do not have an impact on any other rules. Legislative ratification of these rule amendments is not required.

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: Upon review of the proposed changes to the rules as well as all incorporated materials, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs.

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

RULEMAKING AUTHORITY: 218.412, 218.421(1) FS.

LAW IMPLEMENTED: 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) 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: Thursday, September 18, 2014, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.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: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-7.002 Investment Policy Guidelines.

The Local Government Surplus Funds Trust Fund (Non-Qualified) Investment Policy Statement, as approved by the Trustees of the State Board of Administration on June 17 25, 2014 2013, and made effective July 1, 2014 2013, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04447> <http://www.flrules.org/Gateway/reference.asp?No=Ref-03217>, is hereby adopted and incorporated by reference. The Fund B Surplus Funds Trust Fund (Non-Qualified) Investment Policy Statement, as approved by the Trustees of the State Board of Administration on June 17 25, 2014 2013, and made effective July 1, 2014 2013, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04448> <http://www.flrules.org/Gateway/reference.asp?No=Ref-03218>, is hereby adopted and incorporated by reference. The Investment Policy Statements may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, Attn.: Florida PRIME Program, or by accessing the sbafla.com website, and clicking on the Florida PRIME heading under the Funds We Manage tab. The Investment Policy Statement for the Local Government Surplus Funds Trust Fund (Non-Qualified) can be obtained under the Risk Management and Oversight section. The Investment Policy Statement for the Fund B Surplus Funds Trust Fund (Non-Qualified) can be obtained under the Fund B section.

Rulemaking Authority 218.412, 218.421(1) FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) FS. History—New 12-13-09, Amended 4-11-12, 1-18-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McCauley

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 18, 2014, Vol. 40/139

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-7.001	Policy
40D-7.002	Definitions
40D-7.003	Notice to Defaulting Contractor
40D-7.004	Factors to Determine Whether a Contractor Should be Placed on the Temporary or Permanent Suspension List
40D-7.005	Administrative Hearings

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt new Chapter 40D-7, Florida Administrative Code, to establish the policy and procedure for suspending a contractor from working with the District when the contractor has materially breached its contract with the District. The effect of this rulemaking will be to encourage business practices that require contractors to materially perform in accordance with the terms and conditions of a District contract and provide the District with a means of serving as good stewards of taxpayer funds by suspending a contractor who has materially breached its District contract.

SUMMARY: Contractor Suspension.

**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: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that 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: 373.610 FS.

LAW IMPLEMENTED: 373.610 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director, (352)796-7211, ext. 4702, 1(800)423-1476 (FL only), ext. 4702, or to ADACoordinator@swfwmd.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sonya White, SWFWMD, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2013054)

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 40D-7  
CONTRACTOR SUSPENSION

40D-7.001 Policy.

(1) This chapter establishes the policy and procedure for suspending a contractor from working with the District, either temporarily or permanently, when a contractor materially breaches a contract with the District.

(2) The District's objective in enacting this chapter is to serve as good stewards of taxpayer funds and encourage business practices that require contractors to materially perform in accordance with the terms and conditions of the District contract.

(3) The District Governing Board shall be authorized to temporarily or permanently suspend a contractor from doing business with the District, based upon evidence that the contractor has materially breached its contract with the District and the factors provided in this chapter. The Governing Board may elect not to take action.

(4) By temporarily or permanently suspending a contractor from doing business with the District, the District does not waive any other legal or equitable remedies for breach of contract.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History—New \_\_\_\_\_.

40D-7.002 Definitions.

When used in this chapter:

(1) “Contractor” means an individual, partnership, corporation, joint venture, professional association, an obligor to a third party beneficiary contract, or any other legal entity, including any associated principals, that has entered into a contract with the District for the performance of work. Contractor shall not include recipients of District grant funds.

(2) “District” means the Southwest Florida Water Management District.

(3) “Material breach” means any non-performance that is not legally excusable. The breach is either failing to perform an act that is an important part of the transaction or performing an act that is inconsistent with the terms and conditions of the contract.

(4) “Notice to Defaulting Contractor” means a written notification from the District to a contractor that materially breached a contract with the District stating that the contractor is being referred to the Governing Board for a determination as to whether the contractor should be placed on the District’s Temporary or Permanent Suspension List.

(5) “Obligor” means an entity that has promised or is otherwise legally obligated to perform an act or deed for the benefit of a third party beneficiary. Obligors to the District include but are not limited to insurance companies and surety companies.

(6) “Principal(s)” means a sole proprietor, partner, owner, officer, or director of the contractor that materially breached a District contract.

(7) “Re-procurement costs” means the total amount of additional expense, which may include administrative costs or attorney’s fees, that the District has or will incur in order to obtain substitute goods or services from another contractor to complete the requirements that the contractor materially failed to perform in accordance with the District contract.

(8) “Suspension Notice” means a written notification from the District advising a contractor that it has been placed on the District’s Suspension List and is temporarily or permanently suspended from doing business with the District.

(9) “Suspension List” means a list of contractors maintained by the District that are temporarily or permanently suspended from doing business with the District.

(10) “Third-party beneficiary” means whenever the District is the intended beneficiary of a contract but is not a party to the contract.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History—New \_\_\_\_\_.

40D-7.003 Notice to Defaulting Contractor.

(1) The Procurement Manager, or subsequently titled position, shall determine, in consultation with the District's Executive Director and General Counsel, whether a contractor that materially breached a contract with the District will be referred to the Governing Board based on the factors listed in subsection 40D-7.004(2), F.A.C.

(2) If it is determined one of the factors listed in subsection 40D-7.004(2), F.A.C., is implicated, the District shall notify the contractor that the Governing Board will determine whether the contractor should be placed on the District's Temporary or Permanent Suspension List by forwarding a Notice to Defaulting Contractor sent Certified U.S. Mail, return receipt requested. The Notice to Defaulting Contractor shall be provided to the contractor at least 7 days prior to the Governing Board meeting.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History--New \_\_\_\_\_.

40D-7.004 Factors to Determine Whether a Contractor Should be Placed on the Temporary or Permanent Suspension List.

(1) Once the District has sent a Notice to Defaulting Contractor to the contractor, the Governing Board shall determine whether the contractor should be suspended from doing business with the District, and if suspended, the duration of the suspension. The Governing Board shall base its decision on a consideration of the factors below.

(2) The factors to be considered when making a determination whether to refer a contractor to the Governing Board and whether a contractor should be suspended from doing business with the District in accordance with subsection (1) above are if:

(a) The material breach resulted in economic impact to the District;

(b) The contractor failed to pay re-procurement costs in a timely manner;

(c) The material breach resulted in, or will result in, a substantial delay in the completion of a District project;

(d) The material breach impacted, or will impact, the District in meeting a legislative deadline;

(e) The material breach impacted, or will impact, the District in meeting its contractual obligations with another entity;

(f) The contractor violated the Local Government Prompt Payment Act;

(g) The contractor failed to perform in accordance with professional licensing standards and regulations;

(h) The contractor failed to comply with Florida public records laws;

(i) The breach involved discrimination on the basis of race, color, creed, national origin, sex, age, or handicap;

(j) The contractor violated requirements of a District solicitation to ensure the fair award of District contracts, including price fixing between competitors, allocation of customers between competitors, and bid rigging;

(k) The material breach involved willful or gross misconduct;

(l) The District in the past five years has terminated a District contract with the contractor due to the contractor's material breach;

(m) The material breach resulted in property damage, personal injury, or death;

(n) The material breach involved the commission of a criminal offense, including public entity crimes as defined in Subsection 287.133(1)(g), F.S.;

(o) The material breach involved the commission of any act indicating a lack of business integrity or honesty;

(p) The material breach involved knowingly doing business with a suspended contractor; and,

(q) The contractor was on another Federal or State suspension or debarment list at the time it breached its current contract with the District.

(3) The District shall issue a Suspension Notice by Certified U.S. Mail, return receipt requested, upon the Governing Board's determination that the contractor has been temporarily or permanently suspended from doing business with the District. The Suspension Notice shall specify the factors provided in subsection 40D-7.004(2), F.A.C., upon which the determination by the Governing Board was based and the duration of any suspension. The notice shall inform the contractor that its principals shall not do business with the District under a different name or form a new legal entity in order to do business with the District while the contractor remains on the Suspension List.

(4) A contractor placed on the Temporary Suspension List shall reimburse the District all re-procurement costs prior to being removed from the Suspension List.

(5) Contractors that are placed on the Permanent Suspension List will be permanently suspended from doing business with the District.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History--New \_\_\_\_\_.

40D-7.005 Administrative Hearings.

The Suspension Notice shall constitute agency action subject to the provisions of Chapter 120, F.S.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Chris Tanner, Staff Attorney  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Southwest Florida Water Management  
District Governing Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 26, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: August 20, 2014

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.010  
RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-6.010, F.A.C., is to incorporate by reference the Title XIX Long-Term Care Reimbursement Plan (the Plan), Version XLI, effective July 1, 2013.

SUMMARY: The amendment will update the Plan to reflect changes authorized in Senate Bill 1500, 2013-14 General Appropriations Act, Specific Appropriation 239, which provides for a nursing home reimbursement rate buy back and elimination of the AIDS supplemental payment to nursing homes. Other changes to the Title XIX Long-Term Care Reimbursement Plan, but not part of the 2013-14 appropriations, include a revision to the reasonable return on equity section, a correction to the nursing home staffing requirement, the addition of the fines and penalties related to nursing facilities not paying their quality assessment pursuant to the requirements of Section 409.9082, Florida Statutes, revisions to the UPL narrative methodology, and editorial/technical clarifications.

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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

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

RULEMAKING AUTHORITY: 409.919, 409.9082 FS.

LAW IMPLEMENTED: 409.908, 409.9082, 409.913 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: Thursday, September 25, 2014, 10:00 a.m. – 11:00 a.m.

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

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. 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: Edwin Stephens, Medicaid Services, 2727 Mahan Drive, Mail Stop #20, Tallahassee, Florida 32308, telephone: (850)412-4077, e-mail: edwin.stephens@ahca.myflorida.com

Comments will be received until 5:00 p.m. on Thursday, October 2, 2014.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

(1) Reimbursement to participating nursing homes for services provided shall be in accordance with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XLI~~ ~~XL~~, Effective ~~Date~~ July 1, ~~2013~~ ~~2012~~, and incorporated ~~herein~~ by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

(2) Participating nursing homes shall use the Nursing Facility Quality Assessment form (only accepted electronically), AHCA Form 5000-3549, October, 2013, incorporated by reference, for the submission of its monthly quality assessment. This form can be accessed at <http://ahca.myflorida.com/QAF/index.shtml>.

(3) Each facility shall report monthly to the Agency its total number of resident days and remit an amount equal to the assessment rate times the reported number of days. Facilities are required to submit their full quality assessment payment by the 15th day of the next succeeding calendar month.

(4) Providers are subject to the following monetary sanctions pursuant to Section 409.9082(7), Florida Statutes, for failure to timely pay a quality assessment:

(a) For a facility's first offense, a fine of \$500 per day shall be imposed until the quality assessment is paid in full, but in no event shall the sanction exceed the amount of the quality assessment.

(b) For any offense subsequent to a first offense a fine of \$1000 per day shall be imposed until the quality assessment is paid in full, but in no event shall the sanction exceed the amount of the quality assessment. A subsequent offense is defined as any offense within a period of five years preceding the most recent quality assessment due date.

(c) An offense is defined as one month's quality assessment payment not received by the 15th day of the next succeeding calendar month.

(d) In the event that a provider fails to report their total number of resident days by the 15th day of the next succeeding calendar month, the sanctions in paragraphs (a)-(c) apply and the maximum amount of the sanction shall be equal to their last submitted quality assessment amount.

(5) In addition to the above monetary sanctions, the Agency may withhold any medical assistance reimbursement payments until the delinquent quality assessment amount is paid in full.

(6) Sanctions for failure to timely submit a quality assessment are non-allowable costs for reimbursement purposes and shall not be included in the provider's Medicaid per diem rate.

(7) The facility may amend any previously submitted quality assessment data; but in no event may an amendment occur more than six months after the due date of the assessment. The deadline for submitting an amended assessment shall not relieve the facility from their obligation to pay any amount previously underpaid and shall not waive the Agency's right to recoup any underpaid assessments.

Rulemaking Authority 409.919, 409.9082 FS. Law Implemented 409.908, 409.9082, 409.913 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-17-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 7-1-06, 8-26-07, 2-12-08, 9-22-08, 3-3-10, 2-23-11, 5-3-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 19, 2013

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020  
RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-6.020, F.A.C., is to incorporate by reference the Title XIX Inpatient Hospital Reimbursement Plan (the Plan), Version XL, effective July 1, 2013.

SUMMARY: The amendment will update the Plan to reflect changes authorized in Senate Bill 1500, 2013-14 General Appropriations Act, Specific Appropriation 208, and Section 6, Senate Bill 1502, 2013-14 Implementing Bill. The changes include the criteria for certain hospitals to adjust their prior Medicaid inpatient trend adjustment, adjustments for inpatient reimbursement limitations, the methodology for a Diagnosis Related Group (DRG) based reimbursement system, the elimination of the methodology for cost based hospital reimbursement, special Medicaid payments to Winter Haven Hospital, a reconciliation of transitional DRG payments, the methodology of the upper payment limit (UPL) demonstration, a detailed description of the protocol used to determine certified public expenditures (CPEs) for state-owned psychiatric hospitals, the repeal of the Community Hospital Education Act as established in Section 381.0403, F.S., and the implementation of the Statewide Medicaid Residency Program as established in Senate Bill 1520, which creates Section 409.909, Florida Statutes.

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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of

the analysis and pursuant to Section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905(5), 409.908, 409.909, 409.9113, 409.9115, 409.9116, 409.9118, 409.9119, 409.913 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: Tuesday, September 30, 2014, 10:00 a.m. – 11:00 a.m.

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

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. 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: Edwin Stephens, Medicaid Services, 2727 Mahan Drive, Mail Stop #20, Tallahassee, Florida 32308, telephone: (850)412-4077, e-mail: edwin.stephens@ahca.myflorida.com

Comments will be received until 5:00 p.m. on Tuesday, October 7, 2014.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accordance with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XL XXXIX, Effective ~~Date~~ July 1, 2013 ~~2012~~, and incorporated ~~herein~~ by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop #8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.905(5), 409.908, 409.909, ~~409.911~~ 409.9113, 409.9115, 409.9116, ~~409.911~~, 409.9118, 409.9119, 409.913 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, 10-12-04, 1-10-06, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09, 3-24-10, 7-5-10, 7-15-10, 2-23-11, 10-30-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 24, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-4.010      RULE TITLE: Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to modify the procedures for supervision and training of registered trainee appraisers.

SUMMARY: The rule amendment will to delete unnecessary language and to add new language to modify the procedures for supervision and training of registered trainee appraisers.

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 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 is mandated by statute and the rule will not require ratification by the Legislature because all costs of the rule are required by the statute.

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: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) All registered trainee appraisers shall be subject to direct supervision by a supervisory appraiser. In order to qualify as a supervisory appraiser and be responsible for the direct supervision of registered trainee appraisers, not to exceed three (3), the following conditions must be met:

(a) No change.

(b) A supervisory appraiser must be a current certified general or certified residential appraiser in good standing and under no disciplinary term, condition, or obligation with the Board for at least the last three (3) years prior to application to be a supervisory appraiser;

(c) No change.

~~(d) A supervisory appraiser must not have had a registration or certification, suspended by the Board or have been disciplined by the Board in two (2) or more disciplinary cases in the past five (5) years; and~~

~~(e) A supervisory appraiser's registration, certification, or license must not be currently subjected to discipline or practice restrictions by the Board. A supervisory appraiser who is currently subjected to discipline may not act as a supervisory appraiser until he or she successfully completes all disciplinary terms and conditions.~~

(2) The supervisory appraiser shall be responsible for the training and direct supervision of the registered appraiser trainee by:

(a) through (b) No change.

(c) Personally inspecting each appraised property with the registered trainee appraiser ~~trainee~~ for a minimum of the first twelve (12) months of the registered trainee appraiser's initial registration, and thereafter until the trainee is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, as required by Rule 61J1-9.001, F.A.C. This provision shall not be construed

to require that the registered trainee appraiser attend all inspections.

(d) through (f) No change.

(3) through (5) No change.

(6) A supervisory appraiser may not be employed by a trainee or by a corporation, partnership, firm, or group in which the registered trainee appraiser has a controlling interest.

(7) through (9) No change.

(10) A registered trainee appraiser may not sign an appraisal certification within the first twelve (12) months of his or her registration as a trainee appraiser.

(11) A supervisory appraiser must include the following statement in any report in which a registered trainee appraiser contributed to the development of the appraisal or the writing of the appraisal report.

"I, the supervisory appraiser of a registered trainee appraiser ~~trainee~~ who contributed to the development or communication of this appraisal, hereby accepts full and complete responsibility for any work performed by the registered trainee appraiser ~~trainee~~ named in this report as if it were my own work."

Rulemaking Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History—New 2-16-04, Amended 3-1-06, 12-4-06, 8-12-07, 11-25-07, 5-3-10, 12-11-11, 6-3-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2014

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

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: RULE TITLE:

64B13-4.001 Examination Requirements

PURPOSE AND EFFECT: To clarify requirements of the existing rule regarding minimum passing scores.

SUMMARY: To clarify that applicants must receive an overall – as well as individual – passing score on identified skills in Part III of licensure examination.

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 serve only to clarify existing requirements and do not modify current rule requirements. To the contrary, the Board believes the clarification will reduce confusion, regulatory delays and burdens.

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: 456.017(1), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(1), 463.006(2) 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: Adrienne Rodgers, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, (850)245-4393

THE TEXT OF THE PROPOSED RULE IS:

64B13-4.001 Examination Requirements.

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

(c) Part III – the Clinical Skills (CSE) portion of the examination developed by the NBEO. In addition to an overall passing score on the CSE portion, an applicant for licensure in Florida must obtain a score of 75 percent (75%) or better on each of the Biomicroscopy, Binocular Indirect Ophthalmoscopy, and Dilated Biomicroscopy and Non-Contact Fundus Lens Evaluation skills individually; and

(d) No change.

(2) An applicant for licensure must achieve a passing score on all four parts of the licensure examination. For Part III, an applicant must receive an overall passing score on the CSE, as well as the required score of 75 percent (75%) or better on each of the three (3) individually identified skills, on the same test attempt. A score of 84 percent (84%) or better must be obtained in order to achieve a passing score on Part IV of the licensure examination. Passing scores for Part I, Part II, and Part III of the licensure examination are established by the NBEO. Given constant advances in research, developing knowledge in the area of basic and clinical science as applied to the diagnosis, correction, remedy, and relief of insufficiencies or abnormal conditions of the human eyes and their appendages, variances the scope of optometric practice among the states, and the importance of fundamental clinical skills to patient health and safety, passing scores on Part I, Part II, and Part III of the licensure examination must be obtained within the seven (7)

year period immediately preceding application to take Part IV of the licensure examination.

(3) No change.

Rulemaking Authority 456.017(1), 463.005, 463.006(2) FS. Law Implemented 456.017(1), 463.006(2) FS. History–New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04, 4-22-10, 10-13-10, 7-21-11, 6-5-12, 2-27-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2014

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

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NOS.: RULE TITLES:

64B13-4.005 Criteria for Selection of Examiners and Consultants

64B13-4.006 Security and Monitoring Procedures for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendments to remove examiner and security procedures which were required for the Florida-specific licensure examination.

SUMMARY: The rule amendments will remove requirements regarding Florida-specific examiners and clarify security procedures resulting from the transition to the national examination. In addition, amendments to Rule 64B13-4.006, F.A.C., clarify an existing procedure whereby questions on Part IV of the Florida-specific examination are regularly updated and rotated.

**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: As the Board has moved to a national examination, both rules are being amended to remove unnecessary requirements from the Florida-specific examination. Accordingly, because the Board is removing



requirements that no longer apply, it foresees no cost impact to any entity, including government or small businesses. Furthermore, the rule amendment language acknowledges existing examination procedures and is not modifying existing procedures. There are no foreseeable cost increases, and there will likely be an overall reduction in costs by elimination of Florida-specific procedures.

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: 456.017(1)(b), (d) FS.

LAW IMPLEMENTED: 456.017(1)(a), (b), (d) 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: Adrienne Rodgers, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, (850)245-4393

THE TEXT OF THE PROPOSED RULE IS:

64B13-4.005 Criteria for Selection of ~~Examiners and~~ Consultants.

The following criteria are hereby established for the selection of ~~examiners and~~ consultants:

(1) All prospective ~~examiners and~~ consultants must have received approval of the Board prior to their selection as ~~examiners~~ by the Department of Health. The Department shall submit annually the curricula vitae of new ~~examiners or~~ consultants, and shall submit updated curricula vitae of all previously approved ~~examiners or~~ consultants every three years.

(2) In order to receive approval of the Board, a prospective ~~examiner or~~ consultant must comply with the following minimum requirements:

(a) Licensure as an optometrist in this State for at least three years preceding the date of the ~~examination or~~ examination development meeting at which they will serve as a consultant ~~an examiner or a consultant, as needed.~~

(b) The absence of any finding by the Board that the prospective ~~examiner or~~ consultant has violated Chapters 456 and 463, F.S., or the rules promulgated thereunder or is under current investigation by the Department or the Agency for Health Care Administration.

~~(3) In addition to the minimum requirements, a licensee may not serve as an examiner if the licensee is a full time faculty member at a college of optometry.~~

~~(4) The examination of patients for the purpose of determining findings against which the performance of candidates will be compared must be conducted by certified optometrists licensed in this State who meet the requirements stated in subsections (1), (2)(b) and (3) of this rule.~~

Rulemaking Specific Authority 456.017(1)(b) FS. Law Implemented 456.017(1)(a), (b) FS. History—New 10-6-81, Formerly 21Q-4.05, Amended 7-21-86, 11-20-86, Formerly 21Q-4.005, 61F8-4.005, 59V-4.005, Amended 2-7-01, 8-7-01, 3-8-04, \_\_\_\_\_.

64B13-4.006 Security and Monitoring Procedures for Licensure Examination.

(1) Part IV of the ~~The~~ licensure examination specified in paragraph 64B13-4.001(1)(d), F.A.C., shall be administered in compliance with the security and monitoring procedures set forth by the Board in this rule.

~~(2) The test site(s) used for administration of the licensure examination shall be approved by the Board no later than ninety (90) days prior to administration of the licensure examination.~~

~~(3) The examination supervisor(s) and examination proctors are responsible for maintaining a secure and proper examination administration. The examination supervisor(s) and the qualifications to be possessed by individuals wishing to serve as a examination proctor must be approved by the Board no later than ninety (90) days prior to administration of the licensure examination.~~

~~(2)(4) An examinee will not be admitted to the examination site unless the examinee presents a valid admission slip for Part IV of the specific licensure examination and a government issued photo identification (e.g., valid driver's license or passport). Provided, however, a government issued photo identification shall be acceptable in the absence of the admission slip only if the examinee's name appears on the examination admission roster previously prepared for that specific examination.~~

~~(3)(5) Examinees and/or their patients shall not be in possession of electronic devices including cellular telephones, personal digital assistants (pda), pagers, or cameras at the examination site.~~

~~(6) If the examinee arrives at the designated examination site after the designated starting time, the examinee shall not be permitted to take the examination. Provided, however, if the examination has not begun, the examination supervisor may permit the examinee to take the examination if there is no risk to the integrity or security of the examination.~~

~~(4)(7)~~ Any individual determined by the examination supervisor to have engaged in conduct which subverts or attempts to subvert the examination process shall be immediately removed from the examination site. Any conduct which subverts or attempts to subvert the examination process, or other irregularities, shall be immediately documented in writing by the examination supervisor. Following completion of the examination, the Board shall consider any such written documentation prepared by the examination supervisor(s) and shall determine if any further action is warranted. Examples of further action that may be taken include, but are not limited to, withholding or declaring invalid scores on the examination, disqualification from future licensure examinations, disqualification from the practice of optometry, and imposition of other appropriate sanction by the Board.

~~(5)(8)~~ For the purpose of this rule, conduct which subverts or attempts to subvert the examination process includes:

(a) through (c) No change.

~~(6)(9)~~ To avoid compromising the integrity of the examination question bank and thereby risking the validity of Part IV of the licensure examination, questions used shall be regularly written, updated and/or modified by consultants appointed by the Board in conjunction with the Department, and the same or similar questions shall not be repeated, when feasible, more than once every three (3) years.

~~(a) Questions/case presentations used on the licensure examination, including the format of questions/case presentations, shall be regularly written, updated and/or modified by experts appointed by the board in conjunction with the department, and the same or similar question/case presentation shall not be repeated, when feasible, more than once every three (3) years;~~

~~(b) The written portion of the licensure examination shall be administered only for a one (1) day time period twice yearly at a location approved by the board; and~~

~~(c) The practical portion of the licensure examination shall be administered only for a two (2) day time period at a location approved by the board.~~

Rulemaking Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—New 6-6-82, Formerly 21Q-4.06, 21Q-4.006, 61F8-4.006, 59V-4.006, Amended 2-1-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Optometry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 23, 2013

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: RULE TITLE:

64B32-2.001 License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify the requirements for licensure by endorsement.

SUMMARY: The rule amendment will clarify the requirements for licensure by endorsement.

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: 468.353(1) FS.  
LAW IMPLEMENTED: 468.358, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 License by Endorsement.

(1) through (2) No change.

(3) Every applicant for licensure as a registered respiratory therapist or certified respiratory therapist shall demonstrate the following:

(a) through (c) No change.

(d) An applicant who has not practiced respiratory care for 2 years or more must complete a Board-approved

comprehensive review course within two (2) years immediately prior to the filing of the licensure application or be recredentialed in the level in which he or she is applying to practice in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) hours in the topics and numbers of hours as follows:

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary Function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway Care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

Rulemaking Authority 468.353(1) FS. Law Implemented 468.358, 468.365 FS. History—New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05, 6-12-07, 5-15-08, 5-25-09, 5-10-10, 10-6-10, 3-28-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2014

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: RULE TITLE:

64B32-4.001 Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce biennial renewal fee.

SUMMARY: The rule amendment will reduce the biennial renewal fee.

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.

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: 456.025(1), 456.036(7), (8), 456.065 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 456.025(1), (6), 456.036, 456.065, 468.364 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-4.001 Fees.

(1) The biennial renewal fee for licensure shall be \$ 120.00 ~~\$121.00~~.

(2) through (8) No change.

Rulemaking Specific Authority 456.025(1), 456.036(7), (8), 456.065, 468.353(1), 468.364 FS. Law Implemented 456.025(1), (6), 456.036, 456.065, 468.364 FS. History—New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended 4-27-00, 8-13-02, 5-15-05, 2-23-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2014

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-342.100	Intent
62-342.200	Definitions
62-342.450	Mitigation Bank Permit and Mitigation Bank Conceptual Approval Applications
62-342.470	Establishment of Mitigation Credits
62-342.650	Land Use Restrictions on Mitigation Banks
62-342.700	Financial Responsibility
62-342.750	Mitigation Bank Permit and Mitigation Bank Conceptual Approval
62-342.800	Surrender, Transfer, or Modification of Mitigation Bank Permits
62-342.850	Water Management District Mitigation Banks
62-342.900	Mitigation Banking Forms

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 117, June 17, 2014 issue of the Florida Administrative Register.

To provide further detail of why legislative ratification and a SERC are not required, the paragraph titled SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION shall read: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed amendments do not change any requirements or process. Accordingly, the Department’s economic review revealed no added costs to the regulated community.

Any person who wishes to provide information regarding the 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Heathcock, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #2500, Tallahassee, FL 32399-2400, telephone: (850)245-8483 or e-mail: Alice.Heathcock@dep.state.fl.us, (OGC NO. 14-0014).

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.:	RULE TITLE:
64B11-2.003	Fees; Application

**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. 88, May 6, 2014 issue of the Florida Administrative Register.

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

1. On the License Verification Form located on page 17 of incorporated form DH-MQA 1152 (revised 02/14), entitled Occupational Therapy Application, the following changes have been made:

- a. The request for a social security number has been removed.
- b. The question “Is there any derogatory information?” has been removed.

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.:	RULE TITLE:
64B11-3.001	Fees; Application

**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. 88, May 6, 2014 issue of the Florida Administrative Register.

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

1. On the License Verification Form located on page 17 of incorporated form DH-MQA 1152 (revised 02/14), entitled Occupational Therapy Application, the following changes have been made:

- a. The request for a social security number has been removed.
- b. The question “Is there any derogatory information?” has been removed.

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

### Section IV Emergency Rules

NONE

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

DEPARTMENT OF LAW ENFORCEMENT  
 Criminal Justice Standards and Training Commission  
 RULE NO.: RULE TITLE:  
 11B-35.0010 eLearning Instruction

NOTICE IS HEREBY GIVEN that on August 25, 2014, the Department Of Law Enforcement Criminal Justice Standards and Training Commission received a petition for a one-year waiver of subsection 11B-35.0010(1), F.A.C., from Colonel David H. Brierton of the Florida Highway Patrol (FHP) on behalf of the Florida Department of Highway Safety and Motor Vehicles. The Petitioner wishes to temporarily waive for one year that portion of the rule which states training schools are permitted to use eLearning instruction for Commission-approved Specialized Training Program Courses, Specialized Instructor Courses, and courses created from Specialized Goals and Objectives. The Petitioner requests permission to conduct a one-year pilot program to utilize eLearning to train Auxiliary Officer Basic Recruits. Petitioner states that the eLearning would utilize a virtual classroom via teleconference to deliver training around the state within approved CJSTC satellite classrooms. Petitioner states that the training would encompass 63 hours of instruction including 27 hours of Law Enforcement Auxiliary Introduction; 19 hours of Law Enforcement Auxiliary Patrol and Traffic; and, 17 hours of Law Enforcement Auxiliary Investigations. Petitioner states that CJSTC certified instructors including members of the Florida Highway Patrol Auxiliary would act as proctors in each satellite classroom to provide structure and discipline during the pilot program. Petitioner states that no high liability topics would be covered via eLearning. Petitioner states that the proposed program has been vetted through CJSTC training center directors and they support the pilot program.

Petitioner states that the purpose of Sections 943.175 and 943.25, F.S., will be achieved if the waiver is granted and will assist FHP in delivering effective and consistent training throughout the state. Petitioner states that the pilot program will limit the number of sworn instructors tasked with providing instruction and will allow those instructors to continue working their regular assigned shifts.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephone at (850)410-7676.

DEPARTMENT OF HEALTH  
 Board of Medicine  
 RULE NO.: RULE TITLE:  
 64B8-4.009 Applications

The Board of Medicine hereby gives notice that on August 20, 2014, an Order was filed on the Petitions for Waiver or Variance. The Petition for Waiver or Variance was filed by Negar Asdaghi, M.D., on May 15, 2014, seeking a waiver or variance from Rule 64B8-1.007 and Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. The Notice was published in Vol. 40, No. 96, of the Florida Administrative Register, on May 16, 2014. Another Petition for Waiver or Variance was filed by Negar Asdaghi, M.D., on May 23, 2014, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA profile for the medical licensure application. The Notice was published in Vol. 40, No. 102, of the Florida Administrative Register, on May 27, 2014. The Board, at its meeting held on August 1, 2014, voted to grant the Petitions for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

A copy of the Order or additional information may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH  
 Board of Physical Therapy Practice  
 NOTICE IS HEREBY GIVEN that on June 6, 2014, the Board of Physical Therapy Practice received a petition for variance or waiver of Rule 64B17-3.003, F.A.C., filed by Dina Heijseelaar-Kilian, requesting a variance or waiver of the requirement that applicants for licensure by endorsement meet certain educational requirements, including that the applicant has received a determination that her educational credentials are equivalent to those of a U.S.-educated physical therapist.

Comments on this petition should be filed with the Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director at the above address or telephone: (850)245-4373.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 Family Safety and Preservation Program  
 RULE NO.: RULE TITLE:  
 65C-13.024 Parent Preparation Pre-service Training

NOTICE IS HEREBY GIVEN that on July 11, 2014, the Department of Children and Families received a petition for waiver of subsection 65C-13.024(6), Florida Administrative Code, from The Children’s Home, Inc. and John and Kimberly Crawley. Subsection 65C-13.024(6), F.A.C, limits exemptions from pre-service training to applicants who have completed equivalent training within the preceding five years.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**FLORIDA HOUSING FINANCE CORPORATION  
RULE NO.: RULE TITLE:**

67-48.010 Terms and Conditions of SAIL Loans  
NOTICE IS HEREBY GIVEN that on August 26, 2014, the Florida Housing Finance Corporation, received a petition for waiver from Salt Creek Apartments, Ltd., requesting a waiver from Rule 67-48.010, F.A.C., for the forgiveness of all outstanding SAIL interest pursuant to Rule 67-48.010, F.A.C., multiplied by .05 multiplied by the number of years, not to exceed 15, that the very low income set-aside was extended beyond that required by law. A waiver/variance of the rule will allow the Petitioner to continue to operate the affordable housing project and will facilitate a new loan structure wherein the principal balance of the loan will amortize.

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](http://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.

**DEPARTMENT OF FINANCIAL SERVICES  
Division of Insurance Agents and Agency Services**

**RULE NOS.:RULE TITLES:**  
69B-211.041 Definitions  
69B-211.042 Effect of Law Enforcement Records on Applications for Licensure  
The Florida Department of Financial Services hereby gives notice:  
The Department of Financial Services issued a Final Order Denying Petition of the “Petition for Variance From or Waiver of Florida Administrative Rule 69B-211.041(3),(5), and 69B-211.042(4), (5), (6), (12)(b),” that was filed by Brandon J. Bogert on June 23, 2014. The Notice of the Petition was

published July 15, 2014, in Vol. 40, No. 136 of the Florida Administrative Register. The Petition was requesting that the Department reclassify Bogert’s felony convictions as misdemeanor convictions to allow the Department to grant him a resident general lines (2-20) agent license. However, based on the Petition’s defects, it cannot be cured by amendment and therefore, the Petition was dismissed by a Final Order Denying Petition filed on August 22, 2014.

A copy of the Order or additional information may be obtained by contacting: Michael H. Davidson, Assistant General Counsel, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333 or by email: [michael.davidson@myfloridacfo.com](mailto:michael.davidson@myfloridacfo.com).

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

**DEPARTMENT OF STATE**  
Division of Library and Information Services  
The Division of Library and Information Services announces the Florida Statewide Digital Action Plan Focus Group sessions. All persons are invited. Register for the session you would like to attend.

**DATE AND TIME:** Tuesday, September 9, 2014, 2:00 p.m. – 4:00 p.m. Eastern  
**PLACE:** West Regional Branch, Jacksonville Public Library, 1425 Chaffee Road South, Jacksonville, Florida

**DATE AND TIME:** Wednesday, September 10, 2014, 10:00 a.m. – 12:00 Noon Eastern  
**PLACE:** Millhopper Library Branch, Alachua County Library District, 3145 NW 43rd Street, Gainesville, Florida

**DATE AND TIME:** Tuesday, October 14, 2014, 10:00 a.m. – 12:00 Noon Eastern  
**PLACE:** St. Thomas University Library, SEFLIN Room, 16401 NW 37th Avenue, Miami Gardens, Florida

**DATE AND TIME:** Tuesday, October 14, 2014, 3:00 p.m. – 5:00 p.m. Eastern  
**PLACE:** Northwest Regional Library, Broward County Libraries Division, 3151 North University Drive, Coral Springs, Florida

**DATE AND TIME:** Wednesday, October 15, 2014, 2:00 p.m. – 4:00 p.m. Eastern  
**PLACE:** Maitland Public Library, 501 South Maitland Avenue, Maitland, Florida

DATE AND TIME: Thursday, October 16, 2014, 2:00 p.m. – 4:00 p.m. Eastern

PLACE: Land O’Lakes Branch, Pasco County Library System, 2818 Collier Parkway, Land O’Lakes, Florida

DATE AND TIME: Thursday, October 30, 2014, 10:00 a.m. – 12:00 Noon Eastern

PLACE: LeRoy Collins Leon County Public Library, 200 West Park Avenue, Tallahassee, Florida

DATE AND TIME: Friday, October 31, 2014, 10:00 a.m. – 12:00 Noon Central

PLACE: Bay County Public Library, Northwest Regional Library System, 989 W. 11th Street, Panama City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the focus group session is to:

Learn about current digital collection activities in the state

Review the draft Program Mission Statement

Identify activities to implement the Program

Identify potential opportunities and challenges associated with Program implementation

A copy of the agenda may be obtained by contacting Sondra Taylor-Furbee at: [sondra.furbee@dos.myflorida.com](mailto:sondra.furbee@dos.myflorida.com).

Any person requiring special accommodations or assistance due to a disability or physical impairment should contact the agency a minimum of five (5) days prior to the meeting by calling: (850)245-6600 (or) TDD (850)922-4085.

To request copies of meeting materials associated with this agenda, but not included herein, contact Sondra Taylor-Furbee with the Division of Library and Information Services at: [sondra.furbee@dos.myflorida.com](mailto:sondra.furbee@dos.myflorida.com).

DEPARTMENT OF LEGAL AFFAIRS

The Florida Commission on the Status of Women announces telephone conference calls to which all persons are invited.

DATE AND TIME: September 3, 2014, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

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

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women’s Hall of Fame Committee.

DATE AND TIME: September 4, 2014, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: September 9, 2014, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards & Recognition Task Force.

DATE AND TIME: September 9, 2014, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: September 10, 2014, 4:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

DATE AND TIME: September 11, 2014, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women’s Hall of Fame Committee.

DATE AND TIME: September 16, 2014, 1:30 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: September 25, 2014, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission.

NOTE: In the absence of a quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone: (850)414-3300, fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women at the

Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone: (850)414-3300, fax: (850)921-4131. 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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050; phone: (850)414-3300, fax: (850)921-4131.

---

#### DEPARTMENT OF EDUCATION

##### Education Practices Commission

The Education Practices Commission announces public meetings to which all persons are invited.

**DATES AND TIMES:** September 10, 2014, 9:00 a.m. or as soon thereafter as can be heard, Business Meeting; Rules Committee Meeting immediately following Business Meeting; September 11, 2014, 8:30 a.m. or as soon thereafter as can be heard, Administrator Hearing Panel; 9:30 a.m. or as soon thereafter as can be heard, Teacher Hearing Panel; 2:30 p.m. or as soon thereafter as can be heard, Teacher Hearing Panel; Leadership Training immediately following Teacher Hearing Panel

**PLACE:** Hilton Miami Downtown, 1601 Biscayne Boulevard, Miami, Florida 33132, (305)374-0000

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. The Leadership Training is being conducted to train Commission members. The Business Meeting is being held to conduct business of the Commission. The Rules Committee is meeting to review the Commission rules.

A copy of the agenda may be obtained by contacting: Gretchen Kelley Brantley at (850)245-0455.

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: Gretchen Kelley Brantley at (850)245-0455. 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: Lisa Forbess or Gretchen Kelley Brantley at (850)245-0455.

---

#### PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public meeting in the following undocketed matter to which all persons are invited.

**DATE AND TIME:** Thursday, September 4, 2014, immediately following the already scheduled Agenda Conference

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Undocketed – In Re: Duke Energy Florida, Inc.’s Rerouting Initiative. The purpose of this this meeting is for the Commission to discuss Duke Energy Florida’s rerouting initiative with the Company’s management. In particular, the Commission plans to discuss the necessity and scope of the rerouting initiative; specific information regarding bill impacts for the rerouting initiative; possible resolutions, if any, to address customers’ concerns regarding being billed for an extended billing period at the higher tiered charges; and any other topics the Commission may determine to be relevant to Duke Energy Florida, Inc.’s rerouting initiative. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the Office of Commission Clerk, no later than five days prior to the workshop at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. If resolution of the rerouting initiative is reached, or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to Duke Energy Florida, Inc. Notice of cancellation will also be provided on the Commission’s website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

For additional information, please contact: Keino Young, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or (850)413-6226.

---



## REGIONAL PLANNING COUNCILS

## South Florida Regional Planning Council

The South Florida Local Emergency Planning Committee - District XI announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 19, 2014, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL, 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY1415.

A copy of the agenda may be obtained by contacting: writing to the SFRPC, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to Manny Cela (celam@sfrpc.com), visiting the LEPC website ([www.sfrpc.com/lepc.htm](http://www.sfrpc.com/lepc.htm)) or by calling (954)985-4416 in Broward or 1(800)985-4416 toll-free statewide.

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: writing to the SFRPC, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to Manny Cela (celam@sfrpc.com), visiting the LEPC website ([www.sfrpc.com/lepc.htm](http://www.sfrpc.com/lepc.htm)) or by calling (954)985-4416 in Broward or 1(800) 985-4416 toll-free statewide. 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: writing to the SFRPC, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to Manny Cela (celam@sfrpc.com), visiting the LEPC website ([www.sfrpc.com/lepc.htm](http://www.sfrpc.com/lepc.htm)) or by calling (954)985-4416 in Broward or 1(800)985-4416 toll-free statewide.

## REGIONAL PLANNING COUNCILS

## South Florida Regional Planning Council

The South Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 22, 2014, 3:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the Revolving Loan Fund loan applications.

A copy of the agenda may be obtained by contacting: The South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416.

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 1 day before the workshop/meeting by contacting: Cheryl Cook at (954)985-4416. 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: Cheryl Cook at (954)985-4416 or [cherylc@sfrpc.com](mailto:cherylc@sfrpc.com).

## WATER MANAGEMENT DISTRICTS

## Northwest Florida Water Management District

The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2014, 4:00 p.m., ET, Governing Board Meeting; September 11, 2014, 4:05 p.m., ET, Public Hearing on Regulatory Matters; September 11, 2014, 5:05 p.m., ET, Public Hearing on Fiscal Year 2014-2015 Budget

PLACE: District Headquarters, 81 Water Management Drive, Havana, FL 32333

GENERAL SUBJECT MATTER TO BE CONSIDERED: District business. An amendment to the Fiscal Year 2013-2014 Budget will be considered. Amendment No. 8 requests the realignment of budget across funds, activities, categories, and projects with no increase or decrease to the total District budget. Commitment of Fiscal Year 2013-2014 fund balances as required by the Governmental Accounting Standards Board (GASB) Statement No. 54. Adoption of the proposed millage rate and tentative budget for fiscal year 2014-2015.

A copy of the agenda may be obtained by contacting: Savannah White, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 or by visiting the District's website: <http://www.nwfwater.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 72 hours before the workshop/meeting by contacting: Ms. Wendy Dugan. 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.

---

**WATER MANAGEMENT DISTRICTS**

St. Johns River Water Management District

The Harris Chain of Lakes Restoration Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 5, 2014, 9:00 a.m.

PLACE: Lake County Administration Building, Second Floor, County Commission meeting room, 315 West Main Street, Tavares, FL 32778

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion, review and evaluation of various issues and topics having specific reference to the Harris Chain of Lakes in Lake County.

A copy of the agenda may be obtained by contacting: the St. Johns River Water Management District, Attn: Kraig McLane, 4049 Reid Street, Palatka, FL 32177, by email: kmclane@sjrwmd.com, by phone: (386)329-4374 or by visiting the Council's website: harrischainoflakescouncil.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 days before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

---

**SPACE FLORIDA**

The Space Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 11, 2014, 9:00 a.m. – 5:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Boulevard, Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Space Florida Evaluation Committee members will be meeting for Vendor Presentations/Interviews for (Stage 3) of "Project Expanse" Architecture & Engineering Services for the Technology Park at Pensacola, Florida.

**RFQ-SF-20-0-2015/CS**

A copy of the agenda may be obtained by contacting: Debbie Hebert: dhebert@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Debbie Hebert: dhebert@spaceflorida.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: Debbie Hebert: dhebert@spaceflorida.gov.

---

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces public meetings to which all persons are invited.

DATES AND TIMES: September 29, 2014, 9:30 a.m. (ET); October 21, 2014, 9:30 a.m. (ET)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The first Review Committee Meeting will be to discuss the Applications and answer any questions the Review Committee may have regarding the Applications submitted in response to Florida Housing Finance Corporation's Request for Applications No. 2014-111 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits. The second Review Committee Meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors.

A copy of the agenda may be obtained by contacting: Ken Reecy, Director of Multifamily Programs at Ken.Reecy@floridahousing.org or (850)488-4197.

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: Jean Salmonsens, (850)488-4197 or Jean.Salmonsens@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

---

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: September 3, 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.

---

CITIZENS PROPERTY INSURANCE CORPORATION

The Citizens Property Insurance Corporation Consumer Services Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 10, 2014, 11:00 a.m. – 12:00 Noon, ET

PLACE: 1(866)361-7525, Conference ID: 6487811620#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics include but are not limited to Consumer Services Committee Report.

A copy of the agenda may be obtained by contacting: Our website at [www.citizensfla.com](http://www.citizensfla.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 5 days before the workshop/meeting by contacting: Barbara Walker, (850)513-3744. 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).

---

MONROE COUNTY LOCAL COORDINATING BOARD FOR TRANSPORTATION DISADVANTAGED

The Heath Council of South Florida, Monroe County Local Coordinating Board for the Transportation Disadvantaged announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 5, 2014, 11:00 a.m.

PLACE: Marathon Government Center, 2798 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Monroe County Local Coordinating Board for the Transportation Disadvantaged.

A copy of the agenda may be obtained by contacting: Cristina Tuero, Manager, Advocacy & External Affairs via email: [ctuero@healthcouncil.org](mailto:ctuero@healthcouncil.org) or at (305)592-1452, 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 3 days before the workshop/meeting by contacting: Cristina Tuero, Manager, Advocacy & External Affairs via email: [ctuero@healthcouncil.org](mailto:ctuero@healthcouncil.org) or at (305)592-1452, ext.100. 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: Cristina Tuero, Manager, Advocacy & External Affairs via email: [ctuero@healthcouncil.org](mailto:ctuero@healthcouncil.org) or at (305)592-1452, ext.100.

---

COMVIA CORPORATION

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

DATE AND TIME: Tuesday, September 16, 2014, 5:00 p.m. – 6:30 p.m.

PLACE: Lake Wales Public Library, 290 Cypress Garden Lane, Lake Wales, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) is hosting an open house for the upcoming State Road (SR) 17/Scenic Highway construction project in Lake Wales extending 3.5 miles from south of Ray Martin Road to south of Mountain Lake Cut off Road. Work also includes shoulder and traffic signal improvements, installation of signs, guardrail and sidewalk, and drainage improvements between Seminole Avenue and Osceola Avenue from SR 17 to North 1st Street, along the Florida Midland Railroad right of way. Project staff will be available at the open house to discuss the project and answer questions.

A copy of the agenda may be obtained by contacting: there is no agenda for this meeting.

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: Jamie Schley, Florida Department of Transportation, District One, 801 N. Broadway Street, Bartow, FL 33830-3809, (863)519-2573 or jamie.schley@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: Janet Cook, public information officer at (863)712-6020 or janetcook@comviacorporation.com.

## Section VII

### Notice of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Jason Kalagher, In Re: Sorrento Villas, Section 5, Association, Inc., Docket No. 2014034366, filed on August 18, 2014. The petition seeks the agency's opinion as to the applicability of Section 718.115, Florida Statutes, and subsection 718.103(8), Florida Statutes, as they apply to the petitioner.

Whether the owners of declared but unbuilt units are liable for full monthly association assessments under Section 718.115, Florida Statutes, and whether the area surrounding particular units deemed "private" by the Board of Directors of the association falls within the definition of "common elements" as it is defined by Section 718.103(8), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

Please refer all comments to: Brittany Finkbeiner, Chief Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

NOTICE IS HEREBY GIVEN that Division of Drugs, Devices and Cosmetics has received the petition for declaratory statement from Michael J. Glazer, General Counsel on behalf of H.D. Smith Wholesale, filed on July 9, 2014. The petition seeks the agency's opinion as to the applicability of paragraph 499.01(2)(s), Sections 499.002, 499.0051, 499.066, 499.0661, and 499.067, Florida Statutes, and related administrative rules as they apply to the petitioner.

H.D. Smith is requesting that the Department of Business and Professional Regulation issue a declaratory statement as to the following. 1. HDS is a prescription drug wholesaler. HDS has historically and continues to comply with the requirements of Florida law that it only engage in transactions with properly licensed parties as it relates to the distribution of prescription drugs. 2. Certain 3PLs shipping products to HDS for distribution in Florida have taken the position that a Florida 3PL license is not required due to the provisions of DQSA. 3. HDS has held to its belief that a 3PL license is required. This disagreement regarding the interaction of state and federal law has made it difficult in certain instances for HDS to obtain products and provide these medications to Florida pharmacies. 4. HDS is substantially affected by these regulations. If HDS obtains and distributes product from an unlicensed 3PL and if DBPR determines that the 3PL should have been licensed, then HDS is subject to sanctions for violating Chapter 499, Florida statutes. HDS is therefore sufficiently and substantially affected and is justified in requesting this declaratory statement to clarify its rights under the referenced statutes and rule. WHEREFORE, HDS respectfully requests that DBPR issue a Final Order determining that if HDS obtains prescription drug products from a 3PL for distribution in Florida, then the 3PL must hold a valid Florida 3PL license.

A copy of the Petition for Declaratory Statement may be obtained by contacting: The Division of Drugs, Devices and Cosmetics, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047 - Dinah Greene.

Please refer all comments to: Reggie Dixon, Division Director, Division of Drugs, Devices and Cosmetics, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047, website: [http://interredesignalpha/dbpr/ddc/ddc\\_division\\_notices.html](http://interredesignalpha/dbpr/ddc/ddc_division_notices.html).

**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**

**EXECUTIVE OFFICE OF THE GOVERNOR**

Governor’s Commission on Community Service (Volunteer Florida Foundation)

The Volunteer Florida Foundation Inc., 3800 Esplanade Way, Suite 180, Tallahassee, FL 32311, will receive electronic proposals regarding funds available from the Florida Disaster Fund, which must be received as an email attachment sent to DR4177FL@volunteerflorida.org and received no later than 12:00 Noon Eastern Time on Wednesday, September 17, 2014 for the following Request for Proposals (RFP):

Volunteer Florida Foundation Inc., Florida Disaster Fund RFP  
The purpose of this RFP is to make available financial resources to support survivor recovery in communities that were impacted by the 2014 Spring Flood and that received a federal declaration for Individual Assistance (DR-4177-FL).

RFP instructions and application forms are available for download at: <http://www.volunteerflorida.org/wp-content/uploads/2014/04/Volunteer-Florida-Disaster-Fund-RFP-2014-Spring-Floods-DR-4177-FL.doc>.

For questions or additional information, please contact: Merrilee White at (850)414-7400, ext. 119 or [merrilee@volunteerflorida.org](mailto:merrilee@volunteerflorida.org).

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Applications 2014-111 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits

This Request for Applications (RFA) is open to Applicants proposing the development of affordable, multifamily housing for Families and the Elderly utilizing State Apartment Incentive Loan (SAIL) funding in conjunction with Tax-Exempt Bond financing (issued by Florida Housing, a Public Housing Authority (established under Chapter 421, F.S.), a County Housing Finance Authority (established pursuant to Section 159.604, F.S.), or a Local Government) and Non-Competitive Housing Credits. The funding available under this RFA will include an Elderly Transformative Preservation goal to fund one (1) Development currently in the Corporation’s portfolio, that is currently targeted to serve elderly residents, to provide design and service supports to help elders stay in their homes as long as possible. Under this RFA, the Corporation expects to offer an estimated \$64,408,800, comprised of the Family and Elderly Demographic portion of the SAIL funding appropriated by the 2014 Florida Legislature as well as SAIL Program income, with a required set aside for Persons with a Disabling Condition. The funding will be distributed as follows: (i) \$17,578,800 of Elderly funding for proposed Developments with the Elderly Demographic Commitment (ALF and Non-ALF) and one (1) proposed Development with the Elderly Transformative Preservation Demographic Commitment; and (ii) \$46,830,000 of Family funding for proposed Developments with the Family Demographic Commitment.

Applications shall be accepted until 11:00 a.m., Eastern Time, on Thursday, September 18, 2014, to the attention of Ken Reecy, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Ken Reecy at [Ken.Reecy@floridahousing.org](mailto:Ken.Reecy@floridahousing.org) or as otherwise directed in the RFA. This Request for Applications, which outlines selection criteria and Applicant’s responsibilities, can be downloaded from the Florida Housing Finance Corporation website at <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2014-111/>.

Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

**Section XII  
Miscellaneous**

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida E911 Board State Grant Program**

The E911 Board has approved an E911 State Grant program available to any Board of County Commissioners in the State of Florida for the purpose of assisting counties in Florida, as defined by Section 365.172(6)(a)3.b., Florida Statutes, with the installation of Enhanced 911 (E911), Phase II and Next Generation 911 systems.

The E911 State Grant program will operate on the following schedule:

1. Counties submit applications: by December 1, 2014
2. E911 Board evaluates applications: Within two months of the submission date;
3. E911 Board votes on applications at regularly scheduled meetings: Within three months of the submission date;
4. E911 Board sends notification letter of awards approved for funding to the counties: Within four months of the submission date;
5. Implementation period: One year from receipt of award notification letter;
6. Expiration of the right to incur costs: Two years from receipt of award notification letter.

Additional information is in the E911 State County Grant Application, effective 9/1/2014, W Form 3A, incorporated by reference in Rule 60FF1-5.003, Florida Administrative Code, E911 State Grant Programs.

**DEPARTMENT OF FINANCIAL SERVICES**

**FSC – Financial Institution Regulation**

**Financial Institutions**

**NOTICE OF FILINGS**

**Financial Services Commission**

**Office of Financial Regulation**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following application:

**APPLICATION WITHDRAWN**

Application for a New Credit Union

Applicant and Proposed Location: Business Enterprise Credit Union, 65 North Orange Avenue, Orlando, Florida 32801

Correspondent: Nikesh A. Patel, CEO, First Farmers Financial, LLC, 7335 W. Sandlake Road, Suite 390, Orlando, Florida 32819

Received: June 4, 2014

Withdrawn: August 26, 2014

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Community Development**

**Final Order No. DEO-14-116**

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-14-116 on August 21, 2014, in response to applications submitted by the Bayhead Landings Subdivision for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final orders 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](mailto:katie.zimmer@DEO.MyFlorida.com).

**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.