

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B
Suite 250
Jacksonville, FL 32209
Telephone (904) 798-5806

1111 N. E. 25th Avenue, Suite 403
Ocala, FL 34470
Telephone (352)401-5350

2012 Capital Circle, S. E.
Suite 106402, Hartman Bldg.
Tallahassee, FL 32399-2161
Telephone (850)413-1609

3111 South Dixie Highway
Suite 123
West Palm Beach, FL 33405
Telephone (561)837-5716

610 East Burgess Road
Pensacola, FL 32504-6320
Telephone (850)453-7804

4415 Metro Parkway
Suite #300
Ft. Myers, FL 33916
Telephone (239) 938-1840

499 N.W. 70th Avenue
Suite 116
Plantation, FL 33317
Telephone (954)321-2906

Live Oak Business Center
5969 Cattleman Lane
Sarasota, FL 34232
Telephone (941)329-1120

1313 North Tampa Street
Suite 503
Tampa, FL 33602
Telephone (813)221-6506

401 N.W. 2nd Avenue
South Tower, Suite 321
Miami, FL 33128
Telephone (305)536-0306

400 West Robinson Street
Suite N 512, North Tower
Orlando, FL 32801
Telephone (407)835-4406 or
(407)245-0896

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.05 FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended 2-19-07, 1-7-08, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:

RULE TITLE:

5E-2.028

Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms Department Authorization; Records; Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to delete obsolete website.

SUMMARY: The proposed rule action will delete an obsolete website and update and revise forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 487.042, 487.051, 570.07(23) FS.

LAW IMPLEMENTED: 487.051, 487.160 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650; telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Department Approval; Records; Penalties.

(1) No change.

(2) Permit Requirements and Procedures.

(a) Prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically on the web site <http://www.flpesticidepermit.org> ~~http://www.temikpermit.com~~ or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, Rev. 06/08 ~~revised 9/06~~, to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, Rev. 04/08 ~~revised 5/04~~, to the address listed on the form.

(b) through (d) No change.

(3) Forms.

(a) Form DACS-13317, Rev. 06/08, Application for Permit to Apply Aldicarb (Temik), ~~revised 9/06~~, hereby adopted and incorporated by reference, may be obtained from the web site <http://www.doacs.state.fl.us/onestop/aes/temik.html> ~~http://www.flaes.org~~ or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(b) Form DACS-13356, Rev. 04/08, Request for Username and Password for Electronic Temik Permit Application, ~~revised 5/04~~, hereby adopted and incorporated by reference, may be obtained from the web sites <http://www.doacs.state.fl.us/onestop/aes/temik.html> ~~http://www.temikpermit.com~~ or <http://www.flaes.org> or from the Pesticide Certification Section, Florida Department of

Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(4) through (6) No change.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History--New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98, 3-28-02, 11-8-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Bruce Nicely
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Anderson "Andy" Rackley
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-14.142
RULE TITLE: Responsibilities and Duties – Records, Reports, Advertising, Applications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to increase the pest control business license fee to the cap of \$300.00.

SUMMARY: The proposed rule amendment will increase the pest control business license fee to the cap of \$300.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.071(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961, (850)921-4177

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.
(1) through (4) No change.

(5) Business license application: In accordance with Section 482.071(1), F.S., the following information shall be submitted on, attached to and made a part of the Department's pest control business license application form, DACS 13605, Pest Control Business License Application, Rev. 05/08 ~~3/02~~, hereby adopted and incorporated by reference.

(a) through (g) No change.

(h) The issuance fee for each original license shall be ~~\$300~~ ~~\$250~~. An applicant may request his application to be immediately expedited and processed by paying a special handling fee in the amount of \$50.

(i) The renewal fee for each original license shall be ~~\$300~~ ~~\$250~~.

Specific Authority 482.051 FS. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Michael J. Page
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Anderson "Andy" Rackley
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.002
RULE TITLE: District School Budgets

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule to accurately reflect the forms currently required for use and to reflect the current statutory authority. This action will not change district budget procedures or the transmittal of the required forms to the Commissioner.

SUMMARY: The rule is updated to incorporate updated forms and statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.01, 1010.01 FS.

LAW IMPLEMENTED: 120.55(1)(a), 1011.01, 1011.02, 1011.03 FS.

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

DATE AND TIME: August, 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400, (850)245-0506

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.002 District School Budgets.

(1) Annual budgets for the district school board shall be prepared in a form distributed by the Commissioner, advertised, presented at a public hearing pursuant to the advertisement, adopted by the board, and submitted to the Commissioner according to the schedule set forth in Rule 6A-1.0071, F.A.C.

(2) When submitted to the Commissioner, the budget document shall be certified as official and correct by the original signature of the superintendent of schools.

(3) Forms ESE 139, District Summary Budget Checklist, ~~effective October, 1988~~, and ESE 524, Resolution Determining Revenues and Millages Levied, ~~effective October, 1988~~, are hereby incorporated by reference and made a part of this rule to become effective with the effective date of this rule. These forms may be obtained from the Administrator of the Office of Funding and Financial Reporting, Information Services and Accountability, Division of Public Schools, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

Specific Authority 1001.01, 1010.01 ~~229.053(1), 237.04~~ FS. Law Implemented 120.55(1)(a), 1011.01, 1011.02, 1011.03 ~~237.041, 237.071, 237.081~~ FS. History—Amended 9-17-72, 2-18-74, Repromulgated 12-5-74, Amended 7-10-85, Formerly 6A-1.02, Amended 3-12-86, 10-13-88,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Link Jarrett, Funding and Financial Reporting

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.004 Commissioner to Review Budgets

PURPOSE AND EFFECT: The purpose of the amendment is to delete references to the forms the Department’s management system no longer utilizes and to adopt updated forms. The effect is a rule which incorporates updated forms.

SUMMARY: The rule is amended to adopt updated forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1011.03(5) FS.

LAW IMPLEMENTED: 1011.01(3), 1011.02, 1011.03(5) FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400, (850)245-0506

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.004 Commissioner to Review Budgets.

The Commissioner shall establish procedures and prepare plans so that the budget is reviewed by authorized representatives in his or her office.

(1) The following items are subject to approval by the Commissioner in reviewing and reporting recommendations relating to the annual school budgets:

(a) through (b) No change.

(c) Forms ESE 374, Schedule of Maturities of Indebtedness and ESE 523, Information Concerning Authorized Obligation Under Section 1011.14, ~~237.161~~, Florida Statutes, are incorporated by reference in this rule to become effective with the effective date of this rule ~~October, 1988~~. These forms may be obtained from the Administrator of the Office of Funding and Financial Reporting, Information Services and Accountability, Division of Public Schools, 325 West Gaines Street, Department of Education, Tallahassee, Florida 32399.

(d) through (e) No change.

(2) through (3) No change.

Specific Authority 1001.02(1), 1011.03(5) ~~229.053(1), 237.081(1)~~ FS. Law Implemented 1011.01(3), 1011.02, 1011.03(5) ~~237.031, 237.061, 237.071, 237.081~~ FS. History—Amended 3-26-66, 9-17-72, 2-18-74, Repromulgated 12-5-74, Amended 11-29-78, 7-10-85, Formerly 6A-1.04, Amended 10-4-88,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Link Jarrett, Funding and Financial Reporting

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0071
 RULE TITLE: Fiscal Reporting Dates

PURPOSE AND EFFECT: The purpose of the amendment is to delete references to obsolete forms previously included in school districts' annual financial reports to the Commissioner and which were a part of the forms management system formerly used in the Department. The effect is a rule which incorporates updated forms for reporting purposes.

SUMMARY: The rule is amended to adopt updated forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1010.20, 1011.60(1), (5) FS.

LAW IMPLEMENTED: 200.065, 1011.01(3), 1011.03(5), 1011.60(1), (5) FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.
 PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400, (850)245-0506

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0071 Fiscal Reporting Dates.

The following dates shall apply to the fiscal reporting and budgeting process of each school district.

(1) The final budget prepared under procedural steps and time intervals specified in Section 200.065, Florida Statutes, shall be transmitted to the Commissioner no later than the third business day following the day of adoption by the school board.

(2) The annual financial report and all official parts thereof must be submitted to the Commissioner no later than September 11th of each year. The annual financial report is composed of the following forms: Forms ESE 348, Report of Financial Data to the Commissioner of Education; ESE 145 Superintendent's Annual Financial Report; and ESE 904, Automated Format for Public Schools State Cost Analysis Reporting System, ~~and ESE 905, Automated Format for Public Schools Compensatory Data,~~ which are incorporated by reference in this rule to become effective with the effective date of this rule ~~October, 1988~~. These forms may be obtained from the Administrator of the Office of Funding and Financial Reporting, Information Services and Accountability, Division of Public Schools, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

~~(3) Form ESE-079, District Quality Instruction Incentive Program Report, is hereby incorporated by reference and made a part of this rule to become effective October, 1988. A copy of Form ESE-079 may be obtained from the Administrator of Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.~~

~~(3)(4)~~ In the event of an emergency or when unusual circumstances exist and upon written request by the superintendent of schools, the Commissioner shall have authority to grant an extension of reporting dates not specified by statute.

Specific Authority 1001.02(1), 1010.20, 1011.60(1), (5) 229.053(1), 236.02(1), (5), 237.34 FS. Law Implemented 200.065, 1011.01(3), 1011.03(5), 1011.60(1), (5) 236.02(1), (5), 237.01, 237.02, 237.041, 237.061, 237.071(1), (4), 237.081(1), 237.34(1) FS. History—New 9-12-72, Amended 2-13-74, 12-5-74, 5-5-75, 10-7-75, 7-22-76, 6-7-77, 1-7-81, 7-10-85, Formerly 6A-1.071, Amended 3-12-86, 10-4-88,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Link Jarrett, Funding and Financial Reporting

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0453
 RULE TITLE: Educational Program Audits

PURPOSE AND EFFECT: The purpose of the amendment is to provide consistency with the governing statutes relating to educational program audits. The effect is a rule which is consistent with governing authority.

SUMMARY: The rule is amended to ensure provisions are consistent with governing law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1001.03(8), 1001.11(6), 1008.82, 1010.305 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400, (850)245-0506

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0453 Educational Program Audits.

~~Periodic examinations and audits of the accounts and programs of each school district shall be conducted by the Auditor General or the Commissioner. The Commissioner may utilize Department auditing staff as well as program staff in the Division of Public Schools and the Division of Workforce Development, in accordance with the provisions of Section 229.565, Florida Statutes.~~

~~(1) The Commissioner may utilize staff of the Department to conduct audits of district compliance with statute and rules as requested by the Legislature or State Board of Education. Responsibility for conducting audits is hereby assigned and delegated among organizational units of the Department as follows, provided that the Commissioner shall, whenever practicable, require coordination between such units in carrying out assigned responsibilities:~~

~~(a) The Division of Public Schools shall be responsible for:~~

~~1. Examination of educational alternative and exceptional student programs to determine compliance with law and criteria established by rules of the State Board and to ensure that assigned students have been properly classified and placed.~~

~~2. Determination of the existence and comprehensiveness of the criteria based on district goals, by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.~~

~~3. Examination of the procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program.~~

~~4. Examination of personnel data to verify accuracy of reported data on numbers of administrators and teachers.~~

~~5. Examination of fiscal records to verify accuracy of reported costs of all basic and special programs.~~

~~(b) The Division of Workforce Development shall:~~

~~1. Examine vocational education programs/courses to:~~

~~a. Ensure that individual programs/courses use instructional objectives which are consistent with the criteria for qualification of individual courses as outlined in the publication titled, "Vocational Education Program Courses Standards," incorporated by reference in Rule 6A-6.0571, F.A.C.~~

~~b. Ensure that the grade levels of students are consistent with Rule 6A-6.065, F.A.C., and the current course code directory as required in Rule 6A-1.09441, F.A.C.~~

~~c. Ensure that each program/course is staffed by a qualified teacher as required by Rule 6A-10.035, F.A.C., in accordance with Rule 6A-1.0503, F.A.C.~~

~~d. Determine that the capability exists in the instructional setting to accomplish the program/course objectives as evidenced by adequate facilities, equipment and supplies, and instructional materials.~~

~~2. In those instances when a program is found to be out of compliance with law and criteria established by rules of the State Board of Education, an exception report shall be issued citing the program/course deficiencies. If the program/course is brought into compliance and a correction report is issued by August 1 of the following fiscal year, an FTE adjustment will not be made. However, if the program/course is not brought into compliance and a correction report not issued by August 1, the Department will make the appropriate FTE adjustments that will include all reported surveys for the previous fiscal year as appropriate.~~

~~3. Examine adult and community education programs to determine compliance with law and criteria established by rules of the State Board.~~

~~4. Determine the existence and comprehensiveness of the criteria based on district goals, by which the school district evaluates vocational education and adult general education programs.~~

~~(2) The Auditor General is responsible for:~~

~~(a) Periodically examining and evaluating programs, records and procedures in each district which requests funding under the Florida Education Finance Program.~~

~~(b) Notifying the auditee of an upcoming audit and conducting an entrance briefing to explain the purpose, scope and schedule of the audit.~~

~~(c) Scheduling an exit briefing with the auditee at the completion of the examination to discuss the findings.~~

(d) Submitting to the auditee a list of findings which may be included in the audit report. The auditee shall submit to the Auditor General, within thirty (30) days after the receipt of the list of findings, his or her written statement of explanation or rebuttal concerning all the findings, including corrective action to be taken to preclude a recurrence of all findings.

(e) Preparing a written report incorporating the response of the auditee. The audit report shall be transmitted to the Commissioner with copies to the Deputy Commissioner for Finance and Operations Planning, Budgeting and Management and the Chancellor for K-12 Public Schools Deputy Commissioner for Educational Programs. The audit report shall specifically identify instances of:

1. Errors in the reported full-time equivalent membership by program category; and
2. Improper classification or placement of individual students assigned to educational alternative or exceptional student programs.

(3) Upon receipt of an official audit report, the Deputy Commissioner for Finance and Operations Planning, Budgeting and Management shall compute the amount of adjustment to the district's allocation of state funds necessary to compensate for the errors or deficiencies noted in subsection (2). In those instances where a student has been improperly classified or placed in an exceptional student program, and in those instances where a special program fails to meet the prescribed criteria, the adjustment shall be computed on the basis of the basic program cost factor for which each student qualifies. Except for adjustments made during the fiscal year in which the discrepancies occurred adjustments shall be limited to fund allocations and no changes shall be made in full-time equivalent membership data.

(4) The Deputy Commissioner for Finance and Operations Planning, Budgeting and Management, within forty-five (45) days of receipt of an official audit report and completion of any computation of adjustments required therein, shall provide an official notice to the district school board which shall include:

- (a) A detailed analysis of the audit findings and the computation of all adjustments proposed to correct discrepancies;
- (b) A statement citing the specific law or rule upon which the finding of each discrepancy is based, and the authority under which the adjustment is to be made; and
- (c) An opportunity for the district to request a hearing, within sixty (60) days from date of the official notice, and prior to final action being taken. The district request for a hearing shall include the specific issues and schools.

(5) In the event a district notifies the Department of its desire for a hearing on the proposed adjustment, the Department shall respond within thirty (30) days, and then the Commissioner shall schedule an informal conference between all parties in an effort to explain and resolve any disputed findings and to arrive at an agreement between the Department

and the district. The conference hearing shall be held within twelve (12) months of initial request. If, however, the parties are unable to hold an informal conference or to arrive at a satisfactory agreement within twelve (12) months of the initial request and the school district wishes to proceed with a formal hearing, the Commissioner shall request the Division of Administrative Hearings of the Department of Administration to assign a hearing officer, and the Department shall proceed with the hearing in the manner prescribed by Section 120.57, Florida Statutes.

(6) Following completion of the hearing, the recommended order of the hearing examiner shall be transmitted to the State Board. The State Board shall, following examination of the recommended order, adopt a final agency order as prescribed by Section 120.57, Florida Statutes.

(7) Upon receipt of the final agency order, the Deputy Commissioner for Finance and Operations Planning, Budgeting and Management shall compute the required adjustment, if any, to the district's allocation of state funds, make the adjustment in the aforementioned funds, and notify the district of the final action.

Specific Authority 1001.02(1) ~~229.053(4)~~ FS. Law Implemented 11.45, 1001.03(8), 1001.11(6), 1008.32, 1010.305 ~~229.565(2), (3), 236.081(9)(b)~~ FS. History—New 2-25-76, Amended 10-30-78, 12-7-82, 6-28-83, 11-27-85, Formerly 6A-1.453, Amended 10-31-88, 3-15-90, 1-7-97, 7-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Link Jarrett, Funding and Financial Reporting
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

**DEPARTMENT OF EDUCATION
State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.0551	Special Qualification Salary for Elected District School Superintendents

PURPOSE AND EFFECT: The purpose of the amendment is to remove obsolete provisions and update the statutory references. The effect is a rule which is updated to reflect current governing law.

SUMMARY: The rule is amended to ensure provisions are consistent with governing law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1001.47(4) FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400, (850)245-0506

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0551 Special Qualification Salary for Elected District School Superintendents.

Each elected district superintendent who completes the following described training program shall be certified eligible by the Commissioner for the annual special qualification salary authorized by Section 230.303(4), Florida Statutes.

(1) Requirements for initial special qualification certification. In order to meet initial certification requirements, each superintendent shall meet all requirements outlined below within six (6) years after first taking office; ~~provided, however, that all superintendents holding office on July 1, 1980 shall have until July 1, 1986 to complete such requirements.~~

(a) Successful completion of each of the following training institutes conducted by the Florida Association of District School Superintendents Academy for School Leaders:

1. "Core Concepts of Management for Florida School Superintendents" – 2 1/2 days.
2. "Florida School Law" – 2 days.
3. "Florida School Finance" – 2 days.
4. "Principles of Collective Bargaining" – 2 days.
5. "The School Curriculum" – 2 days (required only for superintendents not holding a degree in education from an accredited institution). Successful completion of these training institutes shall be determined by satisfactory attendance at each institute required and by the satisfactory performance on a written comprehensive examination developed from the content of the courses required in paragraph (1)(a) and administered by the Department.

(b) through (2)(c) No change.

Specific Authority 1001.02(1) ~~229.053(1)~~ FS. Law Implemented 1001.47(4) ~~230.303(4)~~ FS. History—New 5-27-81, Formerly 6A-1.551, Amended 12-3-85, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Link Jarrett, Funding and Financial Reporting

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.087

RULE TITLE:

School Board Responsible for Internal Funds

PURPOSE AND EFFECT: The purpose of the amendment is to require that written policies governing the receipt and disbursement of internal funds adopted by school districts are consistent with those required in the publication "Financial and Program Cost Accounting and Reporting for Florida Schools" as incorporated by reference in Rule 6A-1.001, F.A.C. The effect is a rule consistent with current requirements.

SUMMARY: The rule is amended to ensure consistency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1011.07 FS.

LAW IMPLEMENTED: 1011.07 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400, (850)245-0506

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.087 School Board Responsible for Internal Funds.

The school board shall be responsible for the administration and control of the internal funds of the district school system, and in connection therewith shall:

(1) Adopt written policies governing the receipt and disbursement of all internal funds consistent with requirements prescribed pursuant to Rule 6A-1.001, F.A.C., and for the accounting for property pursuant to Chapters ~~230, 235~~ and 274, Florida Statutes.

(2) Provide for an annual audit of internal funds by a person certified by the state board of accountancy as a certified public accountant ~~or a public accountant~~, or qualified internal auditing staff employed by the board. The auditor shall submit a signed, written report to the school board covering internal funds which shall include any notations of any failure to comply with requirements of Florida Statutes, state board of education regulations and policies of the school board, and commentary as to financial management and irregularities. Such audit shall be presented to the school board while in session and filed as a part of the public record.

Specific Authority 229.053(1), 237.02(4) FS. Law Implemented 237.02(4) FS. History—Amended 4-11-70, 9-17-72, 10-31-74, Repromulgated 12-5-74, Amended 3-24-75, Formerly 6A-1.87, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Link Jarrett, Funding and Financial Reporting
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401 RULE TITLE: Student Performance Standards

PURPOSE AND EFFECT: The purpose of this amendment is to make revisions to the Sunshine State Standards math access points for students with significant cognitive disabilities. These revisions are necessary based on feedback from the peer review conducted through the United States Department of Education, Office of Special Education Programs (OSEP), related to the alternate assessment for students with significant cognitive disabilities. The effect of these revisions will be standards that are aligned and address the recommended changes.

SUMMARY: This rule is amended to incorporate recommendations to the Sunshine State Standards math access points for students with significant cognitive disabilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. Beginning with the 2007-2008 school year, the reading and language arts benchmarked standards for reading and language arts referenced below in paragraph (1)(a), describe what students should know and be able to do at grade level progression. Beginning with the 2008-2009 school year, the mathematics and science benchmarked standards for mathematics and science referenced below in paragraphs (1)(b) and (c), describe what students should know and be able to do at grade level progression from kindergarten to grade 8 and for each of the mathematics content areas of: algebra, calculus, discrete mathematics, financial literacy, geometry, probability, statistics, and trigonometry, and each of the science content areas of: earth and space science, life science, physical science, and nature of science for grades 9-12. The benchmarked standards in paragraphs (1)(d)-(g) of this rule describe what students should know and be able to do at four progression levels (grades Pre-K-2, 3-5, 6-8, 9-12) in the subjects of the arts, health/physical education, foreign languages, and social studies. Sunshine State Standards for Special Diploma as incorporated by reference in paragraph (1)(h) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels (independent, supported, and participatory). Public schools shall provide appropriate instruction to assist students in the achievement of these standards. These standards and benchmarks are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

(a) Sunshine State Standards – Reading and Language Arts, July 2007,

(b) Sunshine State Standards – Mathematics, 2008 ~~2007~~,

- (c) Sunshine State Standards – Science, 2008,
- (d) Sunshine State Standards – Social Studies, 1996,
- (e) Sunshine State Standards – Foreign Languages, 1996,
- (f) Sunshine State Standards – The Arts, 1996, and
- (g) Sunshine State Standards – Health/Physical Education, 1996, and

(h) Sunshine State Standards for Special Diploma, 1999.

Copies of these publications may be obtained from the Division of Public Schools, Department of Education, 325 West Gaines St., Tallahassee, Florida 32399-0400.

(2) Each district school board shall incorporate the Sunshine State Standards contained herein into the district Pupil Progression Plan.

(3) The Sunshine State Standards shall serve as the basis for statewide assessments.

Specific Authority 1001.02 FS. Law Implemented 1001.03 FS. History–New 6-18-96, Amended 9-28-99, 3-1-07, 7-25-07, 11-25-07, 4-14-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of this rule revision is to provide guidance relating to the statewide public school student progression law eliminating social promotion, by removing the FCAT Norm Referenced Test (NRT) as an alternative assessment good cause exemption for students scoring at Level 1 on the grade three Florida Comprehensive Assessment Test (FCAT) in Reading. Since the original rule adoption, the FCAT Norm Referenced Test (NRT) has been eliminated from the FCAT assessment program. The effect of this rule revision will be that students who score at Level 1 on the grade three FCAT Reading may be promoted to grade four if an acceptable level of performance is demonstrated on the alternative assessment, (SAT-9 or SAT-10) or using a student portfolio.

SUMMARY: Relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the grade three Florida Comprehensive Assessment Test (FCAT) in Reading may be promoted to grade four if the student demonstrates an acceptable level of performance on the Reading SAT-9 or Reading SAT-10 alternative assessment or through a student portfolio that demonstrates the student’s mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the grade three FCAT Reading.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1008.25(8)(b) FS.

LAW IMPLEMENTED: 1008.25(6)(b)3. FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Evan Lefsky, Executive Director, Office of Just Read, Florida, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094221 Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion.

(1) Pursuant to Section 1008.25(6), F.S., relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the grade three Florida Comprehensive Assessment Test (FCAT) Reading may be promoted to grade four if the student demonstrates:

(a) An acceptable level of performance on the ~~FCAT Norm Referenced Test (NRT) in Reading~~ or the Reading SAT-9 or Reading SAT-10 alternative assessment; or

(b) Reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the grade three FCAT Reading.

~~(2) The acceptable levels of performance on the alternative assessment for grade three are as follows:~~

~~(a) To promote a student using the grade three FCAT NRT in Reading as an alternative assessment good cause exemption, the grade three student scoring at Level 1 FCAT Reading must score at or above the 45th percentile on the grade three FCAT NRT in Reading.~~

~~(2)(b)~~ To promote a student using the SAT-9 or SAT-10 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 on FCAT Reading must score at or above the 51st percentile on the SAT-9 or at or above the 45th percentile on the Reading SAT-10. The SAT-9 or SAT-10 may only be administered one (1) time.

~~(c) The earliest the alternative assessment may be administered for student promotion purposes is following the receipt of the grade three student FCAT Reading scores or during the last two (2) weeks of school, whichever occurs first.~~

(3) No change.

Specific Authority 1008.25(8)(b) FS. Law Implemented 1008.25(6)(b)3. FS. History--New 5-19-03, Amended 7-20-04, 3-24-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melinda Webster, Elementary Reading Specialist, Just Read, Florida!

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Office of Just Read, Florida!

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.05271
 RULE TITLE: Use of Reasonable Force by School Personnel

PURPOSE AND EFFECT: In accordance with Section 1012.75, Florida Statutes, the State Board of Education shall adopt rules that outline administrative standards for the use of reasonable force by school board personnel to maintain a safe and orderly learning environment. The effect of the proposed rule will be consistency in administrative standards for the use of reasonable force by school board personnel.

SUMMARY: This proposed rule is to establish the standards which define the use of reasonable force by school personnel.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1012.75(2) FS.

LAW IMPLEMENTED: 1003.32(1)(j), 1006.11(1), 1012.75(2) FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marian W. Lambeth, Chief, Professional Practices Services, K-12 Public Schools, Department of Education, 325 West Gaines Street, Suite 224-E, Tallahassee, Florida 32399-0400, (850)245-0438

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.05271 Use of Reasonable Force by School Personnel.

(1) Reasonable Force is defined as appropriate physical response necessary to maintain a safe and orderly learning environment. Reasonable Force should be limited to the minimal force necessary to prevent undue harm or injury to the student(s) or others or significant damage to property. Reasonable Force should not be used as an instrument for the educator's anger or frustration with a situation or student(s) and if possible should be used in a way that does not unduly impugn the dignity of the student(s).

(2) The use of reasonable force on a student or students is permitted to protect the student(s) and others from:

- (a) Conditions harmful to learning,
- (b) Conditions harmful to students' mental health,
- (c) Conditions harmful to students' physical health,
- (d) Conditions harmful to safety,
- (e) Harm and/or injury, and/or
- (f) The significant damage of property

(3) Reasonable Force should not be excessive, cruel, or unusual in nature. When administered, reasonable force should be used with consideration of the following:

- (a) Severity of offense(s) that elicited the use of force,
- (b) Size and physical abilities of all parties,
- (c) Mental and psychological abilities of the student(s),
- (d) Patterns of behavior exhibited by the student(s) that precipitated the use of force,
- (e) Potential dangers, physical and others, for using force,
- (f) Availability of assistance to control the situation without force, and
- (g) Preventative or defusing action(s) taken prior to use of physical force.

(4) While use of reasonable physical force is permitted, alternatives should be attempted, if circumstances permit.

(5) Use of Reasonable Force should cease upon the restoration of a safe and orderly learning environment.

(6) Nothing in this rule should be construed as addressing state or local school board policy on corporal punishment.

(7) The use of force in an act or act(s) of self-defense should not be confused with the use of reasonable force as described herein.

(8) Restraint and seclusion techniques shall only be used when the student presents an imminent danger to himself or herself or others, or significant damage to property, and other less restrictive interventions have not or will not prevent danger or harm.

Specific Authority 12012.75(2) FS. Law Implemented 1003.32(1)(j), 1006.11(1), 1012.75(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Marian W. Lambeth, Chief, Professional Practices Services,
K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12
Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 29, 2008

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 is to establish a process for creating and maintaining the “Comprehensive Industry Certification List” and “Industry Certification Funding List” relative to the Career and Professional Academy Act, pursuant to Section 1003.492(2), Florida Statutes.

SUMMARY: The rule establishes a process for adopting the “Comprehensive Industry Certification List,” sets a date certain for publication of the “Comprehensive Industry Certification List,” provides the criteria and process for funding the Bonus FTE, creates a process for school districts to register as Career and Professional Academies, and provides performance criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1003.492(2) FS.

LAW IMPLEMENTED: 1003.491, 1003.492, 1003.493 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Workforce Education, Department of Education, 325 West Gaines Street, Room 744, Tallahassee, Florida; (850)245-9029

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0573 Industry Certification Process.

(1) Pursuant to Section 1003.492(2), Florida Statutes, Workforce Florida, Inc.’s approved list of industry certifications, which has been named the “Comprehensive Industry Certification List, April 2008” is adopted by the State Board of Education and incorporated by reference in this rule.

(2) The “Comprehensive Industry Certification List” shall be published by March 1 of each calendar year.

(3) “Industry Certification Funding List.” The Department of Education shall review the approved “Comprehensive Industry Certification List” to identify program-to-certification linkages and to identify certifications deemed sufficiently rigorous academically and, thus, eligible for bonus FTE funding, pursuant to Section 1011.62(1)(q), Florida Statutes.

(a) This list will be known as the “Industry Certification Funding List,” which is incorporated by reference in this rule to become effective with the effective date of this rule.

(b) To be considered for bonus funding and included on the “Industry Certification Funding List” in this paragraph, a certification shall meet the following criteria for academic rigor:

1. The certification shall be on the “Comprehensive Industry Certification List.”

2. The certification shall be achievable by students in a secondary level program.

3. The certification shall require a minimum of one hundred fifty (150) hours of instruction.

4. The certification shall have been offered for at least one year in a school district.

(c) The Commissioner of Education may waive the one year requirement when failure to do so would inhibit preparation of students for emerging workforce opportunities.

(4) The Department of Education shall publish annually a final “Industry Certification Funding List,” to be incorporated by reference in rule.

(a) The Department of Education shall produce annually a preliminary “Industry Certification Funding List” no later than March 15 and shall show the program-to-certification linkages for which registered career and professional academy students may be reported for bonus funding by school districts under Section 1011.62(1)(q), Florida Statutes.

(b) Following the release of a preliminary list, school districts shall be provided a period of time to request additional program-to-certification linkages prior to publication of the final “Industry Certification Funding List” for the following school year.

(c) To add a specific program-to-certification linkage to the final "Industry Certification Funding List" for the following school year, school districts offering career and professional academies under Section 1003.493, Florida Statutes, may submit requests, along with supporting documentation, to the Department of Education.

1. Supporting documentation shall include a statement of justification and other resource material to illustrate the correlation between the program standards and the certification examination competencies.

2. Requests shall be submitted no later than April 15 for inclusion on the final "Industry Certification Funding List."

3. The Department of Education shall review each request according to the above criteria and respond to the submitting school district within forty-five (45) days of receipt.

4. If the request is denied, a specific reason for denial shall be included in the response to the school district.

(5) The final "Industry Certification Funding List" for the school year shall be published no later than the July 1, preceding the beginning of the school year.

(6) Conditions for bonus FTE funding pursuant to Section 1011.62(1)(q), Florida Statutes.

(a) A school district may report a student for bonus FTE membership under the following conditions, for a maximum of one 0.3 bonus per student:

1. Student is enrolled in a registered career and professional academy.

2. Student completes a certification on the "Industry Certification Funding List."

3. The course enrollment is reported in a secondary career and technical education program which has been linked to the final "Industry Certification Funding List."

4. An industry certification may only be reported once for funding per student.

5. Student receives a high school diploma.

(b) A maximum of one certification may be reported for a course.

(c) 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.

(7) Registration of Career and Professional Academies. The Department of Education shall maintain a website for school districts to register career and professional academies that meet the requirements of Section 1003.493, Florida Statutes.

(a) School districts shall submit up-to-date information on each career and professional academy through a reporting window of July 15 to September 15, annually on Form ICP-1 located on the Department's web site at <http://www.fldoe.org/workforce/>. Form ICP-1 is hereby incorporated by reference to become effective with the

effective date of this rule. The required information shall include, but is not limited to, the following: academy name and school and a list of industry certifications offered to students in the academy selected from the final "Industry Certification Funding List."

(b) As part of the registration process, superintendents shall certify that each academy meets all of the requirements of Section 1003.493, Florida Statutes.

(c) Eligibility for funding under Section 1011.62(1)(q), Florida Statutes, is limited to academies registered with the Department of Education.

(d) Academies shall be registered by September 15 of the reporting year for their students to be eligible to generate bonus funding based on the completion of industry certifications.

(8) Performance Criteria.

(a) The performance criteria specified in Section 1003.493(5), Florida Statutes, shall be calculated in the following manner:

1. The denominator is the number of students in the career course who took the industry certification examination or who attempted college credit for their enrollment in the career course.

2. The numerator is the number of students in the denominator who successfully passed an industry certification on the "Industry Certification Funding List" or who earned college credit.

(b) A school district that fails to meet the performance criteria specified in Section 1003.493(5), Florida Statutes, may not offer that industry certification in the academy in the subsequent year.

(c) In the annual registration process for the academy, the school district can no longer report an industry certification that fails to meet the performance criteria in the academy and will not be eligible to receive bonus FTE for that industry certification under the requirements of Section 1011.62(1)(q), Florida Statutes.

Specific Authority 1003.492(2) FS. Law Implemented 1003.491, 1003.492, 1003.493 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tara Goodman, Workforce Education, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Lucy Hadi, Chancellor, Workforce Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.001
 RULE TITLE: Definitions of Terms for State Student Aid Programs

PURPOSE AND EFFECT: The purpose of this proposed rule is to provide additional definitions related to state scholarship and grant programs and to make technical corrections. The effect is alignment with current Florida Statute.

SUMMARY: Additional definitions related to state scholarship and grant programs are included in the rule and technical changes are made for clarification. The Florida Legislature enacted additional scholarship and grant programs, necessitating revisions to specific authority and law implemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 295.01(4), 1001.02(1), 1009.50(1), 1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3), 1009.55(2), 1009.56(1), 1009.57(1), 1009.58(2), 1009.59(4), 1009.62(4), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2), 1009.95(7) FS.

LAW IMPLEMENTED: 295.01, 295.015, 295.02, 295.03, 295.04, 295.05, 1001.02, 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.531, 1009.532, 1009.533, 1009.534, 1009.535, 1009.536, 1009.537, 1009.538, 1009.5385, 1009.55, 1009.56, 1009.57, 1009.59, 1009.62, 1009.631, 1009.632, 1009.633, 1009.634, 1009.72, 1009.73, 1009.77, 1009.89, 1009.891, 1009.95 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.001 Definitions of Terms for State Student Aid Programs.

These definitions apply to Rules 6A-20.001 through 6A-20.099, F.A.C.

(1) through (14) No change.

(15) Early admission student. ~~An e~~Early admission student is a full-time college level student who is counted as FTE only by the college or university and who is responsible for payment of all fees and instructional materials.

(16) through (18) No change.

(19) Graduate student. A student who is enrolled in a degree program leading to a master's degree, doctoral degree, or any post-baccalaureate certificate at an institution of higher education, and has been classified as a graduate student by the institution.

(19) through (27) renumbered (20) through (29) No change.

(30) Returning student. Refers to all categories of students classified as renewal, reinstatement and restoration students.

(31) Satisfactory academic progress. A satisfactory rate of student course-completion determined using qualitative and quantitative measures in the institution's financial aid written measurable progress policy that complies with Title IV requirements.

(30) through (31) renumbered (32) through (33) No change.

Specific Authority ~~295.01(4), 1001.02(1), 1009.50(1), 1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3), 1009.55(2), 1009.56(1), 1009.57(1), 1009.58(2), 1009.59(4), 1009.62(4), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2), 1009.95(7) FS.~~ Law Implemented 295.01, ~~295.015, 295.02, 295.03, 295.04, 295.05,~~ 1001.02, 1009.50, ~~1009.505,~~ 1009.51, 1009.52, 1009.53, 1009.531, 1009.532, 1009.533, 1009.534, 1009.535, 1009.536, 1009.537, 1009.538, ~~1009.5385,~~ 1009.55, 1009.56, 1009.57, 1009.59, 1009.62, 1009.631, 1009.632, 1009.633, 1009.634, 1009.72, 1009.73, 1009.77, 1009.89, ~~1009.891,~~ 1009.95 FS. History—New 12-9-86, Amended 10-15-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.003
 RULE TITLE: Florida Residency as a Requirement for the Receipt of State Student Aid

PURPOSE AND EFFECT: The purpose of the rule amendment is to align this rule with State Board of Education Rule 6A-10.044, Residency for Tuition Purposes. The effect reflects current statute and administrative processes.

SUMMARY: Changes are proposed to align this rule with State Board of Education Rule 6A-10.044, Residency for Tuition Purposes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1009.93(4) FS.

LAW IMPLEMENTED: 1001.02, 1009.40, 1009.93 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.003 Florida Residency as a Requirement for the Receipt of State Student Aid.

(1) Students attending Florida postsecondary educational institutions shall show proof of Florida residency for purposes of establishing their eligibility to receive funds from state student financial assistance programs which specify minimum residency requirements. Such residency shall be determined in a manner consistent with the provisions of Section 1009.21, Florida Statutes, Rule 6A-10.044, F.A.C., and this rule.

(2) Students shall have established and maintained residency for a minimum of twelve (12) consecutive months immediately preceding the first day of classes for the first term of the academic year for which state aid is requested.

~~(3) Determination of student residency shall first require the determination of dependency status pursuant to the following criteria. Dependent students are those who meet the federal definition of dependent students and who are eligible to be claimed as a tax exemption by a parent whether or not they are living with the parent. Independent students are those students who are ineligible to be claimed as a tax exemption by their parents, who meet the federal definition of independent students, and who have gained independent status as bona fide self-supporting students.~~

~~(4) Dependent students, regardless of age, shall be considered to have the residence of either parent.~~

~~(5) A parent is defined as a natural parent, a legal adoptive parent, a legal guardian, or an adult relative if the student has lived with the adult relative for the past five (5) years during which time the relative has exercised day-to-day care, supervision, and control of the student.~~

~~(3)(6) Students who claim Florida residency shall sign a statement attesting to the fact that they have been a bona fide resident for purposes other than education for the required time as specified in subsection 6A-20.003(2), F.A.C. The statement shall be a part of the application for state student aid programs. Institutions shall be responsible for determining the students' residency status.~~

~~(7) Non Florida resident students shall remain so classified for the duration of the enrollment unless the institution determines that the student has become a Florida resident pursuant to this rule on the basis of sufficient proof provided by the student.~~

~~(8) The residency of a married student is determined by the residency of the student, not by the residency of the student's spouse.~~

~~(9) A student classified as a Florida resident who subsequently established residence in another state, shall retain status as a Florida resident for student aid purposes for one (1) year after the date residency in another state began.~~

~~(10) Active duty members of the armed services of the United States stationed in this state, their spouses, and dependent children shall be considered residents.~~

~~(11) Full-time instructional and administrative personnel employed by the state public schools, community colleges, institutions of higher education, and other state supported institutions as defined in Section 1012.01, Florida Statutes, and their spouses and dependent children shall be considered residents.~~

~~(4)(12) Individuals exempted from Florida residency requirements in Section 1009.21, Florida Statutes, shall be exempt for the purposes of state student financial assistance.~~

~~(13) Non-U.S. citizens such as resident aliens, parolees, asylees, or other permanent status persons (e.g., persons who married U.S. citizens and temporary permanent residents), who have applied to and have been approved by the U.S. Immigration and Naturalization Service for indefinite stay and employment, shall be considered eligible to establish Florida residency for state student financial aid purposes. In addition, non-immigrants holding one of the following visas shall be considered eligible to establish Florida residency for state student financial aid purposes. Persons in visa categories not listed shall be considered ineligible to establish Florida residency for state student financial aid purposes.~~

~~(a) Visa Category A — Government official.~~

~~(b) Visa Category E — Treaty trader or investor.~~

~~(c) Visa Category G — Representative of international organization.~~

~~(d) Visa Category I Foreign information media representative.~~

~~(e) Visa Category K Fiance, fiancée or a child of U.S. citizen(s).~~

~~(14) Evidence of Florida residency may include but is not limited to:~~

- ~~(a) Voter registration;~~
- ~~(b) Driver license;~~
- ~~(c) Automobile registration;~~
- ~~(d) Location of bank account;~~
- ~~(e) Rent receipts;~~
- ~~(f) Home mortgage;~~
- ~~(g) Tax returns;~~
- ~~(h) Need analysis documents;~~
- ~~(i) Guaranteed student loan notes;~~
- ~~(j) Financial aid and admissions applications;~~
- ~~(k) Employment documents.~~

~~(5)(15)~~ Verification of Florida residency shall be the responsibility of the postsecondary institution.

Specific Authority 1001.02(1), 1009.93(4) FS. Law Implemented 1001.02, 1009.40, 1009.93 FS. History—New 12-9-86, Amended 2-18-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-20.007 William L. Boyd, IV, Florida Resident Access Grants

PURPOSE AND EFFECT: This rule is amended to align this rule with other state scholarship and grant rules and to correct obsolete statutory references. The effect reflects current statute and administrative processes.

SUMMARY: Section headings are added to align this rule with other state scholarship and grant rules. Obsolete references to subparagraph (1)(k)2. and to Section 240.209, Florida Statutes, are deleted. Incorrect reference to reinstatement is corrected.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1009.89(2) FS.

LAW IMPLEMENTED: 1009.42, 1009.89 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.007 William L. Boyd, IV, Florida Resident Access Grants.

(1) Eligibility Criteria for Awards. To receive aid, a student shall meet the provisions of Sections 1009.89, 1009.42, and 1009.40, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Meet the application procedures established by the participating institution.

(b) Not have previously received a bachelor’s degree.

(c) Be enrolled in a degree program in an eligible institution, pursuant to Section 1009.89(3), Florida Statutes.

(d) Not be enrolled in a degree program which has the primary purpose of advancing or impeding religion.

(e) Be enrolled for a minimum of twelve (12) credits at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

(f) Have been a bona fide Florida resident, pursuant to Section 1009.21, Florida Statutes, and Rule 6A-20.003, F.A.C., for twelve (12) months prior to the first day of class for the first academic term for which funds are being requested.

(g) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program.

(h) Not be in default on any federal or state student loan program, unless satisfactory arrangements to repay the loan have been made.

(i) Renewal award. Eligibility for the renewal of awards pursuant to Section 1009.40(1)(b), Florida Statutes, shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

1. Have earned, at the last institution attended, a minimum cumulative grade point average of 2.0 on a 4.0 scale, and

2. Have earned during the previous summer and two (2) semesters or three (3) quarters, if a renewal applicant, twelve (12) credit hours per term, or the equivalent, for the number of terms for which the award was received. A student who has received the funds through this program who fails to earn the required credits shall be ineligible for a renewal award.

~~(j)3-~~ Probationary award. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

~~(k)4-~~ Restoration award. A student who fails to meet the renewal requirements stated in subparagraphs (1)~~(i)4-~~2. and paragraph (1)(j)3- of this rule shall, after two (2) semesters or three (3) quarters, be eligible to apply for restoration. Each such student may be eligible for a restoration reinstatement if he has an earned grade point average of 2.0 on a 4.0 scale at the end of the second semester or third quarter of the academic year for which he was ineligible for an award.

~~(l)5-~~ Reinstatement awards. A student who met the requirements for a renewal award, but did not receive an award during a full year of eligibility and wishes to reestablish use of the grant may apply for reinstatement in any subsequent year provided the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.

(2) through (3) No change.

(4) Amount of Awards. The amount of the annual award ~~is may be no more than forty (40) percent of the full cost to the state per academic year of an undergraduate student in public postsecondary education established pursuant to Section 240.209, Florida Statutes, or as specified in the General Appropriations Act.~~ Awards for the first academic term shall be one-half of the annual award for semester schools and one-third of the annual award for quarter schools. However, should the funds requisitioned by participating institutions, in accordance with subsection (5) of this rule, exceed the appropriation, the Department shall prorate awards for the second semester or second and third quarters accordingly.

(5) through (7) No change.

Specific Authority 1001.02(1), 1009.89(2) FS. Law Implemented 1009.42, 1009.89 FS. History—New 9-27-79, Amended 3-23-83, Formerly 6A-7.397, 6A-7.0397, Amended 12-25-86, 1-11-88, 4-3-90, 10-18-94, 10-15-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.012

RULE TITLE: Critical Teacher Shortage Tuition Reimbursement Program

PURPOSE AND EFFECT: The purpose of the rule amendment is to align distribution of publications and applications to Florida publicly funded schools and teachers with online application dates and other state scholarship and grant applications. Section headings are added to align this rule with other state scholarship and grant rules. The effect is alignment with current Florida Statutes.

SUMMARY: Distribution of publications and applications to Florida publicly funded schools and teachers will align with online application dates and other state scholarship and grant applications. Section headings are added to align this rule with other state scholarship and grant rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1009.58(2) FS.

LAW IMPLEMENTED: 1009.58 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.012 Critical Teacher Shortage Tuition Reimbursement Program.

(1) To receive aid, teachers shall meet the provisions of Section 1009.58, Florida Statutes, and Rule 6A-20.001, F.A.C., and:

(a) Submit, Form FFAA-2, Florida Financial Aid Application for Teachers, Form CPSI-1, Postsecondary Institution Certification, and Form CEMP-1, Employment Certification Form by September 15. Forms FFAA-2, CPSI-1, and CEMP-1 are hereby incorporated by reference and made a part of this rule to become effective with the effective date of this rule ~~October 2002~~. A copy of Forms FFAA-2, CPSI-1, and CEMP-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) Have as a minimum a valid temporary Florida teacher's certificate or license.

(c) Intend to gain or renew certification, or to earn a graduate degree, in a designated critical teacher shortage area.

(d) Not receive reimbursement from other sources sufficient to pay the full cost of tuition and registration fees for a course(s) for which reimbursement is being sought.

(e) Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant program.

(f) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(2) By January 1 ~~October 15~~ of each year, the Department shall distribute to Florida publicly funded school district superintendents applications and a description of the program and application process utilizing the State Student Financial Aid Database.

(3) through (4) No change.

(5) Award procedures. The Department shall determine eligibility and may prorate awards if funds are not available to make full awards.

(6) Payment of awards. The Department shall notify applicants of their award eligibility and shall provide for the delivery of funds to eligible applicants on a funds available basis.

Specific Authority 1009.58(2) FS. Law Implemented 1009.58 FS. History--New 5-24-84, Formerly 6A-7.163, 6A-7.0163, Amended 12-25-86, 3-22-89, 3-6-94, 10-15-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.013

RULE TITLE: Critical Teacher Shortage Student Loan Forgiveness Program

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify teaching certification eligibility. Sections regarding program advertisement are added to align this rule with the Critical Teacher Shortage Tuition Reimbursement Program and clarification of eligible educational loans is added. The effect reflects current statute and administrative processes.

SUMMARY: Clarification is made for teaching certification eligibility and eligible educational loans. Sections regarding program advertisement are added to align this rule with the Critical Teacher Shortage Tuition Reimbursement Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1009.59(4) FS.

LAW IMPLEMENTED: 1009.59 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.013 Critical Teacher Shortage Student Loan Forgiveness Program.

(1) Eligibility criteria for initial awards. To receive aid, an initial applicant shall meet the provisions of Section 1009.59, Florida Statutes, and shall:

(a) Have, as a minimum in the first year of application, a valid temporary Florida Educator's Certificate or license which indicates certification or licensure with an issue date prior to the beginning of the school year. The Department of Education may accept a certificate issue date during the first year of teaching providing it validates the first academic year of employment in the critical teacher shortage subject area in which the teacher is employed for the academic year for which funds are requested;

(b) Have taught a full school year, as defined in Section 1003.02(1)(g), Florida Statutes, in a Florida publicly-funded school or developmental research school, in a designated critical teacher shortage subject area. If an otherwise eligible applicant completes eligible teaching service for at least ninety (90) days during a school year and does not complete one (1) full year of teaching service, the Department may provide up to one-half of a full award;

(c) Not owe a repayment of a state or federal student grant or scholarship unless satisfactory arrangements have been made;

(d) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made;

(e) Not have received a Paul Douglas Teacher Scholarship, Critical Teacher Shortage Scholarship Loan, "Chappie" James Most Promising Teacher Scholarship Loan, Masters' Fellowship Loan Program for Teachers, or Critical Teacher Shortage Forgivable Loan under the Florida Teacher Scholarship and Forgivable Loan Program; and

(f) Submit by July 15:

1. After the end of the academic year in which the applicant taught for the first time as a full-time certified teacher in a critical teacher shortage subject area for at least ninety (90) days, Form FFAA-2, Florida Financial Aid Application for Teacher Program, as incorporated by reference in Rule 6A-20.012, F.A.C.

2. An academic transcript from each postsecondary educational institution which the applicant attended in order to complete an education program,

3. Form CEMP-1, Employment Certification, as incorporated by reference in Rule 6A-20.012, F.A.C., and

4. Form CLON-1, Loan Certification, which is hereby incorporated by reference in this rule to become effective with the effective date of this rule ~~October 2002~~. A copy of Form FFAA-2, Form CEMP-1, and Form CLON-1 may be obtained by contacting the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Eligibility criteria for renewal awards. Eligibility for renewal shall be evaluated at the end of the renewal year of teaching. As a condition for renewal, a teacher shall meet the provisions of Section 1009.59, Florida Statutes, and shall:

(a) Have, each academic year, a valid Florida Educator's Certificate or license which indicates certification or licensure in the subject area for which an initial award was made or in a current critical teacher shortage subject area for the academic year for which funds are being requested;

(b) Have taught a full school year in a Florida publicly-funded school, or developmental research school, in the subject area for which the original loan repayment was made or in a current critical teacher shortage area in which the applicant is certified. If an otherwise eligible renewal applicant completes eligible teaching service for at least ninety (90) days and does not complete a full year of teaching service, the Department may provide up to one-half of a full award;

(c) Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state grant or scholarship program;

(d) Not be in default on a National Defense Loan, Perkins National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay have been made;

(e) Not have received a Paul Douglas Teacher Scholarship, Critical Teacher Shortage Scholarship Loan, "Chappie" James Most Promising Teacher Scholarship Loan, Masters' Fellowship Loan Program for Teachers, or Critical Teacher Shortage Forgivable Loan under the Florida Teacher Scholarship and Forgivable Loan Program; and

(f) Submit by July 15 of each academic year, Form CEMP-1, Employment Certification.

(3) The Department shall distribute to Florida publicly funded school district superintendents applications and a description of the program and application process utilizing the State Student Financial Aid Database.

(4) Publicly funded schools shall be responsible for providing teachers with information regarding the Tuition Reimbursement Program and the necessary forms.

~~(5)(3)~~ Amount of award. The annual amount of student loan repayment shall be a maximum of twenty five hundred (2,500) dollars for undergraduate loans and a maximum of five thousand (5,000) dollars for graduate loans for up to a combined total of five thousand (5,000) dollars annually. The amount of the award is based on the principal balance outstanding on the applicant's loan as of the June 30 prior to the beginning date of teaching as a certified teacher in a critical teacher shortage subject area.

~~(6)(4)~~ Maximum terms of eligibility. A teacher shall be eligible to receive student loan forgiveness for either a maximum of four (4) academic years or a total repayment of ten thousand (10,000) dollars, whichever comes first.

~~(7)(5)~~ Award procedures. The Department shall determine eligibility and make awards. Awards may be prorated if funds are not available to make full awards. Renewal applicants will be given priority upon timely receipt of all required forms and documentation. The Department shall notify applicants of their award eligibility.

(8)(6) Payment of awards. The Department shall provide for the delivery of funds to teachers by issuing warrants made payable to the teachers and the lending institutions for all loans held by lending institutions. The Department will forward the warrants to the teachers for submission to the lending institutions; however, a teacher who submits documentation from all lenders that all principal balances which were due as of the June 30 prior to the beginning date of teaching, or additional educational loans accrued prior to the beginning date of teaching, pursuant to subparagraph (1)(f)1. of this rule, have been paid by the teacher may have the warrant made payable directly to the teacher. If the loan was a National Direct Student Loan, National Defense Loan, or Perkins Loan, each lending institution must also indicate that the repayment was not a result of teaching service cancellation.

Specific Authority 1001.02(1), 1009.59(4) FS. Law Implemented 1009.59 FS. History—New 5-24-84, Formerly 6A-7.162, 6A-7.0162, Amended 12-25-86, 3-22-89, 5-16-90, 2-15-95, 10-15-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-20.019	Children and Spouses of Deceased or Disabled Veterans or Children of Servicemembers Classified as Prisoners of War or Missing in Action Scholarships

PURPOSE AND EFFECT: The purpose of the rule amendment is to correct reference in the rule title to include all genders and align with statutory title in Section 295.01, Florida Statutes. In addition, the Department of Veterans Affairs certification process is clarified, the process for late applications is prescribed, and the rule is aligned with other state scholarship and grant rules. The effect of these amendments reflects current statute and administrative processes.

SUMMARY: The purpose of this proposed rule is to correct gender references, cite and incorporate forms, clarify certification processes, re-number section headings, align institutional language with other state scholarship and grant rules, and provide for additional application processes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 295.01(3), 295.02, 1001.02(1) FS.

LAW IMPLEMENTED: 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05, 1009.42, 1009.5385 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.019 Children and Spouses of Deceased or Disabled Veterans or Children of Servicemembers ~~Servicemen~~ Classified as Prisoners of War or Missing in Action Scholarships.

(1) Eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 295.01, 295.02, 295.03, 295.04, and 295.05, 1009.40, 1009.42, Florida Statutes, F.S., and Section 295.015, or 295.016, or 295.017, or 295.018, or 295.019, or 295.0195, Florida Statutes, F.S., and Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Submit, for each academic year on or before April 1, Form FFAA-1, Florida Financial Aid for Students, ~~as incorporated by reference in Rule 6A-20.020, F.A.C.~~, and Form CDDV-1, DVA Certification Record. Forms FFAA-1 and CDDV-1 ~~are~~ is hereby incorporated by reference and made a part of this rule to become effective with the effective date of this rule May 2007. A copy of Forms FFAA-1 and CDDV-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. CDDV-1, DVA Certification Record, shall be completed online via the State Student Financial Aid Database by the Department of Veterans Affairs.

(b) Be enrolled at a state university, state community college, state postsecondary vocational-technical school, or any postsecondary institution pursuant to Section 1009.533, Florida Statutes.

(c) Be enrolled for a minimum of six (6) credit hours, or one hundred eighty (180) clock hours, at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

(d) Not have previously received a bachelor's degree ~~if in undergraduate study.~~

(e) Not owe a repayment of a grant under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant program.

(f) Not be in default on a National Defense Loan, National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(g) Renewal award. Eligibility for the renewal of awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

1. Have earned, at the last institution attended, a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

2. Have earned during the previous summer and two (2) semesters or three (3) quarters, if a renewal applicant, six (6) credit hours or one hundred eighty (180) clock hours per term or the equivalent for the number of terms for which the award was received.

(h) Restoration award. A student who has received funds through this program who fails to earn the required credits shall be ineligible for an award the following year. However, such student may be considered for restoration after one year, if the student has an earned cumulative grade point average of 2.0 on a 4.0 scale.

~~(i)3.~~ Probationary award. Pursuant to Section 1009.40(1)(b)2., Florida Statutes, a student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for two (2) semesters or three (3) quarters. To be eligible for renewal the following academic year, each such student shall have earned the required credits and a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period.

~~(j)4.~~ Reinstatement awards. A student who met the requirements for a renewal award but did not receive an award during a full year of eligibility and wishes to reestablish use of the scholarship may apply for reinstatement in any subsequent year provided that the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.

(2) Appeals. A student who receives state student aid and subsequently fails to meet state academic progress requirements due to verifiable illness or other emergencies

may, pursuant to Section 1009.40(1)(b)4., Florida Statutes, be granted an exception from the academic requirements. An applicant may appeal the denial of an award pursuant to Sections 1009.40 and 1009.42, Florida Statutes, and Rule 6A-20.0371, F.A.C.

(3) Maximum hours terms of eligibility. A student shall be eligible to receive financial aid for a maximum of one hundred ten (110) percent of certificate, diploma, associate or baccalaureate program of study in which enrolled eight (8) semesters or twelve (12) quarters. ~~However, pursuant to Section 1009.40, Florida Statutes, a student participating in college preparatory instruction, a student requiring additional time to complete the college level communication and computation skills testing program, or a student enrolled in a five (5) year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. Five year eligibility does not extend to a program of study which leads to the simultaneous award of a graduate and undergraduate degree.~~

(4) Verification of student eligibility. The Department shall be responsible for verifying applicant's eligibility.

(5) Period of award. Scholarships shall be awarded annually for the following academic year.

(6) Amount of award. The maximum amount of a scholarship shall be the amount of tuition and registration fees assessed the student at the end of regular registration, inclusive of the drop-add period. ~~However, the amount of the scholarship in combination with other student aid shall not exceed the student's cost of education.~~ A student who receives a Children and Spouses of Deceased or Disabled Veterans Scholarship, who is enrolled in a nonpublic postsecondary institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation for full-time attendance at a public postsecondary education institution at the comparable level. A student enrolled part-time shall receive a reduced award by either one-half or three-fourths of the maximum award, depending on the level or fees assessed.

(7) Award procedures. The Department shall, if funds are insufficient to award all eligible applicants, prorate awards first award renewal applicants and then rank initial applicants according to the postmark or electronic receipt dates of the applications. ~~Students applying pursuant to subparagraph (1)(g)3., of this rule shall be considered for awards after all eligible renewal and initial students are awarded.~~ The Department shall notify students and institutions of the student's award eligibility.

(8) Late applications. Applications received after April 1 will be awarded on a first come first served basis if sufficient funds remain.

~~(9)(8)~~ Institutional responsibilities. Participating institutions shall verify the continued eligibility of awarded students, provide for the disbursement of funds to students, comply with the Department’s reporting requirements, and refund to the Department any undisbursed funds. Institutions shall certify to the Department, each academic term within thirty (30) days of the end of the regular registration period, the student’s enrollment, continued eligibility, and the award amount. Refunds shall be received by the Department within sixty (60) days of the end of the institution’s regular registration period, inclusive of the drop-add period.

~~(10)(9)~~ Payment of awards. The Department shall provide for the delivery of funds to students by transmitting the funds to the institution for distribution.

Specific Authority 295.01(3), 295.02, 1001.02(1) FS. Law Implemented 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05, 1009.42, 1009.5385 FS. History–New 12-28-86, Amended 3-22-89, 5-16-90, 3-24-92, 10-18-94, 11-3-02, 5-21-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-20.023 Jose Marti Scholarship Challenge Grant Fund

PURPOSE AND EFFECT: The purpose of the rule amendment is to align institution eligibility with Section 1009.72(5)3., Florida Statutes, clarify student certification processes, and align institutional term type language and award amount with language in other state scholarship and grant programs. The effect reflects current statute and administrative processes.

SUMMARY: The purpose of the proposed rule is to align institutional eligibility with Florida Statutes, incorporate forms, clarify student certification, re-number section headings, and align institutional term language with other state scholarship and grant programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1009.72(1) FS.

LAW IMPLEMENTED: 1009.72, 1009.40 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.023 Jose Marti Scholarship Challenge Grant Fund.

(1) General eligibility criteria. To receive aid, a student shall meet the provisions of Sections 1009.40 and 1009.72, Florida Statutes, Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Be a person of Spanish culture who was born in, or whose natural parent was born in, either Mexico ~~or Spain~~, or a Hispanic country of the Caribbean, Central America or South America, regardless of race.

(b) Complete and submit annually, a need analysis form specified by the Department in time to be processed error-free by May 15.

(c) Have been a bona fide Florida resident for twelve (12) months prior to the first day of classes for the fall term of the academic year for which funds are being requested pursuant to Section 1009.21, Florida Statutes, and Rule 6A-20.003, F.A.C.

(d) Be a United States citizen or permanent resident pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal financial assistance.

(e) Be enrolled in a degree program in a state university or community college authorized by Florida law, or any Florida college, university, or community college which is accredited by an association whose standards are comparable to the minimum standards required to operate a postsecondary institution at that level in Florida ~~the Commission on Colleges of the Southern Association of Colleges and Schools.~~

(f) Be enrolled for a minimum of twelve (12) credits for undergraduate study, or nine (9) credits for graduate study, at the end of the regular registration period inclusive of the drop-add period for each academic term in which aid is received.

(g) Demonstrate sufficient financial need to receive a full two thousand (2,000) dollar scholarship. Student financial need is the student's cost of education less the family contribution as determined by the need analysis service.

(h) Not owe a repayment of a state or federal student grant or scholarship unless satisfactory repayment arrangements have been made.

(i) Not be in default on a state or federal student loan unless satisfactory repayment arrangements have been made.

(2) Eligibility for initial awards. To be eligible for an initial award a student must:

(a) For undergraduate study, submit Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule ~~6A-20.019, 6A-20.020~~, F.A.C., and Form CHS-1, High School Certification, which is hereby incorporated by reference and made a part of this rule to become effective with the effective date of this rule October 2002, postmarked or electronically dated by April 1 during the applicant's last year in high school. For graduate study, submit Form FFAA-1 and Form CPSI-1, Postsecondary Institution Certification, as incorporated by reference in Rule 6A-20.019, F.A.C., and ~~made a part of this rule to become effective October 2002~~, postmarked or electronically dated by April 1 immediately prior to the academic year for which funds are being requested. A copy of Form FFAA-1, Form CHS-1, and Form CPSI-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(b) For undergraduate study, have earned by the end of the seventh semester of high school, a 3.0 unweighted grade point average on a 4.0 scale for high school subjects creditable towards a diploma. For graduate study, have earned a 3.0 cumulative grade point average on a 4.0 scale for undergraduate college level course work completed by the date of application. Grades must be certified for undergraduate study by the applicant's high school or graduate study by the applicant's postsecondary institution no later than May 15. Eligibility determinations shall not be influenced, positively or negatively, by grade point averages calculated subsequent to the application period. Unweighted grade point averages shall be computed to three (3) decimals and shall not be rounded.

(c) Meet the general eligibility requirements in subsection (1) of Rule 6A-20.023, F.A.C.

(3) Eligibility for renewal awards. Eligibility for renewal of an award shall be evaluated at the end of the second semester or third quarter of each academic year. A renewal award may be made to an applicant who used one (1) or more terms of eligibility for an award during the academic year immediately preceding the academic year for which applying, and who:

(a) Meets the general eligibility requirements in subsection (1) of Rule 6A-20.023, F.A.C.

(b) Has earned, at the last institution attended, a minimum cumulative grade point average of 3.0 on a 4.0 scale.

(c) For undergraduate study, has earned during the previous summer and two (2) semesters or three (3) quarters, at least twelve (12) credit hours per term or the equivalent for the number of terms for which the award was received. For graduate study, has earned during the previous summer and two (2) semesters or three (3) quarters, at least nine (9) credit hours per term or the equivalent for the number of terms for which the award was received. An undergraduate or graduate student who does not earn the required credits shall be ineligible to continue on the program, except as provided in subsection (5) of Rule 6A-20.023, F.A.C.

(4) No change.

(5) Reinstatement. A student who met the requirements for an award but did not receive an award during the first full year of eligibility and wishes to re-establish use of the scholarship must apply for reinstatement no later than April 1. A student who applies for reinstatement must also complete a need analysis form specified by the Department in time to be processed error-free by May 15.

~~(6)(5)~~ Appeals. A student who receives state student aid and subsequently fails to meet state academic progress requirements described in paragraph (3)(d) of Rule 6A-20.023, F.A.C., or fails to apply for reinstatement, due to verifiable illness or other emergencies may be granted an exception from the academic requirements, pursuant to Section 1009.40(1)(b)4., Florida Statutes.

~~(7)(6)~~ Maximum terms of eligibility.

(a) An undergraduate student shall be eligible to receive financial aid for a maximum of one hundred ten (110) percent of the number of credit hours required to complete the program of study in which enrolled ~~eight (8) semesters or twelve (12) quarters~~, or until receipt of a first baccalaureate degree, whichever occurs first. ~~However, pursuant to Section 1009.40(3), Florida Statutes, an undergraduate student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in an approved five-year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters. An eligible five-year degree program is a program of study which requires the completion of at least one hundred thirty two (132) semester hours or one hundred ninety two (192) quarter hours for an undergraduate degree.~~ Five-year eligibility may apply to a program of study which leads to a simultaneous award of a graduate and an undergraduate degree. Additional terms of eligibility for five-year programs will be allowed based on the number of credit hours required by the institution for completion of the program of study, as follows:

Semester Hours Required	Terms of Eligibility
132-143	9
144 or more	10
Quarter Hours Required	Terms of Eligibility
192-203	13
204-215	14
216 or more	15

(b) A graduate student shall be eligible to receive financial aid for a maximum of four (4) semesters or six (6) quarters.

(c) A student who used any terms of eligibility as an undergraduate student may subsequently apply for an award for graduate study. However, such student will be considered as an initial graduate applicant for purposes of eligibility determination and award distribution.

(7) through (12) renumbered (8) through (13) No change.

Specific Authority 1001.02(1), 1009.72(1) FS. Law Implemented 1009.40, 1009.72 FS. History—New 12-28-86, Amended 5-16-90, 2-15-95, 10-15-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.027 RULE TITLE: Rosewood Family Scholarship Fund

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify the reinstatement and the need analysis form process, eliminate abbreviations, and align institutional term language and award amount with language in other state scholarship and grant programs. The effect is a rule which reflects current statute and administrative processes.

SUMMARY: The purpose of this proposed rule is to cite references to application forms, clarify the reinstatement process and incorporate citation to the application form, clarify need analysis, eliminate abbreviations, and align institutional term language with other state scholarship and grant programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1009.55(2) FS.

LAW IMPLEMENTED: 1009.402, 1009.55 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.027 Rosewood Family Scholarship Fund.

(1) General eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 1009.40 and 1009.55, Florida Statutes, and Rules 6A-20.001 and 6A-20.0371, F.A.C. and:

(a) Be a minority individual belonging to one (1) of the following race/ethnic categories: Black, ~~not of Hispanic origin~~; Hispanic; Asian or Pacific Islander; American Indian or Alaskan native.

(b) If an initial, ~~reinstatement, or restoration~~ applicant, submit a completed application to the Department, Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.019 ~~6A-20.020~~, F.A.C., by the established April 1 deadline. If a reinstatement or restoration applicant, submit a completed Form FFAA-3, Reinstatement/Restoration Application for Students and Teachers to the Department by the established April 1 deadline. Form FFAA-3 is hereby incorporated by reference in this rule to become effective with the effective date of this rule. A copy of Forms FFAA-1 and FFAA-3 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) Complete and sSubmit annually to the appropriate processor a completed need analysis document which is designed to use the need analysis methodology currently approved by the U.S. Congress:

1. A Florida resident must submit the need analysis document in time for it to be processed, error-free, by the U.S. Department of Education no later than May 15.

2. A non-Florida resident must postmark a copy of the Student Aid Report SAR received from the need analysis agency to the Department no later than May 15.

(d) Be enrolled in an undergraduate degree or certificate program at a state university, state community college, or state postsecondary vocational-technical school. A certificate-seeking student must be enrolled in a program that requires a minimum of nine hundred (900) clock hours to complete.

(e) At the end of the regular registration period, inclusive of the drop add period for each academic term for which aid is received, an eligible student shall be:

1. Enrolled for a minimum of twelve (12) credits for a degree program, or

2. Enrolled for a minimum of three hundred sixty (360) twenty-four (24) clock hours per term week for a certificate program, to include the Associate in Applied Science (A.A.S.) Degree.

(f) Not have previously received a baccalaureate degree.

(g) Not owe a repayment of a federal Title IV grant, or any state grant or scholarship unless satisfactory arrangements have been made to repay.

(h) Not be in default on any state or federal student loan program unless satisfactory arrangements have been made to repay.

(2) through (4) No change.

(5) Maximum terms of eligibility. A student will be eligible to receive an award for a maximum of one hundred ten (110) percent of the number of credit hours to complete program of study in which enrolled ~~eight (8) semesters or twelve (12) quarters~~ or until receipt of the first baccalaureate degree, whichever is less. ~~However, a student who is required to participate in college preparatory or remedial courses, who needs additional time to meet the minimum standards of the ELAST, or who is enrolled in a five (5) year undergraduate degree program may receive an award for a maximum of ten (10) semesters or fifteen (15) quarters. Five (5) year eligibility does not extend to a program of study that leads to the simultaneous award of a graduate and an undergraduate degree.~~ Additional terms of eligibility for five (5) year degree programs will be based on the number of credit hours required by the institution for completion of the program of study, as follows:

Semester Hours Required	Terms of Eligibility
132-143	9
144 or more	10
Quarter Hours Required	Terms of Eligibility
192-203	13
204-215	14
216 or more	15

(6) through (10) No change.

Specific Authority 1001.02(1), 1009.55(2) FS. Law Implemented 1009.402, 1009.55 FS. History—New 10-30-94, Amended 10-15-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-20.038 Florida Work Experience Program

PURPOSE AND EFFECT: The purpose of the rule amendment is to align the rule with statutory changes made to Section 1009.77, Florida Statutes and reflect current administrative processes which include the State Student Financial Aid Database. The effect reflects current statute and administrative processes.

SUMMARY: The purpose of this rule is to align rule with 2007 Florida Legislative Session statutory changes, align institutional term type language with other state scholarship and grant programs, and reflect current administrative processes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1001.02(1), 1009.77(7) FS.

LAW IMPLEMENTED: 1009.40, 1009.42, 1009.77 FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.038 Florida Work Experience Program.

(1) General eligibility requirements. To receive aid, a student shall meet the provisions of Sections 1009.40 and 1009.77, Florida Statutes, and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Attend an eligible institution as specified in Section 1009.77(1), Florida Statutes.

(b) Enroll as an undergraduate student or a student in an approved educator preparation institute in an eligible program of study as specified in Section 1009.77(8), Florida Statutes, for at least six (6) credit hours or one hundred eighty (180) clock hours. A student may be employed during the break between two (2) consecutive terms. ~~A student may also be employed and not enrolled during the summer term if he preregisters as no less than a half-time student for the subsequent academic term. A student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term.~~

(c) Demonstrate financial need by submitting, annually, a completed need analysis form approved by the Department to the need analysis agency.

(d) Be a Florida resident for other than educational purposes for a minimum of twelve (12) months immediately preceding the first day of classes of the first term of the academic year for which funds are being requested.

(e) Have earned a minimum institutional cumulative grade point average of 2.0 on a 4.0 scale ~~for all college work~~ if an initial or reinstatement student; have earned a minimum 2.0 cumulative grade point average for all college work as of the end of the second semester or third quarter to be eligible for renewal of the award.

(f) A renewal applicant must have earned, during the previous summer and two (2) semesters or three (3) quarters, the following number of credit hours per term for the number of terms for which the award was received:

1. Twelve (12) credit hours or three hundred sixty (360) clock hours for full-time enrollment,

2. Nine (9) credit hours or two hundred seventy (270) clock hours for three-quarter time enrollment, or

3. Six (6) credit hours or one hundred eighty (180) clock hours for half-time enrollment. A student who fails to earn the required credits as of the end of the second semester or third quarter is not eligible to renew the award for the following year.

(g) Not owe a repayment of a federal grant or a state grant or scholarship program unless satisfactory arrangements to repay have been made.

(h) Not to be in default on any federal Title IV loan program or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(2) Appeals. A student may appeal under the terms of Sections 1009.42, Florida Statutes, and Rule 6A-20.0371, F.A.C.

(3) Maximum terms of eligibility. Students shall be eligible to participate in the program for one hundred ten (110) percent of the number of credit hours or clock hours required to complete the program of study in which enrolled a maximum of eight (8) semesters or twelve (12) quarters, or the equivalent for less than full-time enrollment, or until receipt of a first baccalaureate degree, except as specified in Section 1009.77(1)(d), Florida Statutes, whichever comes first. ~~However, pursuant to Section 1009.40(3), Florida Statutes, an undergraduate student participating in college preparatory instruction, a student requiring additional time to complete the college-level communication and computation skills testing program, or a student enrolled in an approved five-year undergraduate degree program shall be eligible to receive financial aid for a maximum of ten (10) semesters or fifteen (15) quarters or the equivalent for less than full-time enrollment.~~ An eligible five (5) year degree program is one which requires completion of at least one hundred thirty two (132) semester hours or one hundred ninety two (192) quarter hours for an undergraduate degree. Five (5) year eligibility does not apply to a program which leads to the simultaneous award of a graduate and undergraduate degree.

(4) Employment requirements. Postsecondary educational institutions shall contract with public or private employers. A participating postsecondary institution cannot contract with another postsecondary educational institution. Contracts shall include as a minimum the following institutional and employer responsibilities:

(a) Institutional responsibilities are:

1. To select and refer eligible students for consideration of employment by the employer.

2. To reimburse a private employer for up to seventy (70) percent of the student's wages. If the employer is a public elementary or secondary school or the postsecondary institution, the institution shall reimburse the employer one hundred (100) percent of the student's wages. Reimbursement is limited to student wages and shall not include costs for fringe benefits, travel or other related employment costs.

3. To monitor the number of hours per week that the student works and the earnings of the student to avoid overcommitment of Florida Work Experience Program (FWEP) funds, or financial aid overawards.

4. To place the student in a job which is complementary to and reinforces the student's educational program and career goals.

5. To determine the number of hours to be worked per week; however, the student's award in combination with all other resources shall not exceed the student's net financial need. The student's earnings shall not exceed the FWEP award by more than three hundred (300) dollars per academic year.

6. To ensure that students participating in this program are not discriminated against by employers or prospective employers on the basis of race, color, national origin, sex or handicap in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility or in pay. An institution may not honor an employer's request for students who are free of handicap or for students of a particular race, color, national origin or sex.

(b) Employer's responsibilities are:

1. To place the student on the employer's payroll and provide compensation to the student at least once per month. Such compensation shall be in an amount no less than the federal minimum hourly wage or the state minimum hourly wage, whichever is greater.

2. To be responsible for the total cost of mandatory benefits, including Social Security.

3. To provide the institution with a copy of a work agreement signed by the student and the employer which documents the duties of the job, the number of hours the student is to be employed, and the hourly rate of pay.

4. To develop and implement with the institution a program of supervision for each student which is consistent with the duties of the job and educational objectives of the student.

5. To certify that the work performed by the students employed does not displace regular employees.

6. To maintain time sheets for each student employed and provide copies to the institution when requesting reimbursement.

7. To regularly request reimbursement from the institution.

8. To provide an assurance that students will be accepted and assigned to jobs and otherwise treated without regard to race, color, national origin, sex or handicap if the employer enters into a written agreement with the institution.

(5) Other institutional responsibilities. A participating postsecondary institution shall:

(a) Determine student need in the same manner as it determines need for other need-based programs; however, earnings shall not be used to replace the family contribution.

(b) Count earnings for periods of employment during which students are not enrolled in the same manner as required by the federal Title IV College Work Study Program.

(6) On-campus student employment. Institutions may use up to one hundred (100) twenty-five (25) percent of their total FWEP allocations for student employment within the institution. The institution shall be reimbursed for one hundred

(100) seventy (70) percent of student wages. Funds from other student financial aid sources shall not be used to provide the institution's thirty (30) percent portion of mandatory benefits the students' wages.

(7) Other reimbursable costs. Institutions may use up to ten (10) percent of their total FWEP allocations to meet the costs of program administration at the institution. Such costs may include, but are not limited to salaries, office supplies, printing and program advertising.

(8) Allocations. The Department shall allocate funds annually to be used by institutions during the July 1 through June 30 state fiscal year. To be eligible for funds, institutions must certify to the Department via the State Student Financial Aid Database complete and submit by the deadlines established by the Department by June 30, Form FWEP-1, Florida Work Experience Program Allocation Institutional Request for Funds Due by June 30; FWEP-2, Florida Work Experience Program Annual Financial Summary Year-End Student Data Report due by July 30; and Form FWEP-3, Disbursement Eligibility Report, due within thirty (30) days after the end of each term. These forms as incorporated by reference to become effective with the effective date of this rule can be obtained via the State Student Financial Aid Database at www.FloridaStudentFinancialAid.org which are hereby incorporated by reference and made a part of this rule to become effective April 1993. Copies of forms FWEP-1, FWEP-2, and FWEP-3 may be obtained from the Office of Student Financial Assistance, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Allocations will be made by the Department as follows:

(a) Each institution will receive a base allocation equal to the lesser of its reported expenditures for the prior fiscal year or the amount of its request unless a newly participating institution whose baseline will be an amount determined by the Department. When funds are insufficient to make such allocations, each institution will receive a proportional allocation of available funds based on the current year appropriation ratio of each institution's prior year expenditures to the total funds needed to meet the base allocation prior year expenditures of all institutions.

~~(b) The Department may designate any unused portion of an institution's prior year allocation for use toward the institution's current year allocation, or may use such a balance to increase the institution's current year allocation.~~

~~(b)(e)~~ From current year funds that ~~remain available or that~~ become available during the fiscal year, the Department will make allocations to newly participating institutions, and may increase allocations to institutions ~~that participated during the previous year~~ based on the institutions' original requests, written supplemental requests or as determined by the Department based on other institutional needs.

~~(c)(d)~~ The Department will provide for the delivery of funds to students each academic term by transmitting the funds to the institution for distribution to students ~~shall disburse the institutional allocation in equal portions in September and December. The Department may make preliminary allocations and disbursements in July to institutions that participated in the FWEP during the previous fiscal year.~~

~~(d)(e)~~ Any unused portion of an institution's ~~previous year~~ allocation shall be refunded to the Department no later than June 1 of each year within sixty (60) days of the end of the fiscal year ~~except as described under paragraph (9)(c) of this rule.~~

(9) Use of FWEP funds. Funds provided under this program shall not be used to replace institutional funds which would otherwise be used to support such student employment.

Specific Authority 1001.02(1), 1009.77(7) FS. Law Implemented 1009.40, 1009.42, 1009.77 FS. History--New 7-1-93, Amended 10-15-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs, Office of Student Financial Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-4.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The St. Johns River Water Management District proposes to amend the drainage basin and regional watershed figures and tables which are part of the Applicant's Handbook: Management and Storage of Surface Waters and are relevant to the review of applications for environmental resource permits (ERP) and mitigation bank permit applications. The District proposes to amend Figure 12.2.8-1 entitled "St. Johns River Water Management District Drainage Basins" and the figure in Appendix M entitled "St.

Johns River Water Management District Regional Watersheds for Mitigation Banking." The drainage basins on Figure 12.2.8-1 define the geographical scope of the evaluation of whether a regulated activity will cause unacceptable cumulative impacts upon wetlands and other surface waters. The regional watersheds in Appendix M are used in the analysis of ecological benefits of proposed mitigation banks, are considered in the establishment of mitigation bank service areas, and are used as part of the determination of the number of mitigation credits needed to offset a given wetland impact. Specifically, the District proposes to amend drainage basin boundaries in Figure 12.2.8-1 and regional watershed boundaries in Appendix M in the following six areas: (1) basin/watershed 1 (Upper St. Marys River), basin/watershed 3 (Nassau River), and basin/watershed 4 (Northern St. Johns River and Northern Coastal); (2) basin/watershed 4 (Northern St. Johns River and Northern Coastal), basin/watershed 5 (Sixmile and Julington Creeks Nested), and basin/watershed 6 (Tolomato River and Intracoastal Nested); (3) basin/watershed 4 (Northern St. Johns River and Northern Coastal), basin/watershed 5 (Sixmile and Julington Creeks Nested), basin/watershed 7 (Western Etoniah Lakes), basin/watershed 8 (St. Johns River – Welaka to Bayard), and basin/watershed 9 (Pellicer Creek and Matanzas River); (4) basin/watershed 9 (Pellicer Creek and Matanzas River), basin/watershed 16 (Crescent Lake), and basin/watershed 17 (Halifax River); (5) basin/watershed 18 (St. Johns River – Canaveral Marshes to Wekiva), basin/watershed 20 (Southern St. Johns River), and basin/watershed 21 (Northern Indian River Lagoon); and (6) basin/watershed 20 (Southern St. Johns River), basin/watershed 21 (Northern Indian River Lagoon), and basin/watershed 22 (Central Indian River Lagoon).

SUMMARY: The proposed rules amend the drainage basin and regional watershed figures (Figure 12.2.8-1 and figure in Appendix M) in the Applicant's Handbook: Management and Storage of Surface Waters.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.414, 373.4136 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4136, 373.414(8), 373.416, 373.426 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: September 9, 2008, following the regularly scheduled Regulatory/Governing Board Meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Governing Board Room, 4049 Reid Street, Palatka, Florida 32177

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: Sandy Bertran, Asst. District Clerk, (386)329-4127. 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River

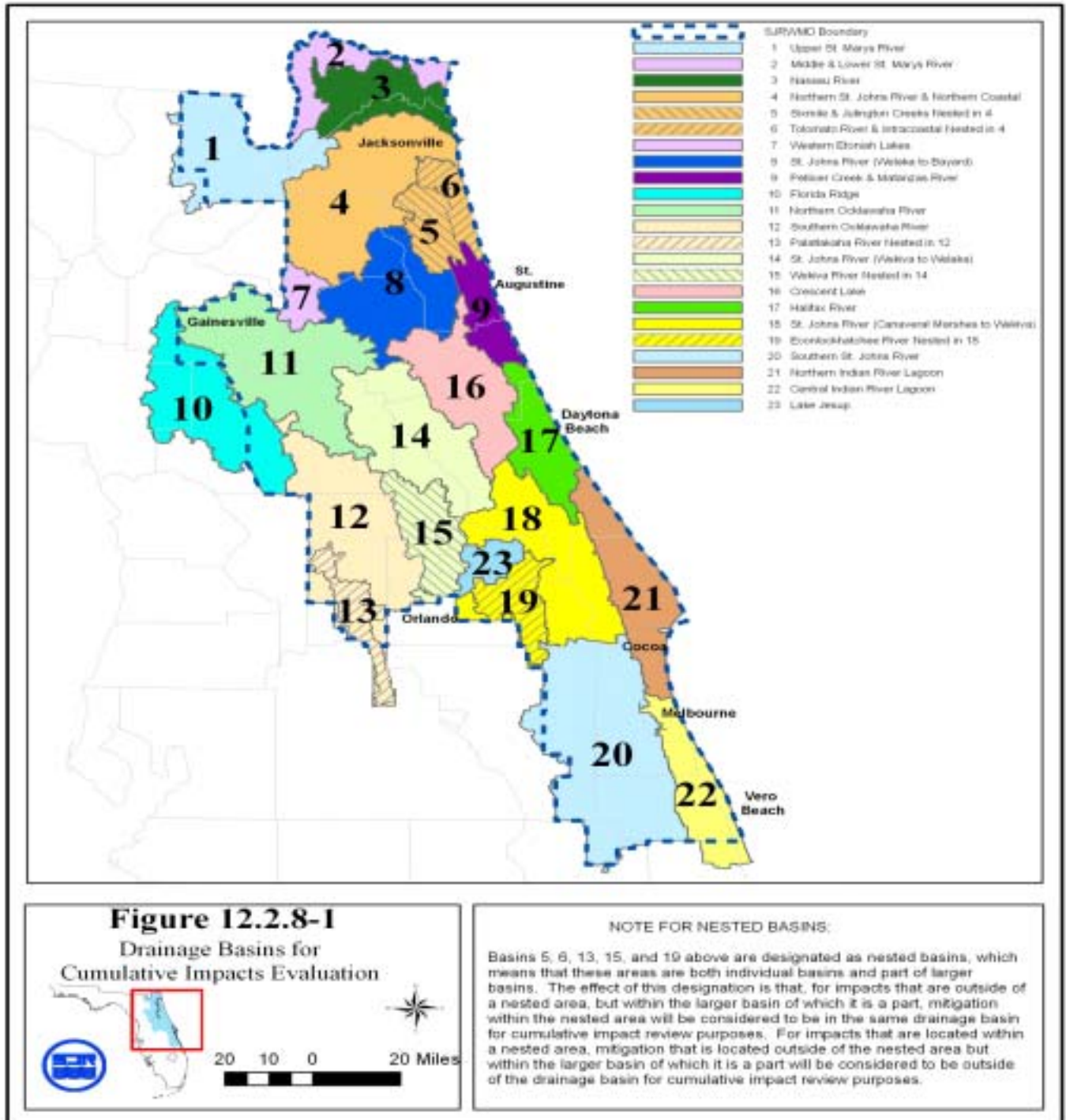
Hydrologic Basin," "Legal Description of the Wekiva Recharge Protection Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective July 1, 2007.

(b) through (c) No change.

(2) No change.

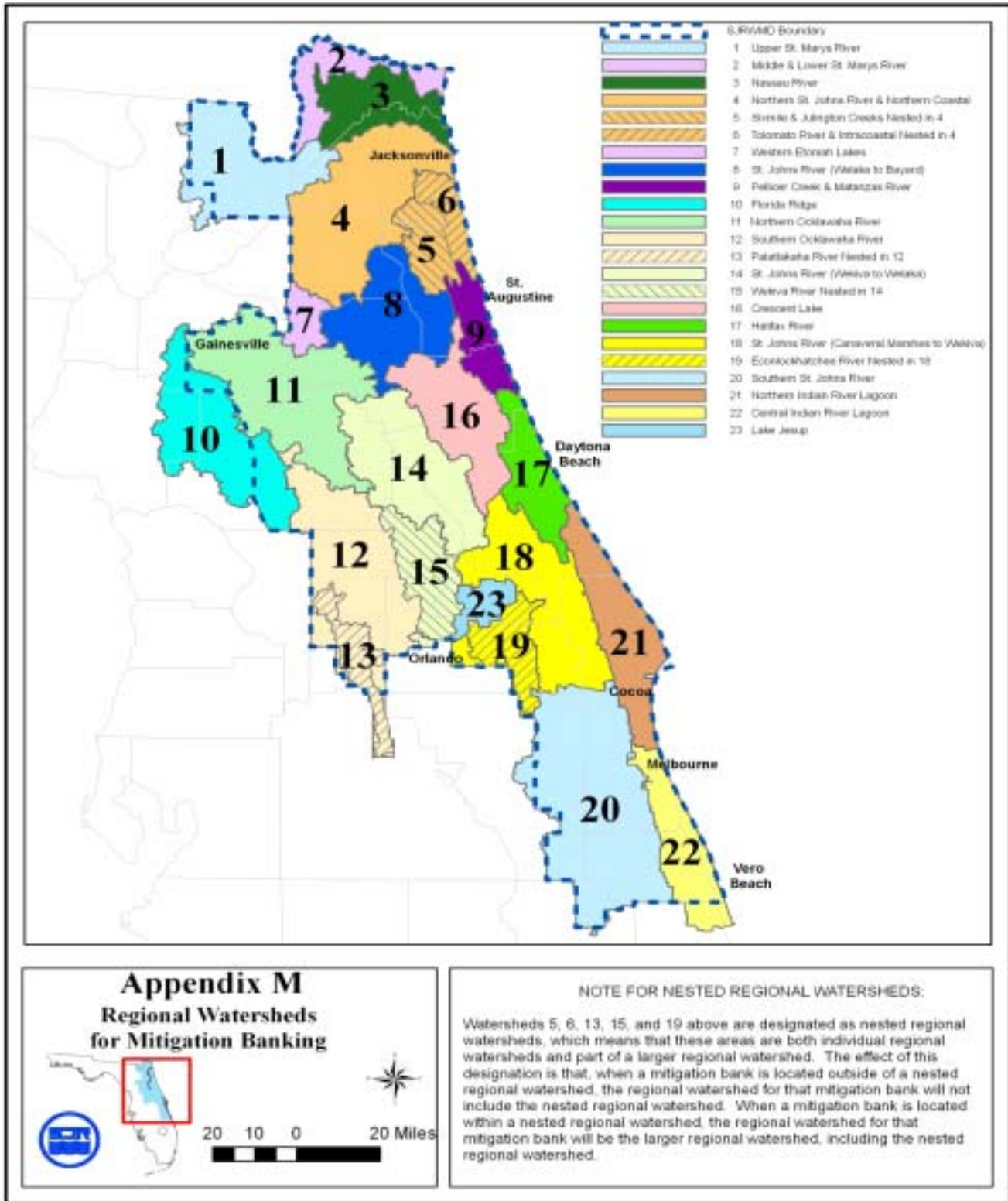
Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, .

APPLICANT’S HANDBOOK SECTION:
 (Substantial rewording and revisions to Figure 12.2.8-1)



Revised (effective date)

(Substantial rewording and revisions to Appendix M)



Revised (effective date)

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Thomas I. Mayton, Sr. Assistant General Counsel, Office of
 General Counsel, St. Johns River Water Management District,
 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Governing Board of the St. Johns River
 water Management District

DATE PROPOSED RULE APPROVED BY THE AGENCY
 HEAD: July 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 18, 2008

If a person decides to appeal any decision with respect to any
 matter considered at the above listed public hearing, such
 person may need to ensure that a verbatim record of the
 proceeding is made to include testimony and evidence upon
 which the appeal is to be based.

Anyone requiring special accommodations to participate in this
 meeting is requested to advise the District at least 5 work days
 before the meeting by contacting Sandy Bertram, Assistant
 District Clerk at (386)329-4127 or (386)329-4450 (TDD).

REGIONAL UTILITY AUTHORITIES

Withlacoochee Regional Water Supply Authority

RULE NO.: RULE TITLE:
 49C-1.013 Budget and Finance

PURPOSE AND EFFECT: The purpose of the proposed rule
 development is to establish by codification a more economical
 method for a delinquent member government to reinstate its
 voting privileges on the Board of Directors.

SUMMARY: This proposed rule will codify an additional
 method by which the governing Board may reinstate the voting
 privileges of a delinquent member government on the Board of
 Directors of the Authority.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COSTS: No Statement of Estimated
 Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 163.01, 373.1962 FS.

LAW IMPLEMENTED: 163.01, 373.1962 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Jack E. Sullivan, Executive Director,
 Withlacoochee Regional Water Supply Authority, 1107
 Shalimar Dr., Tallahassee, FL 32312, (850)385-0200

THE FULL TEXT OF THE PROPOSED RULE IS:

49C-1.013 Budget and Finance.

(1) through (6) No change.

(7) Should the delinquent member government(s) desire to
 reinstate voting privileges on the Board of Directors, all
 delinquent dues and all dues levied by the Authority and duly
 approved by the member governments during the period of
 non-participation by the large city or county, shall be paid in
 full before the delinquent member government is allowed to be
 reinstated as a voting member of the Board of Directors and all
 other privileges are reinstated. In lieu of paying the delinquent
 dues as set forth above, the Board of Directors may waive the
 payment of delinquent dues, but require instead that the
 delinquent member government pay the costs of bringing its
 portion of the Authority's Master Plan up to date as it relates to
 the delinquent member's geographic area and such other
 expenses necessary for said member to be a functional member
 of the Authority; provided, however, such expenses shall not
 exceed what the delinquent member would have otherwise
 paid in dues should the member have never become
 delinquent.

Specific Authority 163.01, 373.1962 FS. Law Implemented 163.01,
 373.1962 FS. History--New 6-11-78, Amended 8-21-85, Formerly
 160-1.13, Amended 7-21-92, 6-7-93, Formerly 160-1.013,
 Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jack E. Sullivan, Executive Director, Withlacoochee Regional
 Water Supply Authority, 1107 Shalimar Dr., Tallahassee, FL
 32312, (850)385-0200

NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Board of Directors of the Withlacoochee
 Regional Water Supply Authority

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 13, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-4.250 Prescribed Drug Services

PURPOSE AND EFFECT: The purpose of this rule
 amendment is to incorporate by reference the Florida Medicaid
 Prescribed Drug Services Coverage, Limitations and
 Reimbursement Handbook update May 2008. The effect is to
 update handbook requirements for reimbursement for
 prescribed drugs.

SUMMARY: The purpose of this rule amendment is to
 incorporate by reference the Florida Medicaid Prescribed Drug
 Services Coverage, Limitations and Reimbursement
 Handbook, updated May 2008. The handbook updates the
 requirements for reimbursement for prescribed drugs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule update will not affect existing 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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908, 409.912 FS.

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

DATE AND TIME: Thursday, August 14, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marie Donnelly, Agency for Health Care Administration, (850)487-4441

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.250 Prescribed Drug Services.

(1) This rule applies to all prescribed drug services providers enrolled in the Medicaid program.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations, and Reimbursement Handbook, May 2008, which is incorporated by reference, and available from the Medicaid fiscal agent’s website at www.mymedicaid-florida.com.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 1-29-01, 4-24-01, 10-6-02, 12-7-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marie Donnelly, Gov. Analyst II, Agency for Health Care Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Anne Wells, Chief, Bureau of Pharmacy Services, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers’ Board

RULE NO.: 61G3-16.010 **RULE TITLE:** Supervised Practice Exception

PURPOSE AND EFFECT: The proposed rule amendment sets forth the time limit in which an applicant must discontinue practicing once he/she has taken the examination.

SUMMARY: The proposed rule amendment sets forth the time limit in which an applicant must discontinue practicing once he/she has taken the examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 455.217, 476.064(4), 476.124, 476.144(7), 475.184(2), (10) FS.

LAW IMPLEMENTED: 455.217, 476.144(7), 475.184(2), (10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Barbers’ Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT FOR THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G3-16.010 follows. See Florida Administrative Code for present text).

61G3-16.010 Supervised Practice Exception.

(1) Following the completion of both the written and practical portions of the first licensing examination by an applicant for licensure as a barber by examination who has completed the barber training required by Chapter 476, F.S. and Rule 61G3-16.001, F.A.C., the applicant is eligible to practice as a barber and perform barbering services temporarily in a current, actively licensed barbershop under the following conditions:

(a) In the event an applicant obtains passing scores on the first attempt of both the written and practical portions of the examination, the applicant shall be eligible, prior to having the application acted on by the Board, to practice in a licensed barbershop, provided that the applicant post the examination results for both portions of the examination at the work station with a recent photograph affixed thereto.

(b) In the event that the applicant fails to obtain a passing score on either or both of the written or practical portion of the examination on the first attempt, the applicant shall not be eligible to practice under this rule until the applicant:

1. Applies to the Department for authorization to retake the failed portion(s) of the examination; and

2. Presents the holder of the license for the barbershop a copy of both the reexamination application and the examination scheduling authorization letter from the department or the testing vendor.

3. Upon completion of these conditions, the applicant is eligible to practice in a licensed barbershop subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results for both portions of the examination at the work station with a recent photograph affixed thereto. The applicant must discontinue practicing when 180 days have passed from the date the written or practical portion of the first examination was taken, whichever portion was taken earlier, if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the department or testing vendor.

(c) All barbering services performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(2) In the event an applicant, who previously failed either or both portions of the examination on the first attempt, fails to obtain a passing score on either or both portions of the second licensure examination, the applicant is no longer eligible to practice as a barber under this exception and must immediately discontinue practicing barbering services until the applicant has been issued a license to practice by the Department.

Specific Authority 455.217, 476.064(4), 476.124, 476.144(7), 476.184(2), (10) FS. Law Implemented 455.217, 476.144(7), 476.184(2), (10) FS. History—New 12-9-98, Amended 11-12-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

DEPARTMENT OF STATE

RULE NO.: 1-2.0031
RULE TITLE: Public Records Requests: Special Service Charge

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 27, July 3, 2008 issue of the Florida Administrative Weekly. The name of person originating proposed rule was incorrectly published as Lynn Hearn. The correct name is Kurt S. Browning, Secretary of State.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-3.0038
RULE TITLE: Quarantine Action

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. 34, No. 9, February 29, 2008 issue of the Florida Administrative Weekly.

(1) Plant pests not known to occur in the state of Florida. Proof of origin in the form of a certificate of origin or a legible way-bill that identifies the number and type of commodity and point of origin of the plant or plant product and a document showing compliance with a cooperative arrangement or a legible certificate of inspection, indicating pest freedom and compliance with applicable Florida entry requirements as established by law, rule, or order, shall accompany or be applied to each box, bundle or other container entering the state Florida. Plants and plant products which are not accompanied by proof of origin and a certificate of inspection documentation issued by a recognized state or country plant protection governmental agency indicating compliance with Florida regulations ~~Plants and plant products which do not meet Florida regulations~~ or are found to be infested or infected with, or exposed to a plant pest not known to be established in the state shall be subject to being refused entry, returned to the