

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE NO.: 9N-4.002
 RULE TITLE: Florida Accessibility Code for Building Construction

PURPOSE AND EFFECT: To update the Florida Accessibility Code for Building Construction to reflect the newly adopted 2010 accessibility design standards adopted by the U.S. Department of Justice.

SUBJECT AREA TO BE ADDRESSED: The Florida Accessibility Code for Building Construction.

RULEMAKING AUTHORITY: 553.503 FS.

LAW IMPLEMENTED: 553.503 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 7, 2011, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Hilton Hotel, 1714 S.W. 34th Street, Gainesville, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Rick Dixon, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2278. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Dixon, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2278

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.: 15C-18.004
 RULE TITLES: EFS Agent Participation Requirements
 15C-18.006
 Electronic Filing System Requirements; Disclosure to Customer

PURPOSE AND EFFECT: The proposed rule amendment corrects form number and revises form HSMV 82083 to provide for tax collector signature in lieu of supplying copies of agreements between counties.

SUBJECT AREA TO BE ADDRESSED: The Application to Become an Authorized Electronic Filing System Agent, which allows EFS agents to process motor vehicle titles and registrations using the Department’s electronic filing system.

RULEMAKING AUTHORITY: 320.03(10) FS.

LAW IMPLEMENTED: 320.03(10) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 6, 2011, 10:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Tallahassee, Florida 32399

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: Selma Sauls, Government Operations Consultant I, Bureau of Issuance Oversight, 2900 Apalachee Parkway, Tallahassee, Florida 32399, selmasauls@flhsmv.gov (850)617-3001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Selma Sauls, Government Operations Consultant I, Bureau of Issuance Oversight, 2900 Apalachee Parkway, Tallahassee, Florida 32399, selmasauls@flhsmv.gov (850)617-3001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15C-18.004 EFS Agent Participation Requirements.

(1) through (1)(c) No change.

(d) Apply to the Department on Form HSMV 82083 (Rev. ___), Application to Become an Authorized Electronic Filing System Agent/Change of Certified Service Provider, which is incorporated herein by reference and available via the Department website www.flhsmv.gov/html/forms.html.

(e) through (3) No change.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History–New 12-14-10, Amended.

15C-18.006 Electronic Filing System Requirements; Disclosure to Customer.

(1) through (3) No change.

(4) An EFS agent that desires to change its Certified Service Provider shall submit the request to the Department on Form HSMV 82083, which is incorporated ~~herein~~ by reference in paragraph 15C-18.004(1)(d), F.A.C.

(5) No change.

Rulemaking Authority 320.03(10)(~~a~~) FS. Law Implemented 320.03(10)(~~a~~), (~~b~~) FS. History—New 12-14-10, Amended.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: RULE TITLES:
 40D-9.290 Other Uses; Use of Alcoholic Beverages on District Lands Prohibited

40D-9.320 Conflicting Rules

PURPOSE AND EFFECT: The proposed rule amendment to Rule 40D-9.290, F.A.C., will allow for the sale and consumption of alcoholic beverages on Southwest Florida Water Management District (District) lands that are cooperatively managed by other agencies or local governments when certain specified conditions are met. The proposed amendments to Rule 40D-9.320, F.A.C., will clarify that the District’s land use rules apply on cooperatively managed District land unless specifically addressed in the cooperative land management agreement between the District and the managing agency or local government.

SUBJECT AREA TO BE ADDRESSED: Southwest Florida Water Management District Land Use.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.1391, 373.59 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela Gifford, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4156 (OGC#2011003)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
 62-302.200 Definitions
 62-302.300 Findings, Intent, and Antidegradation Policy for Surface Water Quality

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters
 62-302.500 Surface Waters: Minimum Criteria, General Criteria
 62-302.520 Thermal Surface Water Criteria
 62-302.530 Table: Surface Water Quality Criteria
 62-302.540 Water Quality Standards for Phosphorus Within the Everglades Protection Area
 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters
 62-302.800 Site Specific Alternative Criteria

PURPOSE AND EFFECT: The Department is holding two workshops for the purpose of exploring options with the public on Florida nutrient standards and other relevant provisions of water quality standards. These workshops will be used to discuss concepts and gain public input on ideas for a State rule. The information gained at the workshops will be used as part of the traditional State process of collaborative rulemaking. Note that the Department previously opened up Chapter 62-302, F.A.C., for the establishment of nutrient standards, but then suspended that rulemaking. This was originally noticed in the January 30, 2009 issue of the Florida Administrative Weekly, Vol. 35, No. 4, pp. 411-412.

SUBJECT AREA TO BE ADDRESSED: Nutrient and other surface water quality standards.

RULEMAKING AUTHORITY: 373.043, 373.4592, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.414, 373.4592, 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708, 403.802 FS.

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

DATE AND TIME: Tuesday, June 14, 2011, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

DATE AND TIME: Thursday, June 16, 2011, 9:00 a.m.

PLACE: City of Leesburg Community Center, 109 E. Dixie Avenue, Leesburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Shaw, Standards and Assessments Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400, telephone (850)245-8429, email Eric.Shaw@dep.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-303.100	Scope and Intent
62-303.150	Relationship Between Planning and Verified Lists
62-303.200	Definitions
62-303.300	Methodology to Develop the Planning List
62-303.310	Evaluation of Aquatic Life Use Support
62-303.320	Exceedances of Aquatic Life-Based Water Quality Criteria
62-303.330	Biological Assessment
62-303.350	Interpretation of Narrative Nutrient Criteria
62-303.351	Nutrients in Streams
62-303.352	Nutrients in Lakes
62-303.353	Nutrients in Estuaries and Open Coastal Waters
62-303.360	Primary Contact and Recreation Use Support
62-303.370	Fish and Shellfish Consumption Use Support
62-303.380	Drinking Water Use Support and Protection of Human Health
62-303.400	Methodology to Develop the Verified List
62-303.410	Determination of Aquatic Life Use Support
62-303.420	Aquatic Life-Based Water Quality Criteria Assessment
62-303.430	Biological Impairment
62-303.450	Interpretation of Narrative Nutrient Criteria
62-303.460	Primary Contact and Recreation Use Support
62-303.470	Fish and Shellfish Consumption Use Support
62-303.480	Drinking Water Use Support and Protection of Human Health
62-303.500	Prioritization
62-303.600	Evaluation of Pollution Control Mechanisms

62-303.700	Listing Cycle
62-303.710	Format of Verified List and Verified List Approval
62-303.720	Delisting Procedure
62-303.810	Impairment of Interstate and Tribal Waters

PURPOSE AND EFFECT: The Department is holding two workshops for the purpose of exploring options with the public on Florida assessment procedures to implement nutrient standards and other relevant provisions of water quality standards. These workshops will be used to discuss concepts and gain public input on ideas for a State rule. The information gained at the workshops will be used as part of the traditional State process of collaborative rulemaking. Note that the Department previously opened up Chapter 62-303, F.A.C., for the establishment of nutrient standards, but then suspended that rulemaking. This was originally noticed in the January 30, 2009 issue of the Florida Administrative Weekly, Vol. 35, No. 4, pp. 412-413.

SUBJECT AREA TO BE ADDRESSED: Assessment methods for nutrient and other surface water quality standards.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.021(11), 403.062, 403.067 FS.

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

DATE AND TIME: Tuesday, June 14, 2011, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

DATE AND TIME: Thursday, June 16, 2011, 9:00 a.m.

PLACE: City of Leesburg Community Center, 109 E. Dixie Avenue, Leesburg, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Shaw, Standards and Assessments Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, FL 32399-2400, telephone (850)245-8429, email Eric.Shaw@dep.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.011 RULE TITLE: Non-Binding Interpretations of the Florida Fire Prevention Code

PURPOSE AND EFFECT: To comport with Section 50, 2010-176, Laws of Florida, amending Section 633.026, Florida Statutes, by directing the Division of State Fire Marshal to adopt a petition form by rule.

SUBJECT AREA TO BE ADDRESSED: Petition Form to request a non-binding interpretation of the Florida Fire Prevention Code.

RULEMAKING AUTHORITY: 633.01, 633.026 FS.

LAW IMPLEMENTED: 633.026 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, June 6, 2011, 1:00 p.m.

PLACE: Ayers Medical Plaza, University of Florida Survey Research Center, Suite 156, 720 N.E. 2nd Street, Gainesville, Florida 32601

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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, Phone: (850)413-3171; Fax: (850)414-6119. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, Phone: (850)413-3171; Fax: (850)414-6119

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-18.002 RULE TITLE: Funeral Director Intern Training Program

PURPOSE AND EFFECT: This rulemaking action implements changes to Chapter 497, Florida Statutes, as enacted by the Florida legislature in Chapter 2010-125, Laws of Florida. The rule specifies procedures and forms to be used in regard to applications for funeral director internship under Chapter 497, F.S. The rule provides procedures and requirements to be observed in the conduct of funeral director internships. This

proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on 12-2-2011.

SUBJECT AREA TO BE ADDRESSED: Procedures and forms to be used in regard to applications for funeral director internship license under Chapter 497, Florida Statutes, procedures and requirements to be observed in the conduct of funeral director internships.

RULEMAKING AUTHORITY: 497.103(5)(a), 497.103(1)(a), 497.103(1)(g), 497.141(12)(g), 497.141(4), 497.375 FS.

LAW IMPLEMENTED: 497.375, 497.373 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 8, 2011, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-parker, (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-100.027 RULE TITLE: Application for Funeral Director License

PURPOSE AND EFFECT: This rulemaking action implements changes to Section 497.373, Florida Statutes, as enacted by the Florida legislature in Chapter 2010-125, Laws of Florida. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on 12-2-2010.

SUBJECT AREA TO BE ADDRESSED: This rule provides procedures and criteria applicable to applicants for funeral director license under Chapter 497, Florida Statutes.

RULEMAKING AUTHORITY: 497.103(5)(a), 497.103(1)(a), 497.141(12)(g), 497.141(4), 497.373 FS.

LAW IMPLEMENTED: 497.373 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 8, 2011, 11:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-parker, (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-100.035	Courses of Study: Criteria; Procedures for College or University to Obtain Approval

PURPOSE AND EFFECT: This rulemaking action implements changes to Chapter 497, Florida Statutes, enacted by the Florida legislature in Chapter 2010-125, Laws of Florida, that are intended to reduce the cost and make it easier to obtain a funeral director-only license. The proposed rule specifies criteria that will be used by the licensing authority to approving or disapproves courses of study in funeral service arts and mortuary science offered in satisfaction of licensure requirements, and provides procedures and a form by which schools may apply and obtain approval of the course of study they desire to offer.

SUBJECT AREA TO BE ADDRESSED: Criteria that will be used under Chapter 497, F.S., for approving or disapproving courses of study in funeral service arts and mortuary science offered in satisfaction of licensure requirements; procedures and a form by which schools may apply and obtain approval of the course of study they desire to offer. The rule that is the subject of this notice has been approved by the Board of Funeral, Cemetery, and Consumer Services.

RULEMAKING AUTHORITY: 497.103(5)(a), 497.103(1)(a), 497.141(4), 497.141(12)(g), 497.375(2), 497370(3) FS.

LAW IMPLEMENTED: 497.373(1)(d)2., 497.375(1)(b)2.b., 497.368(1)(d), 497.370(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 8, 2011, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: LaTonya Bryant-parker, (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-100.037	Educational Requirements for Funeral Director Licensure

PURPOSE AND EFFECT: This rulemaking action implements changes to Sections 497.373 and 497.374, F.S., Florida Statutes, as enacted by the Florida legislature in Chapter 2010-125, Laws of Florida. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on 12-2-2010.

SUBJECT AREA TO BE ADDRESSED: This rule implements and specifies the educational requirements approved by the Board for licensure as a funeral director under Sections 497.373 and 497.374, F.S.

RULEMAKING AUTHORITY: 497.103(5)(a), 497.103(1)(a), 497.141(12)(g), 497.141(4), 497.373(1)(d) FS.

LAW IMPLEMENTED: 497.373, 497.374 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 8, 2011, 10:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: LaTonya Bryant-parker, (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.0902	Requirements for Identification, Eligibility, and Programmatic Assessments of English Language Learners
6A-6.09021	Annual English Language Proficiency Assessment for English Language Learners
6A-6.09022	Extension of Services in English for Speakers of Other Languages (ESOL) Program

6A-6.0903 Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners

6A-6.09031 Post Reclassification of English Language Learners

PURPOSE AND EFFECT: The purpose of the rulemaking is to update and provide greater clarity by disaggregating Rules 6A-6.0902 and 6A-6.0903, F.A.C., into five separate rules regarding the requirements of: identification and placement of an English Language Learner (ELL), exit criteria of an ELL, the provisions of the annual English language proficiency assessment, requirements of extension of services, and post reclassification of an ELL. In addition, initial assessment of English language proficiency in Reading and Writing is shortened to ensure that students are placed in appropriate classes as soon as possible. The role of parental preference in identifying, assessing, and exiting ELLs is clarified, and the right of parents to have a student removed from a language instruction education program is expressly specified. The procedure for extension of English for Speakers of Other Languages (ESOL) services beyond three years is clarified to ensure that timely data is considered and that the basis for extension or exit is documented. The standards for exiting an ELL from the ESOL program are modified to provide uniform and accurate measures of English language proficiency, in accordance with state and federal law.

SUMMARY: Revisions to existing Rule 6A-6.0902, F.A.C., include the following: Revisions relating to identification of ELLs are revised to clarify that the home language survey is to be completed during registration, rather than upon enrollment; the time period for completing an initial assessment of English language proficiency in Reading and Writing is shortened, and related processes contained in the rule are revised accordingly; the authority of the district to assess kindergarten students' English language proficiency during kindergarten roundup is specified; the right of parents to have a student removed from a language instruction education program is clarified; one factor for consideration by an ELL Committee in its determination of whether a student is English language proficient is removed as extraneous; documentation requirements for ELL Committees are specified; provisions relating to the annual assessment of English language proficiency are moved to newly created Rule 6A-6.09021, F.A.C., and the requirements relating to assessing former ELLs are clarified; and provisions relating to extension of ESOL services are moved to newly created Rule 6A-6.09022, F.A.C., and the timing and requirements for extension of services beyond three years are clarified.

Revisions to existing Rule 6A-6.0903, F.A.C., include the following: the standards for exit from the ESOL program are modified; and provisions relating to post-reclassification of ELLs are moved to a newly created Rule 6A-6.09031, F.A.C.