

~~(7)~~(6) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Crosley, Assistant Executive Director
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Roach, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011, Vol. 37, No. 42

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09422 RULE TITLE: Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements

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. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly.

Subsections (6) and (8) of Rule 6A-1.09422 are amended to read:

(6) Examinee scores on the FCAT 2.0 Reading and Mathematics shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered during the 2010-2011 school year. Examinee scores on the FCAT 2.0 Science shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered during the 2011-2012 school year. Examinee scores on EOC assessments shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered as follows: Algebra 1 EOC Assessment (2010-2011), Geometry EOC Assessment (2011-2012), Biology 1 EOC Assessment (2011-2012), United States History EOC Assessment (2012-2013), and Civics EOC Assessment (2013-2014). Achievement levels range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on the assessment. Scoring at or above achievement level ~~4~~ 3 on a Florida EOC Assessment indicates that a student is high achieving and has the potential to meet college-readiness standards by the time the student graduates from high school.

(a) The achievement levels for the FCAT 2.0 Reading and Mathematics shall be as shown in the following tables.

FCAT 2.0 Reading developmental scale scores (140 to 302) for each achievement level:					
Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	140-181	182-197	198-209	210-226	227-260
4	154-191	192-207	208-220	221-237	238-269
5	161-199	200-215	216-229	230-245	246-277
6	167-206	207-221	222-236	237-251	252-283
7	171-212	213-227	228-242	243-257	258-289
8	<u>175-217</u>	<u>218-234</u>	<u>235-248</u>	<u>249-263</u>	<u>264-296</u>
9	<u>178-221</u>	<u>222-239</u>	<u>240-252</u>	<u>253-267</u>	<u>268-302</u>
10	<u>188-227</u>	<u>228-244</u>	<u>245-255</u>	<u>256-270</u>	<u>271-302</u>

FCAT 2.0 Mathematics developmental scale scores (140 to 298) for each achievement level:					
Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	140-182	183-197	198-213	214-228	229-260
4	155-196	197-209	210-223	224-239	240-271
5	163-204	205-219	220-233	234-246	247-279
6	170-212	213-226	227-239	240-252	253-284
7	179-219	220-233	234-247	248-260	261-292
8	187-228	229-240	241-255	256-267	268-298

(b) The achievement levels for the Algebra 1 EOC Assessment shall be as shown in the following table.

Algebra 1 EOC Assessment scale scores (325 to 475) for each achievement level:

Level 1	Level 2	Level 3	Level 4	Level 5
325-374	375-398	399-424	425-436	437-475

(8) For students who entered grade nine during the 2000-2001 school year through the 2009-2010 school year, the passing score for the required reading and mathematics assessments shall be a score equal to or greater than 300 on the 100 to 500 scale, and 1926 for the reading assessment and 1889 for the mathematics assessment on the developmental scale, unless the student had previously qualified for the

passing scores required for the 2002-2003 graduating class. Since a level 3 score is a satisfactory performance level pursuant to Section 1008.22(3)(c)5., F.S., a level 3 score that is a graduation requirement indicates that the student is on a pathway to college and career readiness. For students entering grade nine during the 2010-2011 school year and beyond, the passing score for all assessments required for high school graduation or for course credit shall be the minimum scale score in achievement level 3.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.0315
 RULE TITLE: College Preparatory Testing, Placement, and Instruction

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. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly.

Subsections (1) through (4) of Rule 6A-10.0315 are amended to read:

(1) For admissions, first-time-in-college degree seeking students and students who have not met college level competency either through the completion of developmental education requirements in the Florida College System or have not been awarded credit for college level coursework in the area of deficiency shall be tested for reading, writing, and mathematics proficiency prior to the completion of initial registration, using the Florida Postsecondary Education Readiness Test. “Developmental education requirements” are the courses required when a student does not meet the college ready cut score. It is also referred to as remediation or preparatory instruction. Students earning scores less than those listed below shall enroll in college preparatory communication and computation instruction in the area of the deficiency:

Standard Score

- (a) Reading 104
- (b) Writing 99
- (c) Mathematics 113

(2)(a) Students who achieve college ready scores on either the College Board’s Accuplacer or SAT-I or the American College Testing Program’s Enhanced ACT test that meet or exceed the scores shown below, and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the Florida Postsecondary Education Readiness Test: ~~The following scores meet college level competency:~~

Accuplacer, The College Board	
Reading Comprehension	83
Writing Skills	83
Elementary Algebra	72

SAT-I, The College Board	
Verbal	440
Mathematics	440
Enhanced ACT, American College Testing Program	
Reading	18
English	17
Mathematics	19

(b) A score of 262 on Grade 10 Florida Comprehensive Assessment Test 2.0 (FCAT 2.0) Reading demonstrates readiness for college-level coursework in the curriculum area. Students who achieve such a score and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the Florida Postsecondary Education Readiness Test pursuant to paragraph (1) above.

(3) School districts must administer the Florida Postsecondary Education Readiness Test or an approved alternative identified in subsection (2)(a) of this rule to high school students who meet the criteria established in Section 1008.30(3), Florida Statutes, except those students who have passed an alternative assessment as described in subsection (2)(a) of this rule. High school students are exempt from payment for tests administered pursuant to Section 1008.30(3), Florida Statutes. Students who do not meet or exceed the scores established in subsections (1) and (2)(a) of this rule must complete postsecondary preparatory instruction prior to high school graduation. Students who complete the postsecondary preparatory instruction required in Section 1008.30(3), Florida Statutes, will have completed an alternative remediation opportunity. Completion of alternative remediation in high school does not satisfy the requirement for demonstrating college readiness or completing college preparatory instruction. A student will be required to retest after alternative remediation and meet or exceed the scores established in subsection (1) or (2) of this rule to avoid required enrollment in college preparatory communication and computation instruction in accordance with subsection (1) of this rule.

(4) Nothing provided in subsection (1) of this rule shall be construed to prevent the enrollment of a student in college preparatory instruction ~~if the Florida College System institution determines that such enrollment would enhance the student’s opportunity for future academic success. The determination of enrollment would be made after counseling with the student and the analysis and consideration of other assessment techniques and measurements, which may include transcripts, grade evaluations, diagnostic, placement or psychological instruments, or other proven indicators or predictors of academic performance.~~

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.718
 RULE TITLE: Review of Request for Visiting Privileges

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 35, September 2, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.737
 RULE TITLE: Visiting – Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 35, September 2, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-7.014
 RULE TITLE: Pick (N) Pools

NOTICE OF CORRECTION

Notice is hereby given that subsection (10) of the above proposed rule published in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly was incorrectly published:

Subsection (10) should have read:

~~(10) The permitholder may provide for an early distribution of the Pick (N) jackpot on a specified date or payout schedule upon prior notification to the division at least 5 days prior to implementation.~~

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.003
 RULE TITLE: Applications for Licensure

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. 37, No. 40, October 7, 2011 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The changes to the application form include “Exhibit 1, Report on Professional Liability Claims and Actions” among other items.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

RULE NO.: 64K-1.002
 RULE TITLE: American Society of Automation in Pharmacy Standards and Formats

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. 37, No. 30, July 29, 2011 issue of the Florida Administrative Weekly.

The Department will incorporate a form by reference, and is noticing correction of the Notice of Proposed Rulemaking to reflect that the Department has determined that posting the material on the Internet would constitute a violation of the federal copyright law. At time of adoption, the copyrighted material may be viewed at the Department of Health, Prescription Drug Monitoring Program, 4042 Bald Cypress Way, Tallahassee, Florida 32399, and at the Administrative Code and Weekly Section, R.A. Gray Bldg., Room 101, 500 S. Bronough St., Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64K-1.002 American Society for Automation in Pharmacy Standards and Formats.

The format for submission to the database shall be in accordance with the Electronic Reporting Standard for Prescription Monitoring Programs of the American Society for Automation in Pharmacy (ASAP), incorporated by reference ASAP 2009 version 4.1. (11/2009). The format for submission to the database if no controlled substances are dispensed shall be in accordance with the incorporated by reference ASAP Zero Report standard (09/2010). A copy of the Electronic Reporting Standard for Prescription Monitoring Programs may be obtained from the American Society for Automation in Pharmacy, 492 Norristown Road, Suite 160, Blue Bell, Pennsylvania 19422, Telephone: (610)825-7783, Website: www.asapnet.org.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.205
 RULE TITLE: Eligibility Determination Process

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. 37, No. 40, October 7, 2011 issue of the Florida Administrative Weekly.

(1) The individual completes a Department application for assistance to the best of the individual’s ability using either the ACCESS Florida Application, CF-ES 2337, 11/2011 05/2010, incorporated by reference, or an ACCESS Florida Web Application (only accepted electronically), CF-ES 2353, 09/2011, incorporated by reference, and submits it. An application must include at least the individual’s name, address and signature to initiate the application process. An eligibility specialist determines the eligibility of each household member for public assistance. An applicant can withdraw the application at any time without affecting their right to reapply at any time.

(c) If the eligibility specialist determines during the interview or at any time during the application process that the applicant must provide additional information or verification, or that a member of the assistance group must comply with Child Support Enforcement or register for employment services, the eligibility specialist must give the applicant written notice to provide the requested information or to comply, allowing ten calendar days from request or the interview, whichever is later. For all programs, verifications are due ten calendar days from the date of written request or the interview, or 60 30 days from the date of application, whichever is later. In cases where the applicant must provide medical information, the return due date is 30 calendar days following the written request or the interview, or 60 30 days from the date of application, whichever is later. If the due date falls on a holiday or weekend, the deadline is the next working day. If the applicant does not provide required verifications or information by the deadline date the application will be denied, unless the applicant requests an extension or there are extenuating circumstances justifying an additional extension. The eligibility specialist makes the decision of whether to grant the request for extension. When the applicant provides all required information or verification, the eligibility specialist determines eligibility for the public assistance programs. If the eligibility criteria are met, benefits are authorized.

(6) The Department conducts data exchanges with other agencies and systems to obtain information on each applicant and recipient. It uses data exchanges to validate or identify social security numbers, verify the receipt of benefits from other sources, verify reported information, and obtain previously unreported information.

(a) The Department conducts data exchanges with the Social Security Administration, Internal Revenue Service, Department of Economic Opportunity Agency for Workforce Innovation, federal and state personnel and retirement systems, other states’ public assistance files and educational institutions. IF REQUESTED WITHIN 7 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
DATE AND TIME: January 10, 2012, 10:30 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Cindy Keil. 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: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us, (850)717-4113.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on December 6, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Collier County Sheriff’s Office on behalf of 174 officers for the 2008 reporting period (7/1/2006 – 6/30/2008). Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the 174 officers at issue did successfully complete the course of fire, however, the instructors supervising the requalifications were not CJSTC-certified firearms instructors. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because non-CJSTC-certified firearms instructors supervised the 2008 mandatory firearms requalification for the officers.

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