

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

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

##### 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. 38, No. 15, April 13, 2012 issue of the Florida Administrative Weekly.

Rule 6A-2.0010 is amended to read:

6A-2.0010 Educational Facilities.

State Board of Education requirements adopted pursuant to Chapter 120, F.S., to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, F.S., are contained in Section 423 of the Florida Building Code and the Department of Education publication, “State Requirements for Educational Facilities 2012” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01486>), which is hereby incorporated by reference. All educational and ancillary facilities constructed by a school board or Florida college board shall comply with “State Requirements for Educational Facilities 2012”. Copies of “State Requirements for Educational Facilities 2012” are available from the Office of Educational Facilities, Florida Department of Education, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400, at a cost to be determined by Commissioner, but which shall not exceed actual cost, or from the Department of Education’s website at: <http://www.fldoe.org/edfacil> in PDF format. In addition, to the State Requirements for Educational Facilities 2012, Rule 14-15.002 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01654>) (effective June 2012) and the following manuals incorporated therein are incorporated by reference in this rule: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, May 2011 Edition; AASHTO Load and Resistance Factor Design (LRFD) Bridge Design Specifications, 5th Edition (2010); Department of Transportation Office of Maintenance, Bridge Load Rating Manual; and Department of Transportation Drainage Manual, Rule 14-15.002, F.A.C., may be obtained from the Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0450 or from the web link provided above. In addition, the following documents and forms are also incorporated by reference as part of this rule: Chapter XVII – Occupational Safety and Health Administration, Department of Labor, 29 CFR Parts 1910 and 1926 (7-1-11 Edition) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01594>).

OEF 110A – Project Implementation Information (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01595>).

OEF 110B – Certificate of Occupancy (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01598>).

OEF 208 – Letter of Transmittal (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01599>).

OEF 208A – Facility Space Chart/Net and Gross Square Footage (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01600>).

OEF 209 – Certificate of Final Inspection (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01601>).

OEF 216CC – Capital Outlay Bond Issue (COBI) Amendment (Florida Colleges) (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01602>).

OEF 216PS – Capital Outlay Bond Issue (COBI) Amendment (Districts) (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01603>).

OEF 217CC – Request to State Board of Education for Approval of Order of Priority for Expenditure of State Capital Outlay Funds (Florida Colleges) (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01618>).

OEF 217PS – Request to State Board of Education for Approval of Order of Priorities for Expenditure of State Capital Outlay Funds (Public Schools) (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01604>).

OEF 220 – Building Permit Application (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01605>).

OEF 226 – Annual Facility Maintenance Permit (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01606>).

OEF 352 – Capital Outlay Request Encumbrance Authorization (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01607>).

OEF 400 – Qualified Public Educational Facility Bond – Application (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01608>).

OEF 410 – Qualified Zone Academy Bond Program Application (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01609>).

OEF 442 – DOE Project Disbursement Report (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01610>).

OEF 564CC – 2011 Report of Cost of Construction – Florida Colleges (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01611>).

OEF 564PS – 2011 Report of Cost of Construction – Public Schools (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01612>).

OEF FISH CERT – Florida Inventory of School Houses Certification of Facilities Data (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01613>).

OEF LCCA-1 – Life Cycle Cost Analysis (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01614>).

OEF SCOA-1CC – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Florida Colleges (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01615>).

OEF SCOA-1PS – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Public Schools (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01616>), and

Charter School Capital Outlay Plan (effective October 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01617>).

Rulemaking Authority Section 1(a) Article IX, State Constitution, 1001.02(1), 1013.02(2), 1013.12(1), 1013.37 FS. Law Implemented 1(a) Article IX, State Constitution, 1001.02, 1001.453, 1011.09, 1011.74, 1013.01, 1013.03, 1013.12(1), 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History–New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06, 2-12-08, 12-15-09.

The following changes were made to the State Requirements for Educational Facilities – 2012:

Table of Contents

**FORMS** The following forms are incorporated by reference in Rule 6A-2.0010, F.A.C.

OEF 564CC – 2011 Report of Cost of Construction – Florida Colleges.

OEF 564PS – 2011 Report of Cost of Construction – Public Schools.

OEF FISH CERT – Florida Inventory of School Houses Certification of Facilities Data.

OEF LCCA-1 - Life Cycle Cost Analysis

(4) Rules. Public educational facilities shall comply with the following rules, as applicable:

(a) FDOT-AASHTO. Rule 14-15.002, F.A.C., (effective June 2012) and the following manuals incorporated therein are incorporated by reference in Rule 6A-2.0010, F.A.C.: For on-site transportation improvements, including roads, sidewalks, bridges, and drainage structures, districts shall comply with the ~~Florida Department of Transportation (FDOT) Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, (Florida Greenbook) May 2011 Edition,~~ and the ~~American Association of State Highway and Transportation Officials, AASHTO Load and Resistance Factor Design (LRFD) Bridge~~

~~Design Specifications, 5th 4th Edition (2010 2007), as modified by the Department of Transportation Office of Maintenance, FDOT Bridge Load Rating Manual, and Department of Transportation FDOT 2010 Drainage Manual, as required by the structure type, and as incorporated by reference in subsection 14-15.002(2), F.A.C., in effect August 1, 2012. The manuals referenced in this paragraph are incorporated by reference herein and can be viewed on the webpages listed below:~~

~~1. Florida Greenbook: <http://www.dot.state.fl.us/rddesign/FloridaGreenbook/FGB.shtm>.~~

~~2. Bridge Load Rating Manual: <http://www.dot.state.fl.us/statemaintenanceoffice/LRManual82012.pdf>.~~

~~3. 2010 Drainage Manual: <http://www.dot.state.fl.us/rddesign/dr/files/2010DrainageManual.pdf>.~~

(b) OSHA. Chapter XVII – Occupational Safety and Health Administration, U.S. Department of Labor, 29 CFR Parts 1910 and 1926, (7-1-11 Edition) in effect July 1, 2012, which is incorporated by reference in Rule 6A-2.0010, F.A.C. herein, for district employees.

Chapter 4

(8) Document Submittals

(a) General Requirements.

5. Life Cycle Cost Analysis (OEF Form LCCA-1) Data Summary Sheets 1, 2, and 3. The LCCA shall be electronically signed and electronically transmitted to the Office through EFIS for review and approval.

Section 7

~~Form Adoption.~~ The following forms are incorporated by reference in Rule 6A-2.0010, F.A.C.:

(1) OEF 110A – Project Implementation Information. (Effective date October 2012)

(2) OEF 110B – Certificate of Occupancy. (Effective date October 2012)

(3) OEF 208 – Letter of Transmittal. (Effective date October 2012)

(4) OEF 208A – Facility Space Chart/Net and Gross Square Footage. (Effective date October 2012)

(5) OEF 209 – Certificate of Final Inspection. (Effective date October 2012)

(6) OEF 216CC – Capital Outlay Bond Issue (COBI) Amendment (Florida Colleges). (Effective date October 2012)

(7) OEF 216PS – Capital Outlay Bond Issue (COBI) Amendment (Districts). (Effective date October 2012)

(8) OEF 217CC – Request to State Board of Education for Approval of Order of Priority for Expenditure of State Capital Outlay Funds (Florida Colleges). (Effective date October 2012)

(9) OEF 217PS – Request to State Board of Education for Approval of Order of Priorities for Expenditure of State Capital Outlay Funds (Public Schools). (Effective date October 2012)

- (10) OEF 220 – Building Permit Application. (Effective date October 2012)
- (11) OEF 226 – Annual Facility Maintenance Permit. (Effective date October 2012)
- ~~(12)~~(11) OEF 352 – Capital Outlay Request Encumbrance Authorization. (Effective date October 2012)
- ~~(13)~~(12) OEF 400 – Qualified Public Educational Facility Bond Application. (Effective date October 2012)
- ~~(14)~~(13) OEF 410 – Qualified Zone Academy Bond Program Application. (Effective date October 2012)
- ~~(15)~~(14) OEF 442 – DOE Project Disbursement Report. (Effective date October 2012)
- ~~(16)~~(15) OEF 564CC – 2011 Report of Cost of Construction – Florida Colleges. (Effective date October 2012)
- ~~(17)~~(16) OEF 564PS – 2011 Report of Cost of Construction – Public Schools. (Effective date October 2012)
- ~~(18)~~(17) OEF FISH CERT – Florida Inventory of School Houses Certification of Facilities Data. (Effective date October 2012)
- ~~(19)~~(18) OEF LCCA-1 – Life Cycle Cost Analysis. (Effective date October 2012)
- ~~(20)~~(19) OEF SCOA-ICC – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Florida Colleges. (Effective date October 2012)
- ~~(21)~~(20) OEF SCOA-IPS – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Public Schools. (Effective date October 2012)
- ~~(22)~~(21) Charter School Capital Outlay Plan. (Effective date October 2012)

**DEPARTMENT OF EDUCATION**

**Florida’s Office of Early Learning**

RULE NO.:                   RULE TITLE:  
6M-4.710                    School Readiness Program Curricula  
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The notice of proposed rule indicated that the notice of rule development for proposed Rule 6M-4.710, F.A.C., was published on December 22, 2011. However, the notice of rule development for proposed Rule 6M-4.710, F.A.C., was actually published on February 3, 2012 in Vol. 38, No. 5.

**DEPARTMENT OF EDUCATION**

**Florida’s Office of Early Learning**

RULE NO.:                   RULE TITLE:  
6M-4.710                    School Readiness Program Curricula  
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. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The full text of the proposed rule, as revised, is:

6M-4.710 School Readiness Program Curricula.

(1) Beginning July 1, 2013, providers offering the School Readiness program shall be required to utilize a developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by Florida’s Office of Early Learning which are codified in the Florida Early Learning and Developmental Standards: Birth to Five, Form OEL-SR 30, which is incorporated by reference in (the Office) pursuant to Rule 6M-4.700, F.A.C., and which may be obtained from Florida’s Office of Early Learning at the following address: 250 Marriott Drive, Tallahassee, FL 32399, (866)357-3239, TTY/Florida Relay 711, and at the internet website [www.floridaearlylearning.com](http://www.floridaearlylearning.com).

(a) A list of curricula which has been determined by Florida’s Office of Early Learning ~~the Office~~ to enhance the age-appropriate progress of children in attaining the performance standards adopted by Florida’s Office of Early Learning ~~the Office~~ is published at the website: [www.floridaearlylearning.com](http://www.floridaearlylearning.com).

(b) Each provider offering the School Readiness program shall select a curriculum or curricula from the list published by Florida’s Office of Early Learning ~~the Office~~. The provider must select and implement ~~ensure that it selects and implements~~ a curriculum or combination of curricula which addresses each developmental domain established in the performance standards adopted by Florida’s Office of Early Learning ~~the Office~~ and includes a character development component designed to develop basic values.

(2) Curriculum reviews shall be conducted annually. Submissions for the review process must be received by Florida’s Office of Early Learning ~~the Office~~ no later than the last business day of July of each year.

(3) An individual or organization may obtain a curriculum review by sending a written request to Florida’s Office of Early Learning, 250 Marriott Drive, Tallahassee, Florida 32399 or to [OEL.Trainings@oel.myflorida.com](mailto:OEL.Trainings@oel.myflorida.com). More than one curriculum may be submitted to be reviewed at the same time. Once a curriculum has been approved, it remains approved until the performance standards are revised.

(a) Requests to review a curriculum shall include:

1. The name of the requestor;
2. An email or mailing address of the requestor;
3. A telephone number of the requestor;
4. The name of the curriculum to be reviewed;
5. Publisher information, if applicable;

6. The publication date of the curriculum to be reviewed; and

7. The version of the curriculum to be reviewed; ~~and~~

8. ~~A description of whether the curriculum is to be used as a comprehensive curriculum or a supplemental curriculum.~~

~~i. "Comprehensive curriculum" means a curriculum intended for use as the sole or primary curriculum implemented in a classroom. A comprehensive curriculum must address each developmental domain established in the performance standards adopted by the Office and include a character development component designed to develop basic values.~~

~~ii. "Supplemental curriculum" means a curriculum intended for use only in conjunction with one or more curricula. A supplemental curriculum must address at least one developmental domain established in the performance standards adopted by the Office or include a character development component designed to develop basic values.~~

(b) Incomplete requests to review a curriculum shall not be considered.

(4) The process for reviewing curricula shall be conducted as follows:

(a) Florida's Office of Early Learning shall convene a Curriculum Review Team comprised of qualified individuals selected in accordance with criteria defined in this rule and who shall serve as reviewers of up to three (3) curricula and all associated materials at a time.

(b) ~~Florida's Office of Early Learning The Office~~ will designate an individual within ~~Florida's Office of Early Learning the Office~~ to serve as a point of contact for questions from reviewers and requestors.

(c) ~~Florida's Office of Early Learning The Office~~ shall supply the requestor with the mailing address of where each reviewer would like the materials delivered.

(d) The requestor shall provide a complete copy of the curriculum or curricula to each of the three reviewers postmarked no later than the first business day of October along with a complete copy to Florida's Office of Early Learning. Each reviewer shall maintain any documents generated under this rule in accordance with Florida's public records laws as codified in Chapter 119, F.S.

1. A complete copy of a curriculum includes copies of all printed materials and any other materials that the requestor deems necessary to illustrate that the submitted curriculum addresses each of the developmental domains established in the performance standards adopted by ~~Florida's Office of Early Learning the Office~~.

2. Materials not originally submitted as part of the complete curriculum shall not be considered. Curriculum will be evaluated on the materials received.

3. If the requestor would like the reviewer to return the submitted materials, a pre-paid method for returning the materials, along with instructions for return, must be provided when the materials are originally submitted to the reviewer.

(e) Each reviewer shall independently analyze the curriculum using the School Readiness Curriculum Rubric, Form OEL-SR 31, dated August 2012, January 24, 2012, (hereinafter referred to as "Rubric"), which is hereby incorporated by reference and which may be obtained from Florida's Office of Early Learning at the following address: 250 Marriott Drive, Tallahassee, FL 32399, (866)357-3239, TTY/Florida Relay 711, and at the internet website www.floridaearlylearning.com. Following review, each reviewer shall submit the completed Rubric to Florida's Office of Early Learning ~~the Office~~ no later than the first business day of January. Reviewers shall not discuss the curriculum review with any individual or organization other than the point of contact designated by the Director of Florida's Office of Early Learning ~~the Office~~.

1. A comprehensive curriculum must earn a score of at least 80% as averaged across each of the reviewers for each individual developmental domain as well as the character development component, and be developmentally appropriate as measured by the Rubric ~~an average Rubric score of at least 80% to receive approval as a comprehensive curriculum.~~

2. A supplemental curriculum must earn a score of at least 80% as averaged across each of the reviewers for each developmental domain or character development component addressed and be developmentally appropriate to receive approval as a supplemental curriculum.

(f) ~~Florida's Office of Early Learning The Office~~ will send written notification of approval or disapproval of a curriculum for use in the School Readiness program, and a statement regarding whether the curriculum is designated as comprehensive or supplemental, to the requestor no later than the first business day of February.

1. "Comprehensive curriculum" means a curriculum intended for use as the sole or primary curriculum implemented in a classroom. A comprehensive curriculum must address each developmental domain established in the performance standards adopted by Florida's Office of Early Learning and include a character development component designed to develop basic values.

2. "Supplemental curriculum" means a curriculum intended for use only in conjunction with one or more curricula. A supplemental curriculum must address at least one developmental domain established in the performance standards adopted by Florida's Office of Early Learning or include a character development component designed to develop basic values.

(g) If a curriculum is disapproved for use in the School Readiness program, a requestor may obtain a copy of the completed Rubrics ~~and/or~~ request a reassessment of the

curriculum by submitting a request to Florida's Office of Early Learning ~~the Office~~ at 250 Marriott Drive, Tallahassee, Florida, 32399 or at the email address OEL.Trainings@oel.myflorida.com within twenty business days of the requestor's receipt of the curriculum's disapproval notification. Once the request for reassessment is received, Florida's Office of Early Learning ~~the Office~~ will acknowledge receipt of the request in writing, will render a decision within 15 business days, and notify the requestor of approval or disapproval by certified mail. If the requestor does not receive a response within this time period, the requestor should contact Florida's Office of Early Learning to determine whether the determination stands. Upon contact by the requestor, Florida's Office of Early Learning will again issue its determination in writing. The requestor may appeal a decision of disapproval from Florida's Office of Early Learning ~~the Office~~ pursuant to Chapter 120, F.S.

(5) Curriculum Reviewers. Individuals who wish to participate in the curriculum review process established under this rule shall complete and submit a Curriculum Reviewer Application, Form OEL-SR 32, dated August 2012, ~~January 24, 2012~~, which is hereby incorporated by reference, and which may be obtained from Florida's Office of Early Learning at the following address: 250 Marriott Drive, Tallahassee, FL 32399, (866)357-3239, TTY/Florida Relay 711, and at the internet website www.floridaeearlylearning.com. The completed Form OEL-SR 32 must be submitted to Florida's Office of Early Learning at 250 Marriott Drive, Tallahassee, Florida 32399 or at the email address OEL.Trainings@oel.myflorida.com. Reviewers must:

(a) Hold a Bachelor's or higher degree in the fields of early childhood education, child development, elementary education, curriculum and instruction, educational leadership, exceptional education, early childhood special education, or a related field;

(b) Have a minimum of five years of employment and experience in a field related to early childhood education, child development, elementary education, curriculum and instruction, or educational leadership, exceptional education, early childhood special education;

(c) Complete a Florida's an Office of Early Learning sponsored training on the performance standards adopted by Florida's the Office of Early Learning;

(d) Complete a Florida's an Office of Early Learning sponsored training on the use of the Rubric;

(e) Not have a financial interest, as defined in Section 112.3143, F.S., in any curriculum he or she reviews;

(f) Not have any personal interest in any curriculum he or she reviews (such as employment of the individual or his or her relatives, as defined by Section 112.3143, F.S., by the publisher in any capacity, or certification of the individual or his or her relatives as a trainer in the use ~~and~~ or application of the curriculum within the past three years);

(g) Submit documentation supporting any claim made on the Form OEL-SR 32, upon the request of Florida's the Office of Early Learning;

(h) Contact Florida's the Office of Early Learning to provide updated information when qualifications change or to request removal from consideration for selection when an individual no longer wishes to participate in the curriculum review process;

(i) Not receive compensation for participating under this rule.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(d)3.f. FS. History--New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Florida's Office of Early Learning**

RULE NO.: 6M-4.720  
 RULE TITLE: Screening of Children in the School Readiness Program

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The notice of proposed rule indicated that the notice of rule development for proposed Rule 6M-4.720, F.A.C., was published on February 3, 2013, Vol. 38, No. 5. However, the notice of rule development for proposed Rule 6M-4.720, F.A.C., was actually published on February 3, 2012 in Vol. 38, No. 5.

Additionally, Florida's Office of Early Learning received comments indicating that it was unclear from the notice whether legislative ratification will be required. Legislative ratification will not be required for this rule.

**DEPARTMENT OF EDUCATION**

**Florida's Office of Early Learning**

RULE NO.: 6M-4.720  
 RULE TITLE: Screening of Children in the School Readiness Program

**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. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The full text of the proposed rule, as revised, is:

6M-4.720 Screening of Children in the School Readiness Program.

(1) Definitions. As used in this rule;:

(a) "Concerns" means a child's scoring below established thresholds or age appropriate levels suggested by the authors of a screening instrument. The term "referral" refers to

(b) “Eligibility determination” means the initial process conducted by the early learning coalition to determine if a child meets minimum requirements to participate in the School Readiness program.

(c) “Enrollment” is the final step in the process of entering (or enrolling) a child in the School Readiness program. It means officially entering the child’s name in the statewide information system as a School Readiness student.

(d) “Exceptions” are circumstances in which School Readiness children aged six weeks to age of kindergarten eligibility are not required to be screened under this rule.

(e) “Individualized supports” means the action taken subsequent to a child demonstrating concerns based on screening results.

(f) “Redetermination” means the process conducted by the early learning coalition at least annually to determine if a child’s family continues to meet minimum requirements to participate in the School Readiness program pursuant to Rule 6M-4.209, F.A.C.

(g) “Referral” means the process of providing information and recommendations to parents regarding further evaluation for a child who shows concerns exhibits the potential for developmental delays based on the results of his or her screening results, and.

~~(h)(b) “Screening” means The term “screening” refers to activities to identify children who may have concerns and who may need individualized supports further evaluation in order to determine the existence of a delay in development or a particular disability.~~

(2) Screening Process.

(a) By July 1, 2013, each early learning coalition shall implement processes consistent with the text of this rule.

(b) Initial screening. Each early learning coalition shall coordinate with parents or providers to complete initial screening for each ~~ensure that any~~ child, aged six weeks birth ~~to age of kindergarten eligibility.~~ Children shall be five, ~~is~~ screened no later than ~~within~~ 45 calendar days after ~~of~~

~~1. His or her first enrollment in the School Readiness (SR) program or~~

2. Subsequent enrollment after being terminated or withdrawn from the School Readiness program.

If a child, aged six weeks birth ~~to age of kindergarten eligibility,~~ is again five, ~~is re-enrolled in the School Readiness program after prior termination or withdrawal,~~ the coalition must determine if ~~he or she has been screened in accordance with the re-screening schedule identified in (3).~~ If the child has ~~not~~ been screened in accordance with the re-subsequent screening intervals schedule ~~identified in (2)(f),~~ no later than (3), the coalition shall ensure he or she is screened within 45 calendar days after subsequent enrollment of his or her reenrollment in.

(c) Screening alternatives.

1. Coordination with parents. If a coalition elects to coordinate with parents to implement screenings for children, the coalition shall request the parent screen the child on-site. Early learning coalitions shall make staff persons available to assist parents during the screening. ~~SR program.~~

2. Coordination with child care providers.

~~a.(b)~~ If a coalition elects to coordinate with child care providers to implement screenings for children, the coalition shall notify the child care provider serving each child, in writing, of the date by which the child must be screened. The coalition shall give this notification to the child care provider a minimum of 30 ~~45~~ calendar days prior to the date by which the child must be screened. ~~Within 15~~

b. No later than 30 calendar days after ~~of~~ completion of a child’s screening, the child care provider shall submit the child’s screening results to the coalition in writing.

~~(d)(e)~~ The parent of a child enrolled in the School Readiness program may decline to have his or her child screened by ~~submitting a written statement to the coalition.~~ ~~Such written notice shall include a statement indicating that the parent objects to the screening, the name of the parent, the parent’s signature, the date, and the child’s name.~~ completing and submitting to the coalition or child care provider Form OEL-SR 24, dated August 2012, which is hereby incorporated by reference and which may be obtained from Florida’s Office of Early Learning at the following address: 250 Marriott Drive, Tallahassee, Florida 32399, (866)357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.floridaearlylearning.com>. If a parent submits the form to the child care provider, the child care provider shall submit a copy of the form to the early learning coalition no later than 30 calendar days after receipt. A parent’s screening decision remains in effect if a child changes School Readiness providers within an early learning coalition’s service delivery area.

~~(e)(d)~~ Each early learning coalition shall provide, in writing, or shall require a child care provider to provide in writing, ~~ensure that~~ the screening results for each child are presented, in writing, to the child’s parent. Early learning coalitions shall make staff persons available to explain screening results if requested by a parent.

~~(f)(3)~~ Subsequent screenings. ~~Re-screening.~~ Each early learning coalition shall coordinate with parents or providers for subsequent screenings; ~~ensure that any child, under age three (infants and toddlers), who is enrolled in the SR program is screened at a minimum at least once by age 9 months, at least once between age 9 months and 18 months, and at least once between age 18 months and 30 months.~~ Each early learning coalition shall ensure that any child, ages three to five is screened at least once annually.

1. If a coalition coordinates with parents to implement subsequent screenings, each early learning coalition shall request a parent to screen, at a minimum, annually at

redetermination, the parent's child(ren), aged six weeks to age of kindergarten eligibility, enrolled in the School Readiness program.

2. If a coalition coordinates with child care providers to implement subsequent screenings, each child care provider shall screen, at a minimum, annually in the month of the child's birthday, every child aged six weeks to age of kindergarten eligibility, who is enrolled in the provider's School Readiness program. This rule is not intended to limit the number of screenings offered to a child; a school readiness provider may conduct additional screenings at its discretion.

(3)(4) Screening Instruments. Each early learning coalition shall ~~select~~ ensure screenings are conducted using a screening instrument or instruments for use under this rule which meet all of the following criteria:

(a) Covers an age range of at least six weeks to age of kindergarten eligibility ~~sixty months~~;

(b) Addresses, at a minimum, each of the developmental domains established in the performance standards (*Florida Early Learning and Developmental Standards: Birth to Five*, Form OEL-SR 30, dated August 2012) adopted by Florida's Office of Early Learning (~~the Office~~) in Rule 6M-4.700, Florida Administrative Code Child Performance Standards;

(c) Takes 30 minutes or less on average to complete per child;

(d) Is supported by research-proven validity tests;

(e) Is supported by research-proven reliability tests;

(f) Is available, at a minimum, in English and Spanish versions;

(g) Is appropriate to be administered by a parent or guardian, child care provider or other professional; and

(h) Yields results, which can be entered into data fields into an electronic data tracking system.

(4) Exceptions. All children enrolled in the School Readiness program aged six weeks to age of kindergarten eligibility must be screened in accordance with the screening process identified in subsection (2) except children in the following situations:

(a) Children who have been screened in a program other than the School Readiness program within the preceding 12 month period and whose scores were shared with the early learning coalition by the due date established for initial screening in paragraph (2)(b) or subsequent screenings in paragraph (2)(f) and when the screening instrument used meets the criteria in subsection (3) above; or

(b) Children who are receiving services in accordance with an individualized family support plan (IFSP) or individual education plan (IEP), in which the plans have been:

1. Developed or reviewed in the last 12 months by a school district, early intervention program, or other state agency that provides special education and related services, and

2. Shared with the early learning coalition by the due date established for initial screening in paragraph (2)(b) or subsequent screenings in paragraph (2)(f).

(5) ~~Individualized supports. Referrals.~~

(a) Each early learning coalition shall initiate individualized supports, no later than 60 calendar days after screening, for children who show concerns based on their screening results ensure that any child who is identified as having a potential developmental delay or disability based on his or her screening receives a referral for services to the the age appropriate Part C or Part B program under the Individuals with Disabilities Education Act (IDEA) within 30 days of screening.

(b) Individualized supports must include, at a minimum, one of the following:

1. Additional screening or assessment,

2. Individualized learning plans,

3. Suggested developmental activities for parents or providers,

4. Observations and accommodations in the early learning program,

5. Parent education,

6. Referrals to early intervention services or specialized care.

a. Each early learning coalition shall notify in writing, or require a child care provider to notify in writing, ensure the parent of a any child who receives must receive a referral under subparagraph (5)(b)6. (5)(a) is notified in writing. The notification must include, at a minimum, areas identified through the screening which are of concern and local contact information for the age appropriate referral agency Part C or Part B program under the IDEA.

b.(e) When providing a referral under subparagraph (5)(b)6.a., each early learning coalition must offer to contact an age the appropriate referral agency. Either the Part C or Part B program under the IDEA. The coalition or the child care provider must document the parent's choice of "yes" or "no" in writing. Such documentation must include a statement indicating the choice regarding receipt of additional help, the name of the parent, the parent's signature, the date, and the child's name.

(6) ~~Data Tracking.~~

(a) The early learning coalition shall enter, or require the child care provider to enter, ensure that the child screening data and referral information be entered into an electronic system no later than 60 of tracking within 45 calendar days after of screening. The, and the early learning coalition shall enter the individualized supports data into an electronic system no later than 30 calendar days after initiating individualized supports ensure that.

(b) The early learning coalition shall make the electronic version of the screening and individualized supports data information be made available to Florida's Office of Early

~~Learning the Office~~ upon request. The child screening and individualized supports data ~~information~~ included in the electronic ~~tracking~~ system must include, at a minimum, the following elements:

- ~~1.(a)~~ Child name;
- ~~2.(b)~~ Child date of birth;
- ~~3.(c)~~ Child age;
- ~~4.(d)~~ Child ID number, if available;
- ~~5.(e)~~ Parent name;
- ~~6.(f)~~ Parent contact information, to include: mailing address, email address, and phone number, if available;
- ~~7.(g)~~ Date of enrollment in the School Readiness program;
- ~~8.(h)~~ Date(s) of screening(s), ~~if screened/re-screening or documentation of parental objection to the screening;~~
9. Reason for not being screened, if applicable, which may include:
  - i. Parental objection to the screening; or
  - ii. Exceptions to being screened in the School Readiness program as described in subsection (4);
- ~~10. Screening results, which include a~~ A summary of areas in which the child shows concerns ~~potential for developmental delays~~ based on the screening;
- ~~11. Date individualized supports were initiated;~~
- ~~12. Type of individualized supports initiated;~~
- ~~13.(j)~~ Date of referral, if applicable under sub-subparagraph (5)~~(b)6.(a)~~; and
- ~~14.(k)~~ Whether the parent elected to receive additional help from the coalition under sub-subparagraph (5)~~(b)6.b.(e)~~.

Rulemaking Authority 411.01(4)(e) FS. Law Implemented 411.01(4)(d)3. FS. History—New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-103.002	Inmate Grievances – Terminology and Definitions
33-103.007	Appeals and Direct Grievances to the Office of the Secretary
33-103.014	Reasons for Return of Grievance or Appeal Without Processing

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 33, August 17, 2012 issue of the Florida Administrative Weekly.

For subsection 33-103.002(11), F.A.C., the citation “Pub.L. No. 104-191.” is added to the end of the sentence. For Rule 33-103.007, , F.A.C., the word “four” is stricken from the last sentence of subsection (6)(d), and the citation “45 C.F.R. 160, 164” is stricken from the Law Implemented section. For Rule 33-103.014, “944.241” is inserted into the Law Implemented section.

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-103.007	Appeals and Direct Grievances to the Office of the Secretary

**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. 38, No. 33, August 17, 2012 issue of the Florida Administrative Weekly.

The change responds to concerns raised by the Joint Administrative Procedures Committee in a letter dated August 31, 2012. Rule 33-103.007, F.A.C., is changed as follows: the word “four” is stricken from the last sentence of paragraph (6)(d).

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-23.011	Policy and Purpose
40E-23.021	Definitions
40E-23.023	Boundaries
40E-23.031	Implementation
40E-23.043	Application
40E-23.053	Criteria for Designation

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.:	RULE TITLE:
69B-211.042	Effect of Law Enforcement Records on Applications for Licensure

**NOTICE OF CORRECTION**

Notice is hereby given that the following corrections have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 19, May 11, 2012 issue of the Florida Administrative Weekly.

69B-211.042 Effect of Law Enforcement Records on Applications for Licensure.

~~(7)(b) Collateral Attack on Criminal Proceedings. The Department will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the applicant was found guilty or pled guilty or nolo contendere. Thus the Department will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.~~



~~(12)~~(18) Effect of Varying Terminology.

(a) through (b) No change.

1. through 6. No change.

~~(c)~~(b) When necessary, in all other instances the Department will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.:                   RULE TITLE:  
69J-128.023                   Nondiscrimination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 30, July 27, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:                   RULE TITLE:  
69O-137.001                   Annual and Quarterly Reporting

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. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

(1) through (4) No change.

Subsection (5) is added to read as follows:

(5) Adoption of revised Actuarial Guideline 38.

(a) Revised NAIC Accounting Practices and Procedures Manual Actuarial Guideline 38 which appears on pages 272-285 in the agenda for the September 12, 2012 Executive (Ex) Committee and Plenary conference call at [http://www.naic.org/documents/jt\\_ex\\_plenary\\_120912\\_agenda\\_materials.pdf](http://www.naic.org/documents/jt_ex_plenary_120912_agenda_materials.pdf) is hereby adopted and incorporated by reference and replaces the Guideline published in the Manual for annual and quarterly statements submitted to the office on and after December 31, 2012.

(b) Sections of the draft version of the Valuation Manual, adopted by NAIC Life Insurance and Annuities (A) Committee on August 17, 2012, referenced in Revised Actuarial Guideline 38 which are on pages 2-262 in the agenda for September 12, 2012 Executive (Ex) Committee and Plenary conference call at [http://www.naic.org/documents/jt\\_ex\\_plenary\\_120912\\_agenda\\_materials.pdf](http://www.naic.org/documents/jt_ex_plenary_120912_agenda_materials.pdf) are hereby adopted and incorporated by reference.

(c) Reserves reported in the 2012 annual and subsequent quarterly and annual statements to which Accounting Practices and Procedures Manual Actuarial revised Guideline 38 applies will not be based upon future versions of a draft Valuation Manual unless adopted by statute or amendment to this rule.

(d) A printed copy of the NAIC Executive (Ex) Committee and Plenary conference call agenda including attachments is available for inspection at the Office at its headquarters in Tallahassee, Florida, during regular business hours.

The remainder of the rule reads as previously published.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                   RULE TITLE:  
73B-21.003                   Filing an Appeal  
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly. The Notice of Rule Development was published on June 1, 2012.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.:                   RULE TITLE:  
73B-21.003                   Filing an Appeal  
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. 38, No. 29, July 20, 2012 issue of the Florida Administrative Weekly.

73B-21.003 Filing an Appeal.

(1) Any person who is entitled by law to notice of an appeals referee’s decision may file an appeal of that decision within 20 calendar days after the mailing of notice of the appeals referee’s decision to the parties at their last known addresses or, if not mailed, within 20 calendar days after the date of delivery of such notice. Any person who is entitled by law to notice of an appeals referee’s decision and is adversely impacted by that decision may file an appeal of that decision within 20 calendar days after the notice of the appeals referee’s decision is mailed to the parties at their last known addresses or made available electronically through a Department-approved electronic account, or, in the absence of mailing or electronic delivery, the date of other delivery to the appellant.

(2) The appeal shall be filed by mail to any appeal location designated in subsection 73B 21.002(1), F.A.C.; by facsimile transmission of the appeal document to any appeal location designated in paragraphs 73B 21.002(1)(a), (b), and (c), F.A.C.; or by hand delivery of the appeal document to any appeal location designated in paragraphs 73B 21.002(1)(a), (b), and (d), F.A.C.

(2)(3) Appeals filed to the locations specified in Rule 73B-21.002, F.A.C., by mail are shall be considered to have been filed when postmarked by the United States Postal Service. Appeals filed at the locations specified in Rule 73B-21.002, F.A.C. by hand delivery, courier service, or facsimile (FAX) are shall be considered to have been filed when date stamped received at the authorized location.

Appeals filed through the Department web site as provided in Rule 73B-21.002, F.A.C., shall be considered to have been filed on the date the confirmation number is issued.

(3)(4) Upon receipt of an appeal delivered in person or by facsimile transmission will be date stamped by a the Commission or Department of Economic Opportunity, or Office of Appeals employee on the date hand delivered or the date placed on the document by the Department or Commission fax system shall record the date of receipt on the appeal document. The Internet filing system shall post on the appeal the date the confirmation number is issued and the appeal was successfully received by the system.

Rulemaking Specific Authority 443.012(11), 443.151(4)(b), (d) FS. Law Implemented 443.151(4)(b), (d) FS. History—New 5-22-80, Formerly 38E-2.03, Amended 8-20-86, 1-5-93, 8-7-01, Formerly 38E-2.003, 60BB-6.003, Amended \_\_\_\_\_.

## Section IV Emergency Rules

NONE

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

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 11, 2012, the South Florida Water Management District (District), received a petition for waiver from Martha Rodriguez Garrido for a Right of Way Occupancy Permit, Application No.: 12-0829-2M, for utilization of Works or Lands of the District known as the C-51 Canal for existing landscaping within the south right of way located adjacent to 2613 Georgia Lane, Lake Worth, Section 15, Township 44 South, Range 43 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which prohibits the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell, (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406, Attention: Juli Russell, Office of Counsel.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 10, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Harbour Hall (Harbor), filed May 30, 2012, and advertised on June 15, 2012 in Vol. 38, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.27.3.3.7 ASME A17.1, 2005 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators for fire fighter service buttons behind a locked panel because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-162).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on September 10, 2012, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Citadel I & II, filed July 16, 2012, and advertised on August 17, 2012 in Vol. 38, No. 33, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-251).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on September 5, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Spanish Trace Ocean Club Condominium. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.4.4, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators with emergency exits which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this