

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

5J-14.003 Filing Requirements

PURPOSE AND EFFECT: To update the reference material to comply with changes enacted in Chapter 2013-2, Laws of Florida. The effect of this rulemaking will be to bring the form into statutory compliance.

SUBJECT AREA TO BE ADDRESSED: Updated Game Promotion Filing Packet.

RULEMAKING AUTHORITY: 849.094(8)(a) FS.

LAW IMPLEMENTED: 849.094(3), (4)(a), (b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Topol, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, Phone: (850)410-3662

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.: RULE TITLES:

61-30.101 Definitions

61-30.807 Standards of Practice, Interior Components

61-30.810 Standards of Practice, Exterior Components

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to implement changes suggested by the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: The proposed rules address the concerns from the Joint Administrative Procedures Committee.

RULEMAKING AUTHORITY: 455.2035, 455.2178(5), 468.8325 FS.

LAW IMPLEMENTED: 455.2178, 455.2179, 468.8311, 468.8313(3), 468.8323, 468.832(1)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395

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 NO.: RULE TITLE:

6A-1.0943 Statewide Assessment for Students with Disabilities

PURPOSE AND EFFECT: The purpose of the proposed amendment is to conform the rule to statutory revisions. The effect is a change of existing procedures with regard to consideration of an extraordinary exemption from participation in the statewide assessment program for some students with disabilities.

SUMMARY: The proposed rule includes recently amended language based on revisions to Section 1008.22, Florida Statutes, Student assessment program for public schools, and the creation of Section 1008.212, Florida Statutes, Students with disabilities; extraordinary exemption. The proposed rule clarifies that the Florida Alternate Assessment which is administered to students with significant cognitive disabilities is a part of the state standardized assessment program. In addition, procedures for the submission of a request for an extraordinary exemption from participation in a statewide assessment for a student with a disability are revised based on the statutory requirements of Section 1008.212, Florida Statutes. Individual educational plan (IEP) teams have the authority to recommend to a district school superintendent that a student with a disability be exempted from participation in a statewide standardized assessment because of specific circumstances or conditions as defined in rule and law that prevent the student from demonstrating the mastery of skills that have been acquired and are measured by a state

standardized assessment. A learning, emotional, behavioral, or significant cognitive disability or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption. The IEP team must document specific information regarding the student as stipulated in both rule and law. This information must be provided to the Commissioner of Education by the district school superintendent at least 60 calendar days in advance of a specific assessment administration. If a parent disagrees with the IEP team's recommendation, the parent must be provided with information regarding available dispute resolution methods. The Commissioner is required to verify the information submitted, make a determination to grant or deny the exemption, and notify the parent and the district school superintendent of the decision within 30 calendar days after the receipt of the district's request. If the Commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 1003.428, 1003.571, 1008.212, 1008.22 FS.

LAW IMPLEMENTED: 1003.428, 1003.571, 1008.212, 1008.22 FS.

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

DATE AND TIME: November 19, 2013, 9:00 a.m.

PLACE: Santa Fe College, Northwest Campus, Fine Arts Hall, 3000 NW 83rd Street, Gainesville, FL 32606

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor, Division of Public Schools, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0943 Statewide Assessment for Students with Disabilities.

(1) Definitions. For the purposes of this rule, the following definitions apply:

(a) Statewide standardized assessments shall mean the Florida Comprehensive Assessment Test until replaced, statewide standardized end-of-course (EOC) assessments, and the Florida Alternate Assessment.

(b) "Circumstance" shall have the same meaning as defined in Section 1008.212, F.S.

(c) "Condition" shall have the same meaning as defined in Section 1008.212, F.S.

~~(2)(1)~~ The Department of Education shall assure the participation of students with disabilities as defined by Section ~~1007.02(2)~~ ~~1003.01(3)(a)~~, F.S., Rule 6A-6.03020, F.A.C., or subsection 6A-19.001(6), F.A.C., in the statewide standardized assessment program and provide technical assistance to school districts in the implementation of the requirements of this rule including appropriate accommodations for students participating in the statewide standardized assessment program as required by Sections 1008.22(3)(c) ~~6~~, and 1003.428(5) ~~and 1003.43(8)~~, F.S.

~~(3)(2)~~ All students with disabilities will participate in the statewide standardized assessment program based on state standards, pursuant to Rule 6A-1.09401, F.A.C., without accommodations unless:

~~(a)~~ ~~The~~ individual educational plan (IEP) team, or the team that develops the plan required under Section 504 of the Rehabilitation Act, determines and documents that the student requires allowable accommodations during instruction and for participation in a statewide standardized assessment; ~~or~~

~~(b) The IEP team determines that a student with a significant cognitive disability meets the criteria for participating in the statewide alternate assessment under subsection (4) of this rule.~~

~~(4)(3)~~ Provision of accommodations for students with disabilities participating in the statewide standardized assessment program.

(a) Each school board shall utilize appropriate and allowable accommodations for statewide standardized assessments within the limits prescribed herein and current

statewide standardized assessment test administration manuals published by the Florida Department of Education Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services. Copies of the manuals are available by contacting the Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Accommodations are defined as adjustments to the presentation of the statewide standardized assessment questions, methods of recording examinee responses to the questions, scheduling for the administration of a statewide standardized assessment to include amount of time for administration, settings for administration of a statewide standardized assessment, and/or the use of assistive technology/devices to facilitate the student's participation in a statewide standardized assessment. Accommodations that negate the validity of a statewide standardized assessment are not allowable. Within the limits specified in this rule, allowable statewide standardized assessment accommodations are based on current instructional accommodations and accessible instructional materials used by the student in the classroom.

(b) The accommodations described in paragraph ~~(4)(3)(a)~~ of this rule are authorized for any student who has been determined to be an eligible student with a disability pursuant to Section 1003.01(3)(a) F.S. and Rule 6A-6.0331, F.A.C., and has a current IEP, or who has been determined to be a student with a disability pursuant to subsection 6A-19.001(6), F.A.C. The accommodations must be identified on the student's IEP or the plan developed under Section 504 of the Rehabilitation Act.

(c) The need for any unique accommodations for use on a statewide standardized assessment not outlined in the statewide assessment test administration manuals published by the Florida Department of Education as described in paragraph ~~(4)(3)(a)~~ of this rule must be submitted to the Department of Education for approval by the Commissioner of Education.

(d) District personnel are required to implement the accommodations in a manner that ensures that the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response. In no case shall the accommodations authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(e) Students with disabilities who are not currently enrolled in public schools or receiving services through public school programs and require accommodations in order to participate in the statewide standardized assessment program

may have access to accommodations identified in paragraph ~~(4)(3)(a)~~ of this rule if the following information is provided:

1. Evidence that the student has been found eligible as a student with a disability as defined by Section 1003.01(3)(a), F.S., or subsection 6A-19.001(6), F.A.C.; and,

2. Documentation that the requested accommodations are regularly used for instruction.

~~(5)(4)~~ Participation in the Florida statewide Alternate Assessment. The decision that a student with a significant cognitive disability will participate in the Florida statewide Alternate Assessment is made by the IEP team and recorded on the IEP. The following criteria must be met:

(a) The student is unable to master the grade-level general state content standards pursuant to Rule 6A-1.09401, F.A.C., even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials;

(b) The student is participating in a curriculum based on the state standards access points, pursuant to Rule 6A-1.09401, F.A.C., for all academic areas; and

(c) The student requires direct instruction in academics based on access points, pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

~~(6)(5)~~ Extraordinary exemption. Pursuant to Section ~~1008.212~~ ~~1008.22(3)(e)6~~, F.S., upon approval of the Commissioner, a student with a disability, ~~as defined in Section 1003.01(3)(a), F.S.~~, is eligible for an extraordinary consideration of a special exemption from participation in statewide standardized assessments as defined in subsection (1) of this rule, ~~including the alternate assessment, under extraordinary circumstances. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating the mastery of skills that have been acquired and are measured by statewide assessments.~~

(a) An IEP team may determine that a student with a disability is prevented by a circumstance or condition as defined in subsection (1) of this rule, from physically demonstrating the mastery of skills that have been acquired and are measured by a statewide standardized assessment and may recommend that an extraordinary exemption from the administration of a statewide assessment be granted. A learning, emotional, behavioral, or significant cognitive disability or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., ~~is does not, in and of itself, an adequate criterion for the granting of an extraordinary exemption constitute an extraordinary circumstance. Extraordinary circumstances are~~

~~physical conditions that affect a student's ability to communicate in modes deemed acceptable for statewide assessments, creating a situation where the results of administration of a statewide assessment would reflect a student's impaired sensory, manual, or speaking skills rather than the student's achievement. A request for consideration of this special exemption must be submitted to the Commissioner in writing from the district school superintendent no later than thirty (30) school days prior to the assessment administration window. Attached documentation shall include:~~

(b) The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but no later than sixty (60) calendar days before the current year's assessment administration for which the request is made. A request must include all of the following information:

1. ~~(a) A w~~Written description of the student's disabilities disabling condition, including a specific description of the student's impaired sensory, manual or speaking skills and the extraordinary circumstances for the exemption request;

2. ~~(b)~~ Written documentation of the most recent evaluation data;

3. Written documentation, if available, of the most recent administration of statewide standardized assessments;

4. A written description of the circumstance's or condition's, as defined in subsection (1) of this rule, effect on the student's participation in statewide standardized assessments and

~~(c) Written description of the disability's effect on the student's achievement;~~

5. ~~(d)~~ Written evidence that the student has had the opportunity to learn the skills being tested; ~~and;~~

6. Written evidence that the student has been provided appropriate instructional accommodations;

7. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of a statewide standardized assessment; and

8. Written evidence of the circumstance or condition as defined in subsection (1) of this rule.

~~(e) Written evidence that the manifestation of the student's disability prohibits the student from responding to the statewide assessment, even when appropriate accommodations are provided so that the result of the testing reflects the student's impaired sensory, manual, or speaking skills rather than the student's achievement.~~

(c) Based on the documentation provided by the student's IEP team, the school district superintendent shall recommend to the Commissioner of Education whether an extraordinary exemption for a given assessment administration window be

granted or denied. The school district's recommendation and accompanying documentation must be sent to the Florida Department of Education, Office of the Commissioner, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(d) If the parent disagrees with the IEP team's recommendation, the dispute resolution methods as described in Rule 6A-6.03311, F.A.C., shall be made available to the parent.

(e) Upon receipt of the request, documentation, and recommendation, the Commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within thirty (30) calendar days after the receipt of the request whether the exemption has been granted or denied. If the Commissioner denies the exemption, the notification must state the reasons for the denial.

(f) If the Commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP.

~~(g) The Commissioner shall determine whether the exemption will be granted based upon the documentation provided by the district school superintendent. A request for the determination of a special exemption must be submitted annually and approved by the Commissioner.~~

Rulemaking Authority 1001.02(1), (2)(n), 1003.428(5), ~~1003.43(8), 1003.571, 1008.212, 1008.22(3), (10)(12)~~—FS. Law Implemented 1003.428(5), ~~1003.43(8), 1003.571, 1008.212, 1008.22(3), (12)~~—FS. History—New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90, 9-17-01, 7-1-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Deputy Chancellor of Curriculum, Instruction and Student Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2013

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09431
RULE TITLE: Procedures for Special Exemption from Graduation Test Requirement for Students with Disabilities Seeking a Standard High School Diploma

PURPOSE AND EFFECT: The purpose is to repeal Rule 6A-1.09431, F.A.C. The effect is to remove from the Florida Administrative Code a rule which is no longer consistent with governing law.

SUMMARY: Provisions for the granting of extraordinary exemptions from participation in any statewide assessment are incorporated in Rule 6A-1.0943, F.A.C. Rule 6A-1.09431, F.A.C., is redundant and no longer necessary and is proposed for repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes. This rule is redundant and no longer necessary and is proposed for repeal.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n) FS.

LAW IMPLEMENTED: 1001.02(1), (2)(n) FS.

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

DATE AND TIME: November 19, 2013, 9:00 a.m.

PLACE: Santa Fe College, Northwest Campus, Fine Arts Hall, 3000 NW 83rd Street, Gainesville, FL 32606

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor, Division of Public Schools, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09431 Procedures for Special Exemption from Graduation Test Requirement for Students with Disabilities Seeking a Standard High School Diploma.

Rulemaking Specific Authority 1008.22(3)(c), 1003.428, 1003.43 FS. Law Implemented 1008.22, 1003.428, 1003.43 FS., 20 USC 1412(a)(1)(B). History—New 9-17-01, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Deputy Chancellor of Curriculum, Instruction and Student Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2013

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.03028	Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities
6A-6.0331	General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services
6A-6.03311	Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities

PURPOSE AND EFFECT: : These rules are revised in order to conform to statutory changes enacted by the 2013 legislature and, in addition, a revision to the implementing regulations of the Individuals with Disabilities Education Act (IDEA) impacting Rule 6A-6.03028, F.A.C. The effects include: revised procedures with regard to individual educational plan meeting notices for some IEP meetings (6A-6.03028); adoption of a Model Communication Plan to be used during the IEP meetings conducted for students who are deaf, hard of hearing or dual sensory impaired (6A-6.03028) to inform IEP planning for instructional needs; provision of notice to parents regarding nonparticipation in the state assessment (6A-6.03028); revised procedures with regard to parent consent and notice when a school district accesses public insurance or benefits for a student with disabilities (6A-6.03028); updated language regarding multi-tiered system of support (6A-6.0331); timely action to obtain consent when a parent suspects that their child has a disability and the parent requests an evaluation (6A-6.0331); an expansion of parental rights with regard to the provision of consent for instruction in access points curriculum, participation in the Florida Alternate Assessment, or placement in an ESE center school and the creation of state adopted forms for the purpose of obtaining consent (6A-6.0331); an expansion of the circumstances with a notice of procedural safeguards must be provided to the parent (6A-6.03311); extending the provisions of resolution of formal complaints to include alleged violations of state

requirements regarding the education of students with disabilities (6A-6.03311); the revision of language regarding matters subject to a due process hearing (6A-6.03311); and the establishment of a provision for a parent to request an expedited due process hearing in the event that the Commissioner of Education denies a request for an extraordinary exemption from participation in a statewide assessment.

SUMMARY: With regard to proposed Rule 6A-6.03028, F.A.C., a requirement is added related to parent notification of an IEP team meeting. If the IEP team meeting is convened for the purpose of reviewing or changing the student's IEP as it relates to participation in access points curriculum, the Florida Alternate Assessment, or placement in an ESE center school, the school must provide notice to the parent at least ten days prior to the meeting. The meeting can be convened prior to the tenth day if the parent agrees following receipt of the written notice. The proposed rule requires the use of the Model Communication Plan during an IEP meeting for students who are deaf, hard of hearing, or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The form must be adopted in rule and made available to school districts no later than December 31, 2013. As required by law, the plan proposed was developed in coordination with the Florida School for the Deaf and the Blind, and with the input of other stakeholders. Clarification is provided that parents must be informed of the implications of nonparticipation in the statewide assessment if an extraordinary exemption in accordance with Section 1008.212, Florida Statutes, is granted. Provisions related to obtaining consent and providing notice regarding the use of public benefits and insurance are revised. Requirements for the content of the parent notice are stipulated and consent must be obtained prior to accessing such benefits for the first time. Notice must be provided prior to accessing benefits for the first time and annually thereafter. With regard to proposed Rule 6A-6.0331, F.A.C., provisions related to parent consent are revised as specified in the newly created Section 1003.5715, Florida Statutes, Parental consent; individual education plan, and clarification is added regarding actions required prior to an evaluation within a multi-tiered system of supports. The revision also updates references to "exceptional student education (ESE)" and "special education and related services" in order to ensure the inclusion of gifted education as applicable and provide consistency with other state requirements. Other key provisions include: the updating of language regarding multi-tiered system of support and data-based problem solving; establishment of a timeline (20 school days) for obtaining parental consent when a parent suspects that their child has a disability and requests that an evaluation

be conducted; increased parental rights regarding a child's participation in access points curriculum, the Florida Alternate Assessment, and placement in an ESE center school; and, adoption of forms by the Department of Education that must be used to obtain parental consent for the actions described above. With regard to proposed Rule 6A-6.03311, F.A.C., Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities, upon a school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment be granted or denied, a parent must be given a copy of their procedural safeguards. The Department of Education will provide parents and other interested persons the opportunity to resolve complaints that a school district has violated state requirements related to the education of students with disabilities. Currently, this rule solely addresses violations of the Individuals with Disabilities Education Act (IDEA). A due process hearing request may be made by a parent or school district for a matter relating to an eligibility determination in addition to the current provisions for hearings related to identification, evaluation, educational placement of the student, or the provision of a free appropriate public education. In accordance with the provisions of Section 1008.212, Florida Statutes, if the commissioner denies an extraordinary exemption from participation in a statewide assessment, a parent may request an expedited due process hearing. If requested, the Department of Education must inform the parent of any free or low cost legal services, and must arrange the hearing with the Division of Administrative Hearings. This hearing must begin within 20 school days following receipt of the request and the administrative law judge must make a determination within 10 school days after the completed hearing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the

economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 1003.01, 1003.55, 1003.57, 1003.571, 1003.5715, 1008.212, 1008.22 FS.

LAW IMPLEMENTED: 1003.01, 1003.55, 1003.57, 1003.571, 1003.5715, 1008.212, 1008.22 FS.

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

DATE AND TIME: November 19, 2013, 9:00 a.m.

PLACE: Santa Fe College, Northwest Campus, Fine Arts Hall, 3000 NW 83rd Street, Gainesville, FL 32606.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor, Division of Public Schools, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03028 Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities.

(1) Entitlement to FAPE. All students with disabilities aged three (3) through twenty-one (21) residing in the state have the right to FAPE consistent with the requirements of the Individuals with Disabilities Education Act, 20 USC Section 1400, et. seq (IDEA), its implementing federal regulations at 34 CFR Subtitle B, part 300 et.seq. which is hereby incorporated by reference to become effective with the effective date of this rule, and under Rules 6A-6.03011 through 6A-6.0361, F.A.C. FAPE shall be made available to students with disabilities, including students who have been suspended or expelled, and any individual student with a disability who needs special education and related services, even though the student has not failed or been retained in a course or grade, and is advancing from grade to grade. The obligation to make FAPE available to all students with disabilities does not apply with respect to the following:

(a) Students with disabilities who have graduated from high school with a standard diploma. A standard diploma does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate of completion or a general educational development credential (GED); and

(b) Students aged eighteen (18) through twenty-one (21) who, in the last educational placement prior to their incarceration in an adult correctional facility:

1. Were not actually identified as being a child with a disability pursuant to Rules 6A-6.03011 through 6A-6.0361, F.A.C.; and

2. Did not have an individual educational plan (IEP) in accordance with this rule ~~under Rules 6A-6.03011 through 6A-6.0361, F.A.C.~~

(c) The exception in paragraph (b) of this section does not apply to students with disabilities, aged eighteen (18) through twenty-one (21), who:

1. Had been identified as a student with a disability under Rules 6A-6.03011 through 6A-6.0361, F.A.C., and had received services in accordance with an IEP, but who left school prior to their incarceration; or

2. Did not have an IEP in their last educational setting, but who had actually been identified as a student with a disability under Rules 6A-6.03011 through 6A-6.0361, F.A.C.

(2) No change.

(3) IEP Requirements. An IEP ~~or individual family support plan (IFSP)~~ must be developed, reviewed, and revised for each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, in accordance with this rule. Parents are partners with schools and school district personnel in developing, reviewing, and revising the IEP for their student.

(a) Role of parents. The role of parents in developing IEPs includes, but is not limited to:

1. Providing critical information regarding the strengths of their student;

2. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

3. Participating in discussions about the student's need for special education and related services;

4. Participating in the determination of how the student will be involved and progress in the general curriculum, including participation in the statewide assessment program and in district-wide assessments;

5. Participating in the determination of what services the school district will provide to the student and in what setting; and

6. Participating in the determination of whether the student is pursuing a course of study leading towards a standard diploma, consistent with Sections 1003.428 ~~1003.43~~ and 1003.4282, Florida Statutes ~~1004.428, F.S.~~, or a special diploma, consistent with Section 1003.438, F.S.

(b) Parent participation in meetings. Each school district shall establish procedures that provide the opportunity for one

or both of the student's parents to participate in meetings and decisions concerning the IEP for the student. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their student. Procedures to ensure participation in meetings shall include the following:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend.; Any time an IEP meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school shall provide the notice to the parent at least ten (10) days prior to the meeting. The meeting may be convened prior to the tenth day if the parent consents upon receipt of the written notice; and

2. through (d) No change.

(e) Transition of children with disabilities from the infants and toddlers early intervention program.

1. By the third (3rd) birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with this rule or an individual family support plan consistent with Rule 6A-6.03029, F.A.C. ~~these rules~~, must be developed and implemented.

2. For the purpose of implementing the requirement of this rule, each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

3. If the child's third (3rd) birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or individual family support plan will begin.

(f) No change.

(g) Considerations in IEP development, review, and revision for students with disabilities. The IEP team shall consider the following in IEP development, review, and revision:

1. The strengths of the student and the concerns of the parents for enhancing the education of their student;

2. The results of the initial or most recent evaluation or reevaluation of the student;

3. As appropriate, the results of the student's performance on any general statewide or districtwide assessment;

4. The academic, developmental, and functional needs of the student;

5. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies,

including the use of positive behavioral interventions, supports, and other strategies to address that behavior;

6. In the case of a student with limited English proficiency, the language needs of the student as those needs relate to the student's IEP;

7. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, including future needs, and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;

8. The communication needs of the student;

9. In the case of a student who is deaf or hard-of-hearing or dual-sensory impaired, the Model Communication Plan Form 313189, effective December 2013, is available at [insert link] or may be obtained from the Department of Education, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, FL 32399. The Model Communication Plan form is incorporated by reference and shall be used to address, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

10. through 12. No change.

(h) Contents of the IEP. The IEP for each student with a disability must include:

1. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities;

2. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability;

3. A description of benchmarks or short-term objectives for:

a. Students with disabilities who take alternate assessments aligned to alternate achievement standards; or

b. Any other student with a disability, at the discretion of the IEP Team.

4. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the classroom accommodations, modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in subparagraph (3)(h)4., of this rule;

5. A statement of any individual appropriate accommodations in the administration of statewide standardized assessments as described in Section 1008.22(3), F.S., state or district assessments of student achievement that are necessary in order to measure the academic achievement and functional performance of the student on the assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with Section 1008.22(3)(c)3.6., F.S. If the IEP Team determines that the student will take ~~an~~ the Florida Alternate Assessment instead of other statewide standardized assessments ~~the regular state or an alternate~~ district assessment of student achievement ~~or part of an assessment~~, the IEP must include a statement of why the student can not participate in other statewide standardized assessments or district ~~the regular~~ assessments and why the particular alternate assessment selected is appropriate for the student. If a student does not participate in the statewide regular state assessment program as a result of being granted an extraordinary exemption in accordance with the provisions of Section 1008.212, F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with Section 1008.22(3)(e)6., F.S.

6. The projected date for the beginning of the special education, services, accommodations and modifications described in subparagraph (3)(h)4., of this rule and the anticipated frequency, location, and duration of those services;

7. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other

periodic reports, concurrent with the issuance of report cards) will be provided;

8. In accordance with ~~Commissioner of Education~~ Rule 6A-1.09961, F.A.C., during the student's eighth (8th) grade year or during the school year of the student's fourteenth (14th) birthday, whichever comes first, a statement of whether the student is pursuing a course of study leading to a standard diploma or a special diploma.

9. In order to ensure quality transition planning and services, IEP Teams shall begin the process of identifying transition services needs of students with disabilities, to include consideration of the student's need for instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, beginning no later than age fourteen (14), so that needed postsecondary goals may be identified and in place by age sixteen (16).

10. Beginning not later than the first IEP to be in effect when the student turns sixteen (16), or younger, if determined appropriate by the IEP Team and updated annually:

a. A statement of appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills and the transition services (including courses of study) needed to assist the student in reaching those goals.

b. If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including Division of Vocational Rehabilitation Services, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

11. Beginning at least one (1) year before the student's eighteenth (18th) birthday, a statement that the student has been informed of his or her rights under Part B of the IDEA, if any, that will transfer from the parent to the student on reaching the age of majority, which is eighteen (18) years of age.

(i) Least restrictive environment (LRE) and placement determinations. Placement determinations shall be made in accordance with the least restrictive environment provisions of the IDEA ~~and Rules 6A-6.03011 through 6A-6.0361, F.A.C.,~~ as follows:

1. To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled;

2. Special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

3. A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions and a school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

4. In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:

a. The placement decision:

(I) Is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and

(II) Is made in conformity with the LRE provisions of this rule.

b. The student's placement:

(I) Is determined at least annually;

(II) Is based on the student's IEP; and

(III) Is as close as possible to the student's home.

c. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled;

d. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs; and

e. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

5. In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability

has the supplementary aids and services determined by the student's IEP Team to be appropriate and necessary for the student to participate in nonacademic settings.

(j) through (p) No change.

(q) Procedures for students with disabilities who are covered by public benefits or insurance. A school district may use the Medicaid or other public benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as provided herein.

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:

a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA;

b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA, but pursuant to subparagraph (3)(q)3. of this rule, may pay the cost that the parent otherwise would be required to pay;

c. May not use a student's benefits under a public insurance program if that use would:

(I) Decrease available lifetime coverage or any other insured benefit;

(II) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;

(III) Increase premiums or lead to the discontinuation of benefits or insurance; or

(IV) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures; and

d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in subparagraph e. of paragraph (3)(q), the school district must obtain written, parental consent that specifies:

(I) The personally identifiable information that may be disclosed such as records or information about the services that may be provided to the student;

(II) The purpose of disclosure, such as for purpose of billing for services;

(III) The agency to which the disclosure may be made;
and

(IV) That the parent understands and agrees that the school district may access the parent's or student's public benefits or insurance to pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C. Must obtain informed

~~written parental consent each time that access to public benefits or insurance is initially sought and notify parents that the parents' refusal to allow access to their public benefits or insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents. Parental consent must be obtained each time services are changed.~~

e. Prior to accessing a student's or parent's public benefits or insurance for the first time, and annually thereafter, the school district must provide written notification consistent with the requirements found in paragraphs 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes:

(I) A statement of the parental consent provision in subparagraph d. of this paragraph;

(II) A statement of the no cost provisions of subparagraph (3)(q)1.;

(III) A statement that the parents have the right to withdraw their consent to disclose their child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time; and

(IV) A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. through (t) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.55, 1003.57, 1003.571, 1003.5715, 1008.22 FS. Law Implemented 1003.01(3)(a), (b), 1003.55, 1003.57, 1003.571, 1003.5715, 1008.22 FS. History—New 7-13-93, Amended 10-17-04, 12-22-08-, 12-15-09, ~~12-15-09,~~_____.

6A-6.0331 General Education Intervention Procedures, Identification, Evaluation, Determination of Eligibility, Reevaluation and the Initial Provision of Exceptional Student Education Services.

The state's goal is to provide full educational opportunity and a free appropriate public education (FAPE) to all students with disabilities ages three (3) through twenty-one (21) and to ~~school-age~~ students who are gifted in grades kindergarten through 12. School districts have the responsibility to ensure that students suspected of having a disability are subject to general education intervention procedures. They must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) as defined in

paragraph (1)(n) of Rule 6A-6.03411, F.A.C., specially designed instruction and related services are identified, located, and evaluated, and FAPE appropriate exceptional student education is made available to them if it is determined that the student meets the eligibility criteria specified in Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03019, 6A-6.03020, 6A-6.03022, 6A-6.03023, 6A-6.03026(1)(b), and 6A-6.03027 through 6A-6.0364, F.A.C. ESE includes specially designed instruction as defined in paragraph (1)(jj) of Rule 6A-6.03411, F.A.C.; special education as defined in paragraph (1)(kk) of Rule 6A-6.03411, F.A.C.; and related services as defined in paragraph (1)(dd) of Rule 6A-6.03411, F.A.C. These requirements apply to all students, including those who are homeless or are wards of the state or who attend private schools, regardless of the severity of their disability. Additionally, school districts may elect to serve children with disabilities below the age of three (3) years in collaboration with the Part C Early Steps Program. The procedures and criteria for general education interventions, identification, evaluation, and determination of eligibility of students with disabilities and gifted students by school districts shall be set forth in the school district's ~~Exceptional Student Education (ESE) Policies and Procedures~~ document consistent with the following requirements.

(1) General education intervention procedures for kindergarten through grade twelve (12) students suspected of having a disability who are enrolled in public schools. It is the local school district's responsibility to develop and implement a multi-tiered system of support which integrates a continuum of coordinated general education intervention procedures for students who need additional academic and behavioral interventions for students who need additional support to succeed in the general education environment. In implementing a data-based problem solving process designed to develop, implement and evaluate a coordinated continuum of evidence-based instruction and intervention practices such procedures, a school district may carry out problem solving activities that include the provision of educational and behavioral evaluations, services, and supports, including scientifically evidence-based literacy instruction and professional development for teachers and other school staff to enable them to deliver scientifically based academic and behavioral interventions and, where appropriate, instruction on the use of adaptive and instructional technology software. The general education intervention requirements set forth in paragraphs (a) through (e) of this paragraph are not required of

students suspected of being gifted or who are being considered for eligibility in accordance with Rule 6A-6.03020, F.A.C., for special education and related services specially designed instruction for students who are homebound or hospitalized. The general education interventions requirements set forth in paragraphs (a), (b), and (e) of this subsection may not be required for students suspected of having a disability if a team that comprises qualified professionals and the parent determines that these general education interventions are not appropriate for a student who demonstrates a speech disorder or severe cognitive, physical or sensory disorders, or severe social/behavioral deficits that require immediate intensive intervention to prevent harm to the student or others, ~~or for students who are not enrolled in a public school.~~

(a) Parent involvement in general education intervention procedures. Opportunities for parents to be involved in a data-based problem solving ~~the~~ process to address the student's areas of concern must be made available. In addition, there must be discussion with the parent regarding the data used to identify the problem and monitor student progress, ~~of~~ the student's responses to instruction and interventions, modification of supporting data and potential adjustments to the interventions, ~~and of~~ anticipated future action to address the student's learning and/or behavioral needs areas of concern. Documentation of parental involvement and communication must be maintained.

(b) through (d) No change.

(e) Evidence-based interventions addressing the identified areas of concern must be implemented in the general education environment. The interventions selected for implementation should be developed by a team through a data-based problem solving process that uses student performance data to, ~~among other things,~~ identify and analyze the area(s) of concern, select and implement interventions, and monitor the effectiveness of the interventions. Interventions shall be implemented as designed for a period of time sufficient to determine effectiveness, ~~reasonable~~ period of time and with a level of intensity that matches the student's needs. Pre-intervention and ongoing progress monitoring measures of academic and/or behavioral areas of concern must be collected and communicated to the parents in an understandable format, which may include, but is not limited to, graphic representation.

(f) No change.

(g) A school district may not use more than fifteen (15) percent of the amount it receives under Part B of the IDEA for any fiscal year to develop and implement a coordinated continuum of evidence-based general education interventions ~~procedures~~ for students in kindergarten through grade twelve (12) who are not currently identified as needing special education and ~~or~~ related services but who need additional

support to succeed in the general education environment. Funds made available to carry out this ~~paragraph section~~ may be used to carry out general education intervention procedures aligned with activities funded by and carried out under the Elementary and Secondary Education Act (ESEA), if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this ~~paragraph section~~. For IDEA Part B funds used in this way, the school district must annually report to the Florida Department of Education on the number of students served under this ~~paragraph section~~ who received general education interventions and the number of students who received such services and subsequently receive special education and related services under Part B of the IDEA during the preceding two (2) year period.

(2) Procedures prior to initial evaluation for prekindergarten children. For children who are below mandatory school attendance age and who are not yet enrolled in kindergarten, the activities specified in subsection (1) of this rule are not required. The following requirements apply to this population:

(a) ~~A review of~~ Existing social, psychological, and medical data shall be reviewed, with referral for a health screening when the need is indicated; and

(b) Vision and hearing screenings shall be conducted for the purpose of ruling out sensory deficits. Additional screenings to assist in determining interventions may be conducted as appropriate.

(3) Initial evaluation. Each school district must conduct a full and individual initial evaluation before the initial provision of ESE. Either a parent of a kindergarten through grade 12 student or child age three (3) to kindergarten entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. ~~Either a parent of a kindergarten through grade 12 student or a school district may initiate a request for initial evaluation to determine if a student~~ ~~or~~ is gifted.

(a) The school district must promptly seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through grade 12 student, or a child age three (3) to kindergarten entry age, is a student with a disability and needs special education and related services. Circumstances which would indicate that a student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When the kindergarten through grade 12 student's response to intervention data indicate that intensive interventions implemented in accordance with subsection (1) of this rule are effective but require a level of intensity and

resources to sustain growth or performance that is beyond that which is accessible through general education resources; or

2. When the kindergarten through grade 12 student's response to interventions implemented in accordance with subsection (1) of this rule indicates that the student does not make adequate growth given effective core instruction and intensive, individualized, evidence-based interventions; or

3. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through grade 12 student or child age three (3) to kindergarten entry age may be a student with a disability and needs special education and related services.

~~Prior to a school district request for initial evaluation, school personnel must make one (1) of the following determinations and include appropriate documentation in the student's educational record to the effect that:~~

~~1. For a student suspected of being a student with a disability, the general education intervention procedures have been implemented as required under this rule and indicate that the student should be considered for eligibility for ESE; or~~

~~2. The nature or severity of the student's areas of concern make the general education intervention procedures inappropriate in addressing the immediate needs of the student.~~

~~(b) As described in subparagraph (3)(a)3. of this rule, if a the parent of the child receiving general education interventions requests, prior to the completion of these interventions, that the school conduct an evaluation to determine the kindergarten through grade 12 student's or child's age three (3) to kindergarten entry age eligibility for special education specially designed instruction and related services as a student with a disability, the school district must within twenty (20) school days, unless the parent and the school agree otherwise in writing:~~

~~1. Must Obtain consent for and conduct the evaluation; or and~~

~~2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation. Complete the activities described in subsection (1) of this rule concurrently with the evaluation but prior to the determination of the student's eligibility for specially designed instruction; or~~

~~3. Must provide the parent with written notice of its refusal to conduct the evaluation that meets the requirements of Rule 6A-6.03311, F.A.C.~~

(c) Prior to a school district request for initial evaluation of a student in grades K through 12 suspected of having a disability, school personnel must make one (1) of the following determinations and include appropriate documentation in the student's educational record to the effect that:

1. The general education intervention procedures have been implemented as required under this rule and the data indicate that the student may be a student with a disability who needs special education and related services; or

2. The evaluation was initiated at parent request and the activities described in subsection (1) of this rule will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services.

3. The nature or severity of the student's areas of concern make the general education intervention procedures inappropriate in addressing the immediate needs of the student.

(d) The school district shall be responsible for conducting all initial evaluations necessary to determine if the student is eligible for ESE and to determine the educational needs of the student. Such evaluations must be conducted by examiners, including physicians, school psychologists, psychologists, speech-language pathologists, teachers, audiologists, and social workers who are qualified in the professional's field as evidenced by a valid license or certificate to practice such a profession in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability. Educational evaluators not otherwise covered by a license or certificate to practice a profession in Florida shall either hold a valid Florida teacher's certificate or be employed under the provisions of Rule 6A-1.0502, F.A.C.

1. Tests of intellectual functioning shall be administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.

2. Standardized assessment of adaptive behavior shall include parental input regarding their student's adaptive behavior.

(e)(d) The school district shall ensure that initial evaluations of students suspected of having a disability are completed within sixty (60) school days (cumulative) as defined in paragraph 6A-6.03411(1)(h), F.A.C., that the student is in attendance after the school district's receipt of parental consent for the evaluation. For prekindergarten children, initial evaluations must be completed within sixty (60) school days after the school district's receipt of parental consent for evaluation.

(f)(e) The sixty (60)-day timeframe for evaluation does not apply to a school district if:

1. The parent of the student repeatedly fails or refuses to produce the student for the evaluation; or

2. A student enrolls in a school served by the school district after the timeframe has begun, and prior to a determination by the student's previous school district as to whether the student is a student with a disability. This exception applies only if the subsequent school district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district agree to a specific time when the evaluation will be completed. Assessments of students with disabilities who transfer from one school district to another school district in the same school year must be coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

~~(g)~~(f) The school district shall ensure that students suspected of being gifted are evaluated within a reasonable period of time.

(4) Parental consent for initial evaluation.

(a) The school district must provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. In addition, the school district proposing to conduct an initial evaluation to determine if a student is a student with a disability and needs special education and related services or is gifted and needs ESE must obtain informed consent from the parent of the student before conducting the evaluation.

(b) Parental consent for initial evaluation must not be construed as consent for initial provision of ESE.

(c) The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or is gifted.

(d) In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

~~(e)~~(d) For initial evaluations only, if the child is a ward of the State and is not residing with the student's parent, the school district is not required to obtain informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability if:

1. Despite reasonable efforts to do so, the school district cannot discover the whereabouts of the parent of the student;

2. The rights of the parents of the student have been terminated in accordance with Chapter 39, Part XI, F.S.; or

3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

~~(f)~~(e) If the parent of a student suspected of having a disability who is enrolled in public school or seeking to be

enrolled in public school does not provide consent for initial evaluation or the parent fails to respond to a request to provide consent, the school district may, but is not required to, pursue initial evaluation of the student by using the mediation or due process procedures contained in Rules 6A-6.03311 ~~6A-6.03011 through 6A-6.0361~~, F.A.C. The school district does not violate its child find ~~or evaluation~~ obligations if it declines to pursue the evaluation.

~~(g)~~(f) A school district may not use a parent's refusal to consent to initial evaluation to deny the parent or the student any other service, benefit, or activity of the school district, except as provided by this rule.

(5) Evaluation procedures.

(a) In conducting an evaluation, the school district:

1. Must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent; This evaluation data that may assist in determining whether the student is eligible for ESE and the content of the student's individual educational plan (IEP) or educational plan (EP), including information related to enabling the student with a disability to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), or for a gifted student's needs beyond the general curriculum;

2. Must not use any single measure or assessment as the sole criterion for determining whether a student is eligible for ESE and for determining an appropriate educational program for the student; and

3. Must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(b) Each school district must ensure that assessments and other evaluation materials and procedures used to assess a student are:

1. Selected and administered so as not to be discriminatory on a racial or cultural basis;

2. Provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;

3. Used for the purposes for which the assessments or measures are valid and reliable; and

4. Administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.

(c) Assessments and other evaluation materials and procedures shall include those tailored to assess specific areas

of educational need and not merely those that are designed to provide a single general intelligence quotient.

(d) through (f) No change.

(g) An evaluation shall be sufficiently comprehensive to identify all of a student's ESE needs, whether or not commonly linked to the suspected disability category in which the student is classified.

(6) Determination of eligibility for exceptional students.

(a) A group of qualified professionals determines whether the student is an exceptional student in accordance with this rule and the educational needs of the student. The parents of a student being considered for eligibility as a student with a disability shall be invited and encouraged to participate as equal members of the group. The school district must provide a copy of the evaluation report and the documentation of the determination of eligibility at no cost to the parent. ~~If a determination is made that a student is an exceptional student and needs ESE, an IEP or EP must be developed for the student in accordance with these rules.~~

(b) In interpreting evaluation data for the purpose of determining if a student is an exceptional student and the educational needs of the student, each school district shall:

1. Draw upon data and information collected as part of a data-based problem solving process from a variety of sources, such as aptitude and achievement tests, the student's response to instruction and interventions/instruction implemented, parent input, student input as appropriate, teacher recommendations, and information about the student's physical condition, social or cultural background, and adaptive behavior;

2. Ensure that information obtained from all of these sources is documented and analyzed by the team as part of the problem solving process carefully considered; and

3. Determine eligibility in accordance with the criteria and procedures specified in these rules.

(c) If a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed for the student in accordance with Rules ~~6A-6.03028 6A-6.03011 through 6A-6.0361~~, F.A.C. For children ages three (3) through five (5) years, an individual family support plan (IFSP) may be developed in lieu of an IEP in accordance with Rule 6A-6.03029, F.A.C.

(d) through (e) No change.

(f) For students identified as gifted, an ~~educational plan (EP)~~ in accordance with Rule 6A-6.030191, F.A.C., shall be developed.

(7) through (8)(h) No change.

(i) To meet the reasonable efforts requirements to obtain parental consent ~~in Rules 6A-6.03011 through 6A-6.0361, F.A.C.~~, the school district must document its attempts to obtain parental consent using procedures such as those used to

obtain parental participation in meetings as described in subparagraph 6A-6.03028(3)(b)7., F.A.C.

(9) Parental Consent for the Initial Provision of Services.

(a) A school district responsible for making FAPE available to an exceptional student must obtain informed consent from the parent of the student before the initial provision of ESE special education and related services to the student.

(b) The school district must make reasonable efforts to obtain informed consent from the parent for the initial provision of ESE services to the student.

(c) If the parent of a student fails to respond or refuses to consent to the initial provision of ESE services, the school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the services may be provided to the student.

(d) If the parent of the student refuses consent to the initial provision of ESE special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of ESE special education and related services, the school district will not be considered to be in violation of the requirement to make FAPE available to the student for the failure to provide the student with the ESE special education and related services for which the school district requests consent. In addition, the school district is not required to convene an IEP or EP (Team meeting or develop an IEP or EP for the student for the ESE special education and related services for which the school district requests such consent.

(e) If, at any time subsequent to the initial provision of ESE special education and related services, the parent of a student revokes consent in writing for the continued provision of ESE special education and related services, the school district may not continue to provide ESE special education and related services to the student, but must provide prior written notice before ceasing the provision of ESE special education and related services. The school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the services may be provided to the student.

(f) If a parent of a student revokes consent in writing for the continued provision of ESE special education and related services, the school district:

1. Will not be considered to be in violation of the requirement to make FAPE available to the student for its failure to provide the student with further ESE special education and related services; and,

2. Is not required to convene an IEP or EP (Team meeting or develop an IEP or EP for the student for further provision of ESE special education and related services.

(g) If a parent of a student with a disability revokes consent in writing for their child's receipt of ESE special education services after the initial provision of ESE special education and related services to the student, the school district is not required to amend the student's education records to remove any references to the student's receipt of ESE special education and related services because of the revocation of consent.

(10) Parental Consent for Specific Actions.

(a) A school district may not proceed with the following actions included in a student's IEP without written informed consent of the parent unless the school district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond, or the school district obtains approval through a due process hearing in accordance with subsection 6A-6.03311(9), F.A.C. To meet the reasonable efforts requirements to obtain parental consent the school district must document its attempts to obtain parental consent using procedures such as those used to obtain parental participation in meetings as described in subparagraph 6A-6.03028(3)(b)7., F.A.C.

Those actions requiring parental consent include:

1. Administration of an alternate assessment in accordance with Section 1008.22, Florida Statutes, and provision of instruction in the state standards access points curriculum; and,

2. Except for a change in placement as described in Section 1003.57(1)(h), Florida Statutes, placement of the student in an exceptional student education center as defined in paragraph 6A-1.099828(2)(b), F.A.C.

(b) The district shall obtain written parental consent for the actions described above on the Parental Consent Form – Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration, Form 31381 and Parental Consent Form – Student Placement in an Exceptional Education Center, Form 313182 adopted by the Department of Education and incorporated by reference to become effective December 2013 and available at [insert link] or may be obtained from the Department of Education, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, FL 32399.

(c) At any time an IEP team meeting is to be convened for the purpose of reviewing or changing a student's IEP as it relates to any of the actions described above, the school district must provide written notice of the meeting to the parent at least ten (10) days before the meeting. The notice must indicate the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The meeting may be convened prior to the tenth (10th) day, if the parent consents upon receipt of the written notice described above.

(d) Within ten (10) school days of a parent indicating in writing on a consent form described in paragraph (b) of this subsection that they do not consent to an action described in subparagraph (a) of this subsection, the district must either develop and implement a new placement or instruction and assessment procedures in accordance with a new IEP or must request a due process hearing in accordance with subsection 6A-6.03311(9), F.A.C. During the pendency of a due process hearing or appellate proceeding regarding a due process complaint, the student must remain in the student's current educational assignment while awaiting the decision of the due process hearing or court proceeding, unless the parent and the district school board agree otherwise.

Rulemaking Authority 1001.02(1), (2)(n), 1003.57, 1003.571, 1003.5715 FS. Law Implemented 1003.01(3)(a), (b), 1003.57, 1003.571, 1003.5715 FS. History New 6-17-74, Repromulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A 6.331, Amended 7-13-93, 1-2-95, 9-20-04, 12-22-08, 12-15-09, _____.

6A-6.03311 Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities.

Each school district must establish, maintain and implement procedural safeguards that meet the requirements of this rule.

(1) through (c)3. No change.

4. A statement that the parents of a student with a disability have protection under the procedural safeguards of this these rules and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;

5. through 7. No change.

(2) Provision of Procedural Safeguards to Parents.

(a) Parents must be provided a copy of their procedural safeguards which provides a full explanation of the provisions of this rule Rules 6A 6.03011 through 6A 6.0361, F.A.C., relating to:

1. through 11. No change.

(b) A copy of the procedural safeguards must be given to the parents of a student with a disability only one time a school year, except that a copy also must be given to the parents:

1. Upon initial referral or parent request for evaluation;

2. In accordance with the discipline procedures when a change in placement occurs;

3. Upon receipt of the first State complaint and upon receipt of the first request for a due process hearing in a school year; ~~and~~

4. Upon request by a parent; ~~and;~~

5. In accordance with the provisions of Section 1008.212, Florida Statutes, upon the school district superintendent's recommendation to the commissioner of education that an

extraordinary exemption for a given state assessment be granted or denied.

(c) through (4) No change.

(5) State complaint procedures. The Department of Education shall provide parents and other interested persons, including an organization or individual from another state, the opportunity to resolve any complaint that a school district has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) or its implementing regulations, or a state requirement, regarding the education of students with disabilities through its state complaint procedures. The Department of Education shall disseminate its state complaint procedures to parents and other interested individuals, including the parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

(a) through (7)(c) No change.

(d) The cost of reimbursement described in paragraph (c) of this subsection may be reduced or denied if:

1. At the most recent IEP Team meeting that the parents attended prior to removal of the student from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the school district to provide FAPE to their student, including stating their concerns and their intent to enroll their student in a private school at public expense or at least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parents did not give written notice to the school district of the information described herein;

2. Prior to the parents' removal of the child from the public school, the school district informed the parents, through the notice requirements described in this rule Rules 6A-6.03011 through 6A-6.0361, F.A.C., of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the student available for the evaluation; or

3. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

4. Exception. Notwithstanding the notice requirement in subparagraph 1. of this paragraph section, the cost of reimbursement must not be reduced or denied for failure to provide the notice if:

a. The school prevented the parent from providing the notice;

b. The parents had not received notice, pursuant to the procedural safeguards requirements, of the notice requirement in subparagraph 1. of this section; or

c. Compliance with subparagraph (d)1. paragraph (i) of this section would likely result in physical harm to the student; and

5. Notwithstanding the notice requirement in subparagraph (7)(d)1., of this rule, the cost of reimbursement may not, in the discretion of the court or a hearing officer, be reduced or denied for failure to provide this notice if:

a. The parent is not literate or cannot write in English; or

b. Compliance with subparagraph (7)(d)1. of this section would likely result in serious emotional harm to the student.

(8) Transfer of Parental Rights at the Age of Majority.

(a) When a student with a disability reaches the age of eighteen (18), (except for a student with a disability who has been determined incompetent under State law or who has had a guardian advocate appointed to make educational decisions as provided by Section 393.12, F.S.), the right to notice under this rule Rules 6A-6.03011 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.

(b) through 3. No change.

(9) Due process Hearings and Resolution Sessions.

(a) A due process hearing request may be initiated by a parent or a school district as to matters related to the identification, evaluation, eligibility determination, or educational placement of a student or the provision of FAPE to the student. In addition, in accordance with Section 1008.212, F.S., in the event that a district school superintendent requests an extraordinary exemption from participation in a statewide standardized assessment and the commissioner of education denies such request, the parent may request an expedited due process hearing. In this event, the Department of Education must inform the parent of any free or low-cost legal services and other relevant services available. The Department of Education shall arrange a hearing on this matter with the Division of Administrative Hearings. The hearing must begin within twenty (20) school days following the receipt of the parent's request by the Department of Education. The administrative law judge (ALJ) must make a determination within ten (10) school days after the expedited hearing is completed.

(b) through (c) No change.

(d) The due process hearing request. The school district must have procedures that require either party, or the attorney representing a party, to provide to the other party a due process hearing request (which must remain confidential). The party filing a due process hearing request must forward a copy of the request to the Florida Department of Education. A due process hearing request must contain the following:

1. The name of the student;

2. The address of the residence of the student;

3. The name of the school the student is attending;

4. In the case of a homeless student or youth, available contact information for the student and the name of the school the student is attending;

5. A description of the nature of the problem of the student relating to the proposed or refused initiation or change in the identification, evaluation, eligibility determination, placement or provision of FAPE to the student, including facts relating to the problem; and

6. through (h) No change.

(i) School district response to a due process hearing request. If the school district has not sent a prior written notice under this rule Rules 6A-6.03011 through 6A-6.0361, F.A.C., to the parent regarding the subject matter contained in the parent's due process hearing request, the school district must, within ten (10) days of receiving the due process hearing request, send to the parent a response that includes:

1. through (x)c. No change.

2. Prohibition on use of funds. Funds under Part B of the IDEA may not be used to pay attorneys' fees or costs of a party related to any action or proceeding under this rule Rules 6A-6.03011 through 6A-6.0361, F.A.C. However, this does not preclude a school district from using funds under Part B of the IDEA for conducting a due process hearing or subsequent judicial proceedings under the IDEA.

3. through (y) No change.

Rulemaking Specific Authority 1001.02(1), (2)(n), 1003.01(3), 1003.57, 1003.571, 1003.5715, 1008.212 FS. Law Implemented 1001.03(8), 1001.42(4)(l), 1003.01(3), 1003.57, 1003.571, 1003.5715, 1008.212, 1011.62(1)(c) FS. History—New 7-13-83, 12-20-83, 4-26-84, Formerly 6A-6.3311, Amended 7-17-90, 9-20-04, 12-22-08, _____.
Cf. P.L. 105-17, 20 USC 1414 and 1415.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Deputy Chancellor of Curriculum, Instruction and Student Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2013

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of this new rule is to approve the Postsecondary Industry Certification Funding

List. The requirement for the adoption by the State Board of Education was created in Chapter 2013-27, Laws of Florida.

SUMMARY: The Postsecondary Industry Certification Funding list adopted by this rule will be used by the Division of Career and Adult Education and the Division of Florida Colleges for the distribution of postsecondary incentive funding related to the student attainment of industry certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that the proposed rule is not expected to have any impact on the factors found in Section 120.541(2)(a), Florida Statutes. This new rule authorizes industry certifications for which school districts and Florida Colleges are provided incentive funding. These certifications have been evaluated and determined to be rigorous and tied to the statewide occupational demand in Florida.

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

RULEMAKING AUTHORITY: 1008.44, 1011.80, 1011.81 FS.

LAW IMPLEMENTED: 1008.44, 1011.80, 1011.81 FS.

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

DATE AND TIME: November 19, 2013, 9:00 a.m.

PLACE: Santa Fe College, Northwest Campus, Fine Arts Hall, 3000 NW 83rd Street, Gainesville, FL 32606

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0574 Postsecondary Industry Certification Funding List.

(1) Section 1008.44, Florida Statutes, requires the State Board of Education to approve annually a list of industry certifications appropriate for postsecondary programs. This list will be known as the "Postsecondary Industry Certification Funding List December 2013" published by the Department of Education and is incorporated by reference in this rule. The "Postsecondary Industry Certification Funding List" may be obtained from the Department of Education's web site at <http://www.fldoe.org/workforce> or may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(2) For inclusion on the "Postsecondary Industry Certification Funding List," the certification shall:

(a) Require rigorous examinations for postsecondary students;

(b) Be developed by a third party; and

(c) Require that examinations be given in a proctored environment with test administration procedures that ensure the validity of the exam.

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

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

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

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

Rulemaking Authority 1001.02(1), (2)(n), 1008.44, 1011.80, 1011.81 FS. Law Implemented 1008.44, 1011.80, 1011.81 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rod Duckworth, Chancellor, Career and Adult Education
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 20, 2013

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0981
RULE TITLE: Provider Approval for Virtual Instruction Program

PURPOSE AND EFFECT: The purpose of the proposed amendment is to conform to statutory revisions to Section 1002.45, Florida Statutes, made during the 2013 legislative session and to revise timelines in the application process. In addition, a separate application for part-time providers of virtual instruction is incorporated by reference. The effect will be the alignment of laws related to the approval of virtual instruction providers and the revision of timelines so the provider approval process will begin and end one month earlier. This will allow the process to end in time for providers and districts to negotiate contracts prior to the opening of the statutorily-required enrollment window for the following school year.

SUMMARY: The following substantive revisions are proposed: revising the dates of the submission window for applications for approval of Virtual Instruction Providers, adding statutory requirements for minimum contacts between program staff and students and parents, allowing for conditional approval of providers without prior successful experience, and revising the timeline for applicants to respond to a notice of denial of an application. In addition, a separate application for part-time providers of virtual instruction is incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: (1) no requirement for a SERC was triggered under Section 120.541(1), Florida Statutes, and (2) based on past experience with this application process, the adverse impact or regulation costs, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes. The only items revised in the rule include adding proof that an applicant for approval of a virtual instruction program has complied with statutorily required minimum contact information requirements. Supplying such information will add no cost to this process, as a link to the required information will suffice.

In addition, the rule is revised to include conditional approval of virtual instructional programs that are unable to demonstrate prior successful experience. This provision will enable providers who were previously unable to qualify to be temporarily approved. Thus, the provision does not generate cost for private businesses, it generates income or profit. In addition, the proposed rule revises timelines to make the process begin and end sooner so that applicants will be approved in time for contracts to be negotiated between the providers and school districts in spring for the following school year. This is also a cost savings measure for small businesses.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1002.45 FS.

LAW IMPLEMENTED: 1002.45 FS.

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

DATE AND TIME: November 19, 2013, 9:00 a.m.

PLACE: Santa Fe College, Northwest Campus, Fine Arts Hall, 3000 NW 83rd Street, Gainesville, FL 32606

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0981 Provider Approval for Virtual Instruction Program.

(1) Purpose. Section 1002.45, F.S., requires each school district to provide eligible students within its boundaries the option to participate in a virtual instruction program. The Department of Education will provide school districts and virtual charter schools annually with a list of providers approved to offer full and part-time virtual instruction programs under this section of law.

(2)(a) Application Form. Form VSP-02, Virtual Instruction Program Application for Provider Approval (http://www.flrules.com/Gateway/reference.asp?No=Ref_02192) for becoming an approved provider for the Virtual Instruction Program, will be used for those virtual education providers applying for approved status from the Department of Education. Form VSP-02 is hereby incorporated by reference and made a part of this rule to become effective December January 2013.

(b) Application Form. Form VSP-02PT, Virtual Instruction Program Application for Part-Time Provider

Approval (insert link) for becoming an approved part-time provider for the Virtual Instruction Program, will be used for those virtual education providers applying for approved status from the Department of Education. Form VSP-02PT is hereby incorporated by reference and made a part of this rule to become effective December 2013. A copy of Forms VSP-02 and VSP-02PT may be obtained by contacting the Division of Public Schools, Office of the Chancellor, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) Applications. The applications to become an approved provider will be available at www.fldoe.org/Schools/virtual-schools/districtVIP.asp beginning ~~September~~ October 1 of each year for the following school year and must be accessed and submitted electronically. The deadline for filing the application is September 30 ~~October 31~~.

(a) Pursuant to Section 1002.45(2)(a)4., Florida Statutes, the applicant must provide parents and students specific information posted and accessible online that includes, but is not limited to, the following contact information for each course: how to contact the instructor, technical support and the administration office via phone, e-mail, or online messaging tools. In addition the applicant must post any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement, such as consequences for failing to make required contacts. Also, the applicant must post a notice that a minimum of one (1) contact via phone with the parent and the student each month is required by the instructor of each course.

(b)(a) Pursuant to Section 1002.45(2)(a)5.4., F.S., the applicant must possess prior successful experience offering online courses to elementary, middle and high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instruction program option. Learning gains shall be sufficient if they demonstrate a level of gains comparable to the level of gains that would be anticipated in a Florida public school earning a school grade of "C" or better, in accordance with Section 1008.34, F.S., or demonstrate that the applicant will likely meet the learning gains component necessary to maintain a school grade of "C" or better pursuant to Section 1002.45(8), F.S. Upon an applicant's request the Department of Education shall conditionally approve a provider who is otherwise qualified but without sufficient prior, successful experience offering online courses, to offer courses measured by statewide assessments under Section 1008.22, Florida Statutes, with a learning gains component, end-of-course assessments, or Advanced Placement (AP) examinations. Conditional approval shall be valid for one (1) school year only and, based on the provider's experience in offering the courses under this paragraph, the Department shall determine

whether to grant final approval to offer a virtual instruction program.

~~(c)(b)~~ In accordance with Section 1002.45(2)(a)~~6.5~~, F.S., the applicant must be accredited by at least one of the following K-12 regional accrediting agencies, their successors or assigns: AdvancED, Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, New England Association of Schools and Colleges, Northwest Accreditation Commission, or Western Association of Schools and Colleges.

~~(d)(e)~~ Pursuant to Section 1002.45(2)(a)~~7.6~~, F.S., the applicant must ensure instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide. The curriculum plan must include evidence:

1. through 3.e. No change.

~~(e)(d)~~ The applicant will disclose on a prominent place on its website the disclosure information required under Section 1002.45(2)(a)~~8.7~~, F.S. Average student-teacher ratios are to be calculated for full-time and part-time teachers and for core and elective courses for the following grade-level bands: grades K-3, grades 4-8, and grades 9-12. The total number of students assigned to full-time teachers must be provided. Student completion rate calculations are to include all students who are enrolled for more than fourteen (14) calendar days complete the enrollment process and begin the virtual instruction program as evidenced by the completion of at least one (1) lesson or assignment. Student performance accountability outcomes are to include student assessment results for all students and by the following subgroups: major racial and ethnic groups, economically disadvantaged students, students with disabilities and students with limited English proficiency. "Major racial and ethnic groups" shall include those groups reported for accountability purposes under the Elementary and Secondary Education Act (ESEA) in any state or, if no such prior reporting is available, shall include, at a minimum: American Indian, Asian, Black/African American, Hispanic, and White.

(4) No change.

(5) Notice of Denial. If the application is denied, the applicant will receive written notification identifying the specific areas of deficiency. The applicant shall have thirty (30) forty five (45) calendar days after receipt of the notice of denial to resolve any outstanding issues, and resubmit its application for reconsideration. The applicant will receive a final notice of approval or denial. If an application is denied a second time, the Department of Education will provide a final written notice to the provider indicating that the application has been administratively closed and that the provider may

apply during the next application phase in accordance with subsection (3) of this rule.

(6) Revocation. The Department shall revoke the approval of a provider who fails to comply with all the requirements of Section 1002.45, F.S.

Rulemaking Authority 1001.02(1), (2)(n), 1002.45(11) FS. Law Implemented 1002.45 FS. History—New 11-26-08, Amended 10-21-09, 3-20-11, 12-20-11, 1-23-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sally Roberts, Bureau Chief, Florida Public Virtual Schools
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 4, 2013

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing (Formerly 1C)

RULE NO.: 5N-1.134 RULE TITLE: Licensed Firearms Instructors; Schools or Training Facilities; License Application
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 175, September 9, 2013 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-503.200	Definitions
62-503.300	General Program Information
62-503.430	Loan Agreements
62-503.500	Funds Reserved for Specific Purposes
62-503.600	Priority List Information
62-503.700	Planning, Design, Construction, and Procurement Requirements
62-503.751	Environmental Review
62-503.800	Audits Required
62-503.850	Exceptions to Program Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 192, October 2, 2013 issue of the Florida Administrative Register.

The time for the hearing, if requested, provided in the notice was from 7:00 a.m. to not later than 11:00 a.m. on October 25,

2013. The correct time is from 9:00 a.m. to not later than 11:00 a.m. This correction does not affect the substance of the rule as originally published.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
 65D-30.014 Standards for Medication and Methadone Maintenance Treatment
 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. 64, November 2, 2012 issue of the Florida Administrative Register.

The Department of Children and Families, Substance Abuse and Mental Health Program Office has determined all applications received in response to the 2012-2013 Methadone Needs Assessment should be re-evaluated using the formal rating sheet in accordance with Rule 65D-30.014, F.A.C. All applicants previously approved for licensure of opioid treatment programs in response to the 2012-2013 Methadone Needs Assessment shall cease all activity effective immediately.

**Section IV
 Emergency Rules**

NONE

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Beaches and Coastal Systems

RULE NOS.:RULE TITLES:

62B-33.002 Definitions

62B-33.0051 Coastal Armoring and Related Structures

The Department of Environmental Protection hereby gives notice:

That it has issued an order on October 16, 2013, granting Apple & Oranges, Inc., Joseph Bank, and Charles Russell's Petition for a Variance. The Petition was received on June 10, 2013. Notice of receipt of the Petition was published in the Florida Administrative Register on June 12, 2013. The petition requested a variance from subsections 62B-33.002(18), 62B-33.002(44), 62B-33.002(63), and paragraph 62B-33.0051(1)(a)1., F.A.C., to construct a coastal armoring structure at 1755, 1805, and 1855 S.E. Sailfish Point

Boulevard, Stuart, Florida, 34996. No public comment was received. The Order, file number MI-525AR V, granted the Petition for a variance from paragraphs 62B-33.002(18)(1)(b)1., 62B-33.002(44), and 62B-33.0051(1)(a)1., F.A.C. based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner and because Petitioner demonstrated that the purpose of the underlying statute will be or has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting: Larry Teich, Department of Environmental Protection, MS 3522, 2600 Blair Stone Road, Florida 32399, telephone: (850)922-7883, larry.teich@dep.state.fl.us during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 Family Safety and Preservation Program**

RULE NO.: RULE TITLE:

65C-13.030 Standards for Licensed Out-of-Home Caregivers
 NOTICE IS HEREBY GIVEN that on October 10, 2013, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.030(4)(f), Florida Administrative Code, from Camelot Community Care, Inc. and Patricia Rios. Paragraph 65C-13.030(4)(f), F.A.C. requires child care for children in the custody of the department shall be with a licensed or registered child care provider. The cost of the child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.

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

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

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Council on the Social Status of Black Men and Boys Criminal Justice and Crime Prevention Subcommittee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, November 13, 2013, 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)670-3525, Conference Code: 3785472431

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Council shall make a systematic study of the conditions

affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by contacting: visiting <http://www.cssbmb.com>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs
The Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 12, 2013, 4:00 p.m. – 5:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)670-3525, Conference Code: 7071360675

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by contacting: <http://www.cssbmb.com>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration
The Florida Agriculture Center and Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 31, 2013, 5:00 p.m.
PLACE: Florida Agriculture Center and Horse Park Authority, 11008 South Highway 475, Ocala, Florida 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The is a meeting of the Executive Committee to discuss general board business.

A copy of the agenda may be obtained by contacting: Shawn Dohery, (352)307-6699.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Shawn Dohery, (352)307-6699. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services
The Board of Professional Surveyors and Mappers announces a public meeting to which all persons are invited.

DATES AND TIMES: November 5, 2013, 4:00 p.m., Probable Cause Panel. Although this meeting is open to the public, portions may be closed consistent with law; November 6, 2013, 8:00 a.m., Committee Meetings and General Business Session if time allows; November 7, 2013, 8:00 a.m., General Business Session.

PLACE: Embassy Suites, Banyan Room, 1601 Belvedere Rd., West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Committee meetings and General Business Meeting.

A copy of the agenda may be obtained by contacting: John Roberts, Executive Director, Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3833.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: John Roberts at (850)410-3833. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: John Roberts, Executive Director, Board of Professional Surveyors and

Mappers, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3833.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: October 29, 2013, 4:30 p.m. – 6:30 p.m.

PLACE: Dunns Creek Baptist Church, 686 South Highway 17, San Mateo, FL 32187

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 210028-4, otherwise known as State Road 15 (US 17) from west of Dunns Creek Bridge to North Boundary Road, Putnam County, Florida. The proposed improvements recommend reconstructing the existing two lane roadway to a four lane divided roadway with a grassed median, drainage improvements, and the installation of a 12' multi-use trail on the south side of the roadway. Also, the Department is recommending a new parallel two lane bridge over Dunns Creek for southbound traffic and retaining the existing bridge for northbound traffic. Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967, extension 7873.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967, extension 7873. 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The Executive Office of the Governor announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, October 30, 2013, the times and locations are provided below for each policy area/agency:

PLACE: Knott Building – Room 412 / The Capitol – Room 216

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Representatives from the departments listed below will present an overview of the agency's Legislative Budget Request for

Fiscal Year 2014-2015 and Long-Range Program Plan for Fiscal Year 2014-2015 through Fiscal Year 2018-2019, and will be available for public questions and comments.

The times and locations are provided below for each policy area/agency:

Health and Human Services – Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Elder Affairs, Department of Health, and Department of Veterans' Affairs – 9:00 a.m. – 11:30 a.m. in 216 Capitol.

Environment – Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, Fish and Wildlife Conservation Commission, and Public Service Commission – 12:00 p.m. – 1:30 p.m. in 216 Capitol.

General Government – Department of Business and Professional Regulation, Department of Financial Services, Office of Financial Regulation, Office of Insurance Regulation, Department of Lottery, Department of Management Services, Division of Administrative Hearings, Northwood Shared Resource Center, Southwood Shared Resource Center, Department of Military Affairs, and Department of Revenue, Commission on Human Relations, Public Employees Relations Commission – 2:00 p.m. – 4:30 p.m. in 216 Capitol.

Public Safety – Department of Corrections, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs, Justice Administrative Commission, and Parole Commission – 9:00 a.m. – 11:30 a.m. in 412 Knott Building.

Education – Department of Education, Office of Early Learning, and Board of Governors – 12:00 p.m. – 1:30 p.m. in 412 Knott Building.

Transportation and Economic Development - Department of Economic Opportunity, Department of Highway Safety and Motor Vehicles, Department of State, Department of Transportation, and Division of Emergency Management – 2:00 p.m. – 4:30 p.m. in 412 Knott Building.

A copy of the agenda may be obtained by contacting: Office of Policy and Budget, (850)717-9506. Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceedings or mailed to the Executive Office of the Governor, Office of Policy and Budget, 1702 The Capitol, Tallahassee, Florida 32399-0001, and received by close of business Tuesday, October 29, 2013.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Office of Policy and Budget, (850)717-9506. If you are hearing or speech impaired, please contact the agency

using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.305 Ochlockonee Basin TMDLs

The Florida Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: November 7, 2013, 2:30 p.m.

PLACE: Bob Martinez Center, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This public workshop is for interested stakeholders to discuss with the Department issues related to development of nutrient and dissolved oxygen total maximum daily loads (TMDLs) for Lake Talquin in the Ochlockonee River basin. The workshop will provide an opportunity for the Department to present a general approach for developing the nutrient and dissolved oxygen TMDLs and receive feedback from local stakeholders. Furthermore, upon paragraph 62-302.53(2)(a), F.A.C., becoming effective, the Department intends for this nutrient TMDL to constitute a site specific numeric interpretation of the narrative nutrient criterion set forth in paragraph 62-302.530(47)(b), F.A.C., that will supersede the otherwise applicable numeric nutrient criteria in Rule 62-302.531, F.A.C., for the particular surface water segment. Written comments on the TMDL approach should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or via email: jan.mandrup-poulsen@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Watershed Evaluation and TMDL Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or by calling (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:RULE TITLES:

62-304.400 Upper Suwannee Basin TMDLs

62-304.405 Lower Suwannee River Basin TMDLs

The Florida Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: November 5, 2013, 10:00 a.m.

PLACE: Florida Department of Transportation, Lake City Operations Center, Santa Fe/Suwannee Room, 710 NW Lake Jeffery Road Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft total maximum daily loads (TMDLs) for impaired water segments in the Upper and Lower Suwannee basins, to be adopted in Rules 62-304.400 and 62-304.405, F.A.C. The TMDL to be presented at the public workshop is a regional fecal coliform TMDL for waterbodies in the Suwannee River Basin (Upper and Lower Planning Units). Draft TMDL documents for these impaired waters will be placed on the Department's TMDL website: <http://www.dep.state.fl.us/water/tmdl/> by Monday, October 22, 2013, and will be provided upon request to interested parties by mail or via email distribution. The Department will accept written comments on these draft TMDLs through November 22, 2013. Written comments on these TMDLs should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station #3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or via email: jan.mandrup-poulsen@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Patricia Waters, Watershed Evaluation and TMDL Section, MS #3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Patricia Waters, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:RULE TITLES:

62-701.100 Intent

62-701.200 Definitions

62-701.210 Documents Incorporated by Reference

62-701.220 General Applicability

62-701.300 Prohibitions

62-701.310 Approval of Alternate Procedures and Requirements

62-701.315 Permit Fees for Solid Waste Management Facilities

62-701.320 Solid Waste Management Facility Permit Requirements, General

62-701.330 Landfill Permit Requirements

- 62-701.340 General Criteria for Landfills
- 62-701.400 Landfill Construction Requirements
- 62-701.410 Hydrogeological and Geotechnical Investigation Requirements
- 62-701.420 Geotechnical Investigation Requirements (Repealed)
- 62-701.430 Vertical Expansion of Landfills
- 62-701.500 Landfill Operation Requirements
- 62-701.510 Water Quality Monitoring Requirements
- 62-701.520 Special Waste Handling
- 62-701.530 Gas Management Systems
- 62-701.600 Landfill Final Closure
- 62-701.610 Other Closure Procedures
- 62-701.620 Long-Term Care
- 62-701.630 Financial Assurance
- 62-701.640 Closure of Existing Landfills (Repealed)
- 62-701.700 Materials Recovery Facilities (Repealed)
- 62-701.710 Waste Processing Facilities
- 62-701.720 Industrial Solid Waste Disposal (Repealed)
- 62-701.730 Construction and Demolition Debris Disposal and Recycling
- 62-701.801 General Permit for Solid Waste Transfer Station (Repealed)
- 62-701.802 General Permit for Land Application of Grade II Domestic Wastewater Treatment Sludge (Repealed)
- 62-701.803 General Permit for Off-site Disposal of Yard Trash
- 62-701.900 Forms

The Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: November 8, 2013, 9:00 a.m.

PLACE: 2600 Blair Stone Road, Room 609, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a rule development workshop to discuss proposed Phase II changes to Chapter 62-701, Solid Waste Management Facilities. The workshop will focus on rules relating to liner requirements for construction and demolition debris facilities, processing construction and demolition debris prior to disposal where economically feasible, investigation of sinkhole potential at landfills, requirements facilitating the use of insurance policies to meet financial assurance obligations, and requirements related to the beneficial use of ash from waste-to-energy facilities. The workshop will also address other potential changes to the rule. The workshop will be available via webinar. Those unable to attend the workshop in person may register for the webinar by going to this web address: <https://www2.gotomeeting.com/register/543765682>.

A copy of the agenda may be obtained by contacting: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400,

telephone: (850)245-8735 or email at Richard.Tedder@dep.state.fl.us. or at the following website: http://www.dep.state.fl.us/waste/categories/solid_waste/pages/rulemaking_62-701.htm.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Water Quality Assessment Program, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 6, 2013, 1:00 p.m. – 3:00 p.m.

PLACE: Webinar: <https://www2.gotomeeting.com/register/177128978>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Water Resources Monitoring Council Salinity Network Workgroup to discuss development of indices for groundwater levels and groundwater quality.

A copy of the agenda may be obtained by contacting: Ms. Lisa Van Houdt, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3525, Tallahassee, Florida 32399, e-mail: Lisa.VanHoudt@dep.state.fl.us.

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: Ms. Lisa Van Houdt at (850)245-8815 or Lisa.VanHoudt@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Division of Environmental Health

The Bureau of Radiation Control announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2013, 10:00 a.m. – 3:00 p.m.

PLACE: Hyatt Regency International Airport, 9300 Jeff Fuqua Boulevard, Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Advisory Council on Radiation Protection to discuss and make recommendations on, or issues relating to, the following: radiation protection; radiation exposure and dose; national organizations and professional societies/associations, including their standards,

recommendations, registrants and certificate holders; radiation requirements of federal agencies; radiation machines; radioactive materials including medical radioisotopes; radiation procedures and practices; radiologic technologists, radiologist assistants, specialty technologists, medical physicists, and other radiation-related personnel including their titles, duties, scopes of practice and supervision; educational programs and training courses; authorized operator/user/physicist requirements; emergency response and preparedness; radiation incidents/accidents; environmental monitoring; food irradiation; radiation therapy; fees; forms; license, certification, registration, and examination; Chapters 64E-3, 64E-4, 64E-5, F.A.C.; Chapters 404 and 468, Part IV, F.S., including the implementation of legislation affecting these Chapters; the Bureau of Radiation Control, including its Internet site; and other business.

A copy of the agenda may be obtained by contacting: Brenda Andrews, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266 or Brenda_Andrews@doh.state.fl.us.

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 10 days before the workshop/meeting by contacting: Brenda Andrews, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266, email: Brenda_Andrews@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

The Florida PDMP Foundation, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: November 1, 2013, 9:00 – 10:00 a.m. ET

PLACE: Gateway Bank of Southwest Florida Board Room, 1100 S. Tamiami Trail, Sarasota, FL 34236 or via Conference Call 1(888)670-3525, Conference code: 1648696226

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The general business of The Florida PDMP Foundation, Inc.

A copy of the agenda may be obtained by contacting: The Florida PDMP Foundation, Inc., <http://www.flpdmpfoundation.com/information/agendas/>. The public agenda will be available two days prior to the meeting date on this website.

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 10 days before the workshop/meeting by contacting: the Prescription Drug Monitoring Program at

(850)245-4797. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Florida PDMP Foundation, Inc., C/O Florida Prescription Drug Monitoring Program, 4052 Bald Cypress Way, C-16, Tallahassee, FL 32399 or (850)245-4797.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Strategic Business Development

RULE NO.: RULE TITLE:

73A-5.001 Applicability and Limitations

The Department of Economic Opportunity announces a hearing to which all persons are invited.

DATE AND TIME: November 1, 2013, 9:30 a.m.

PLACE: Conference Room 110, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, Florida 32399, Telephonic Appearances call: 1(888)670-3525, passcode: 7590311118 then press # key

GENERAL SUBJECT MATTER TO BE CONSIDERED:
DEO has made changes to the Forms associated with this Rule in order to more accurately reflect the requirements of Section 220.194, Florida Statutes.

A copy of the agenda may be obtained by contacting: Michael Golen, Esq., Assistant General Counsel.

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: Michael Golen, Esq., Assistant General Counsel. 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).

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center (NSRC) Operational Committee announces a public meeting to which all persons are invited.

DATE AND TIME: November 7, 2013, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Children and Families, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Approval of Minutes, Solar Winds Timeline, SQL Upgrade Strategic Plan and Production Systems Issues/Updates.

A copy of the agenda may be obtained by contacting: Kellie Allen at (850)921-9964 or by email: kellie.allen@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kellie Allen at (850)921-9964. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kellie Allen at (850)921-9964 or by email: kellie.allen@nsrc.myflorida.com.

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center (NSRC) Operational Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Meeting Canceled for November 7, 2013, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Children and Families, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting Canceled.

For more information, you may contact: Kellie Allen at (850)921-9964 or by email: kellie.allen@nsrc.myflorida.com.

FLORIDA INDEPENDENT LIVING COUNCIL

The Florida Independent Living Council, Inc. announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday and Friday, November 14-15, 2013, 8:00 a.m.

MEETING: Full Council, **PLACE:** Embassy Suites Hotel, USF/Busch Gardens, 3705 Spectrum Blvd., Tampa, Florida 33612, **CALL IN #:** 1(888)670-3525, **CODE:** 5073148497

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

A copy of the agenda may be obtained by contacting: Molly Gosline at (850)488-5624.

ATKINS – BARTOW

The Florida Department of Transportation, District One, is holding a public hearing for US 98 Project Development and Environment study from US 27 to east of Airport Road, now Haywood Taylor Boulevard, in Highlands County. All members of the public are invited to attend.

DATE AND TIME: Tuesday, October 29, 2013, 6:00 p.m., open house; 7:00 p.m., formal presentation

PLACE: Chateau Elan, 150 Midway Drive, Sebring, Florida 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: FDOT will hold a public hearing to provide information about proposed widening to US 98 from two to four lanes. The proposed improvements will require acquisition of right-of-way for road widening and stormwater management ponds. Existing access to properties along US 98 will change due to the addition of a median. The no-build alternative, where no improvements other than routine maintenance are made to US 98 through 2036, will remain viable throughout the remainder of this study. The department sent notices to all property owners and interested people located at least 300 feet on either side of US 98 within the project limits. Project information is available for public review from October 4, 2013 to November 12, 2013 at Sebring Public Library, 319 West Center Avenue in Sebring, Florida and FDOT District One Headquarters, 801 North Broadway Avenue, Bartow, Florida. The hearing is developed in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

People who require special accommodations under the Americans with Disabilities Act or people who require translation services (free of charge) should contact FDOT project manager, Mr. Aaron Kaster at (863)519-2495 or Aaron.Kaster@dot.state.fl.us at least seven days prior to the hearing.

If you are hearing or speech impaired, please contact the Florida Department of Transportation using the Florida Relay Service, 1(800) 955-8771 (TDD) or 1 (800)955-8770 (Voice).

For more information about the project, please contact Mr. Kaster at the above phone number or email address.

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by William Harrison, Fire Marshal, Clermont Fire Department, on July 26, 2013. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 150, of the Florida Administrative Register on August 2, 2013. The subject of the Petition is whether Section 633.082, Florida Statutes (2012), would allow county, municipal, and special district utilities to perform inspections of privately owned fire protections systems, including fire hydrants, in lieu of inspections by the systems’ owners. The Division of State Fire Marshal determined that privately owned fire protection systems, including private fire hydrants, must be inspected, tested and maintained by a licensed contractor; the statute does not allow county, municipal, or special district utilities to perform tests of public fire hydrants by using employees that are qualified to inspect but are not licensed contractors; a county, municipal, or special district utility that chooses to inspect, test and maintain private fire protection systems, including private hydrants, may do by utilizing a licensed contractor.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: R. Terry Butler, Assistant General Counsel, Department of Financial Services, Room 612A, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0333.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Ronald L. Martin, Fire Marshal, Ft. Myers Beach Fire Control, on September 3, 2013. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 177, of the Florida Administrative Register on September 11, 2013. The subject of the Petition is the applicability of fire hose system requirements in Rule 69A-43.011, Florida Administrative Code, to transient public lodging establishments. The Division of State Fire Marshal determined, in response to five questions asked, that the rule

requires both standpipe and hose in buildings that exceed 50 feet in height or six stories that do not have sprinkler systems. A standpipe with no hose, but hose connections, is required for those buildings that do have sprinkler systems; alternative means of protection as authorized by the Florida Fire Prevention Code are not applicable to rules adopted by the Department of Financial Services; the deadline for the requirement that transient public lodging establishments have approved fire sprinkler systems was October 1, 1994; immediate compliance is required for an establishment that is not in compliance; however, the local authority having jurisdiction may allow a compliance timeline to limit the financial hardship created by such installation upon approval of the jurisdiction’s governing body responsible for fire code compliance.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: R. Terry Butler, Assistant General Counsel, Department of Financial Services, Room 612A, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0333.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of the
Joint Administrative Procedures Committee**

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

VISIT FLORIDA

VISIT FLORIDA seeks a qualified vendor to administer contests and sweepstakes on behalf of VISIT FLORIDA. The deadline for submissions is November 4, 2014 and should be forwarded to Amanda Clements at aclements@visitflorida.org. Please visit <http://visitflorida.org/work-with-us/rfpitn-notices/> for more information.

JACKSONVILLE PORT AUTHORITY

INVITATION TO BID_JPA CONTRACT NO.: C-1338A
Sealed bids will be received by the Jacksonville Port Authority until 2:00 P.M. (EST), MONDAY, NOVEMBER 18, 2013, at which time they shall be opened in the Public Meeting Room of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida, to REHABILITATE BULKHEAD AT BERTH 5 AND 6.
A MANDATORY PRE-BID CONFERENCE AND SITE VISIT WILL BE HELD ON MONDAY, OCTOBER 28, 2013, AT 1:00 P.M. (EST), AT THE PORT CENTRAL OFFICE BUILDING, 2831 TALLEYRAND AVENUE, JACKSONVILLE, FL 32206.
IF YOU PLAN TO ATTEND, YOU MUST CALL (904)357-3017 TO HAVE YOUR NAME ADDED TO THE SHUTTLE BUS ROSTER.

SHUTTLE BUS WILL TRANSPORT BIDDERS AFTER THE PRE-BID MEETING INTO THE TALLEYRAND MARINE TERMINAL. PLEASE BRING A SAFETY VEST AND HARD HAT.

ATTENDANCE BY A REPRESENTATIVE OF EACH PROSPECTIVE BIDDER IS REQUIRED. A BID WILL NOT BE ACCEPTED FROM ANY BIDDER WHO IS NOT REPRESENTED AT SUCH CONFERENCE.

All bids must be submitted in accordance with specifications and drawings for Contract No. C-1338A, which may be examined in the Procurement Department of the Jacksonville Port Authority, located on the second floor of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida 32206. (Please telephone (904)357-3017 for information.)

Bid and contract bonding are required.

This project will be a 75/25 split funded by a State of Florida grant program and JPA Funds.

PLEASE VISIT [HTTP://WWW.JAXPORT.COM/ABOUT/PROJECTS.CFM](http://www.jaxport.com/about/projects.cfm) TO DOWNLOAD THE CONTRACT DOCUMENTS, TECHNICAL SPECIFICATIONS, AND DRAWINGS.

Section XII
Miscellaneous

NONE

Section XIII
Index to Rules Filed During Preceding
Week

FILED BETWEEN OCTOBER 14, 2013 AND
OCTOBER 18, 2013

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Historical Resources

1A-1.007	10/16/2013	11/5/2013	39/168	
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DEPARTMENT OF EDUCATION
State Board of Education

6A-1.001	10/14/2013	11/3/2013	39/163	39/185
6A-1.094223	10/14/2013	11/3/2013	39/163	39/185
6A-1.09441	10/14/2013	11/3/2013	39/163	39/185
6A-6.0573	10/14/2013	11/3/2013	39/163	39/185
6A-10.042	10/14/2013	11/3/2013	39/163	39/185

DEPARTMENT OF CORRECTIONS

33-203.601	10/17/2013	11/6/2013	39/182	
33-602.203	10/15/2013	11/4/2013	39/180	
33-602.210	10/16/2013	11/5/2013	39/180	

COMMISSION ON ETHICS

34-7.010	10/15/2013	11/4/2013	39/155	
34-8.002	10/15/2013	1/1/2014	39/160	
34-8.008	10/15/2013	1/1/2014	39/160	
34-8.009	10/15/2013	1/1/2014	39/160	
34-8.202	10/15/2013	1/1/2014	39/160	
34-8.208	10/15/2013	1/1/2014	39/160	
34-8.209	10/15/2013	1/1/2014	39/160	

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DEPARTMENT OF THE LOTTERY

53-17.001	10/17/2013	11/6/2013	39/146	39/183
53-17.002	10/17/2013	11/6/2013	39/146	39/183
53-17.003	10/17/2013	11/6/2013	39/146	39/183
53ER13-66	10/17/2013	10/17/2013	39/204	
53ER13-67	10/17/2013	10/17/2013	39/204	
53ER13-68	10/17/2013	10/19/2013	39/204	
53ER13-68	10/17/2013	10/17/2013	39/204	
53ER13-70	10/17/2013	10/19/2013	39/204	

DEPARTMENT OF MANAGEMENT SERVICES
Personnel Management System

60L-34.0031	10/16/2013	11/5/2013	39/124	39/178
60L-34.0043	10/16/2013	11/5/2013	39/124	39/178
60L-34.0044	10/16/2013	11/5/2013	39/124	39/178

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

61H1-20.0092	10/14/2013	11/3/2013	39/163	39/180
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DEPARTMENT OF HEALTH

Board of Medicine

64B8-6.001	10/15/2013	11/4/2013	39/178	
64B8-6.0015	10/15/2013	11/4/2013	39/178	
64B8-6.009	10/15/2013	11/4/2013	39/178	

Board of Psychology

64B19-11.001	10/15/2013	11/4/2013	39/180	
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DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-47.011	10/17/2013	11/6/2013	39/125	39/187
69A-64.005	10/14/2013	11/3/2013	39/170	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Division of Insurance Agents and Agency Services

69B-221.051	10/17/2013	11/6/2013	39/153	
69B-231.150	10/17/2013	11/6/2013	39/160	

Division of Worker's Compensation

69L-7.602	10/17/2013	11/6/2013	39/158	
69L-29.001	10/17/2013	11/6/2013	39/158	
69L-29.002	10/17/2013	11/6/2013	39/158	
69L-29.003	10/17/2013	11/6/2013	39/158	
69L-29.005	10/17/2013	11/6/2013	39/158	
69L-29.008	10/17/2013	11/6/2013	39/158	
69L-29.010	10/17/2013	11/6/2013	39/158	

LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO CHAPTER 2010-279, LAWS OF FLORIDA

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

64J-2.006	7/12/13	*****	39/29	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

69L-7.020	10/24/11	*****	37/24	37/3
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