

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-30.018 Out-of-County Services

PURPOSE AND EFFECT: The Department intends to amend Rule 65C-30.018, F.A.C., Out-of-County Services, to clarify requirements regarding the transfer of case supervision responsibilities out of the county of jurisdiction.

SUBJECT AREA TO BE ADDRESSED: Out-of-County Services

RULEMAKING AUTHORITY: 39.012, 39.0121(13), FS.

LAW IMPLEMENTED: 39.521, 39.6011, 39.6012, 39.701, 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, IF AVAILABLE, IS: Jodi Abramowitz, Jodi.abramowitz@myflfamilies.com or (850)717-4189.

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

Section II

Proposed Rules

Notice of Proposed Rule

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.0503 Definition of Qualified Instructional Personnel

PURPOSE AND EFFECT: Specify additional in-field conditions currently provided in Florida Statutes that define the qualifications of instructional personnel enabling school districts to comply with the federal Every Student Succeeds Act (ESSA).

SUMMARY: This amendment eliminates reference to the High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan option; adds four additional in-field designations currently provided in Florida Statutes that define

qualifications of instructional personnel; and updates outdated language from vocational to career and technical.

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 proposed rule is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S., and will not require legislative ratification. The proposed amendment clarifies qualified instructional personnel and does not impose any new costs on any stakeholder.

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: 1002.33(12), 1012.32, 1012.55(1), 1012.56, FS.

LAW IMPLEMENTED: 1002.33, 1002.55, 1002.63, 1012.32, 1012.39, 1012.42, 1012.55, 1012.56, 1012.57, FS.

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

DATE AND TIME: April 26, 2017, 10:00 a.m.

PLACE: Conference Call: 1-(888)419-5570, Passcode: 420 352 90.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David LaJeunesse, Chief of Educator Certification, 325 W. Gaines St, Suite 201, Tallahassee, FL 32399, (850)245-0431.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0503 Definition of Qualified Instructional Personnel.

A qualified instructional person is defined as an instructional staff member who meets one (1) of the following conditions:

(1) Holds a valid Florida educator’s certificate with the appropriate coverage as provided for in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., or

(2) Is a selected noncertificated person employed under the provisions of Rule 6A-1.0502, F.A.C., or

(3) Holds a valid Florida educator's certificate ~~with coverage~~ other than that deemed appropriate by subsection (1) but completed a minor field of study in the subject area to be taught, as per Section 1012.42, F.S., and the minor field of study consists of at least fifteen (15) semester hours in the subject area, or other than that deemed appropriate by subsection (1) and has documented a highly qualified designation pursuant to 20 U.S.C. s. 7801(23), by a High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan for the academic course assigned, or

(4) Holds a valid Florida educator's certificate other than that deemed appropriate by subsection (1) and has demonstrated sufficient subject area expertise through passage of a standardized examination, pursuant to Section 1012.56, F.S., or a comparable method for attainment of essential competencies in the subject area to be taught, pursuant to district school board policy adopted as per Section 1012.42, F.S., or

~~(5)~~(4) Holds a valid Florida educator's certificate with coverage other than that deemed appropriate by subsection (1) and does not meet the requirements of subsections (3) or (4) and has been approved by the school board or charter school governing board to teach out-of-field after determination that a teacher with appropriate certification coverage is not available. All evidence of such qualifications and approval must be reflected in the individual's official personnel record; provided, however, that such approval may be granted by the school board or charter school governing board only under one (1) of the following conditions:

(a) The individual is in the first year of employment in the out-of-field assignment and has not been granted, during any preceding year in the district or charter school, approval by either the school board or the charter school governing board to be employed out-of-field in an area for which specific certification is otherwise required, or

(b) The individual has earned the following college credit or inservice training in an approved district add-on program or district approved subject content professional development program:

1. Out-of-field assignment other than ESOL (English to Speakers of Other Languages). A teacher out of field in a subject other than ESOL shall complete at least six (6) semester hours of college credit or the equivalent inservice toward the appropriate certification required in subsection (1) within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all requirements are completed for the appropriate subject certification;

2. Out-of-field assignment in only ESOL. A teacher out of field in only ESOL shall complete at least three (3) semester hours of college credit or the equivalent inservice toward the

ESOL requirements within the first two (2) calendar years from date of initial assignment to a class with limited English proficient (LEP) students and three (3) semester hours or the equivalent inservice during each calendar year thereafter until all requirements for certification in ESOL are completed; or

3. Out-of-field assignment in ESOL and another subject. A teacher out of field in ESOL and another subject shall complete at least six (6) semester hours of college credit or the equivalent inservice toward the appropriate certification required by subsection (1) within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all requirements are completed for the appropriate subject certification. The training shall be completed in the following manner: During the first two years, at least three (3) of the required twelve (12) semester hours or the equivalent inservice shall be completed in ESOL strategies. Beginning with the third year and each year thereafter, at least three (3) semester hours or the equivalent inservice shall be completed in ESOL strategies and at least three (3) semester hours in the other out-of-field subject requirements. When either all ESOL or all other out-of-field subject requirements are completed, a teacher shall comply with the schedule specified in subparagraph ~~(5)~~(4)(b)1. or 2. of this rule as appropriate until all requirements are completed for both ESOL and the other out-of-field subject.

4. Waivers of college credit or inservice training in an approved district add-on or subject content professional development program may be obtained by one of the following provisions:

a. In lieu of college credit or the equivalent inservice specified in subparagraph ~~(5)~~(4) (b)1., 2. or 3. of this rule, an individual shall provide a doctor's statement certifying to medical inability to earn such credit during the prescribed time;

b. In lieu of college credit or the equivalent inservice specified in subparagraph ~~(5)~~(4) (b)1. of this rule, the district superintendent or charter school chief administrator shall provide a statement certifying to extenuating circumstances beyond the control of the teacher to earn such credit during the prescribed time; or

c. In lieu of college credit or the equivalent inservice specified in subparagraph ~~(5)~~(4) (b)1. or the criteria in paragraph ~~(5)~~(4) (a) of this rule, the Commissioner of Education may grant to the district, individual school sites, or a charter school a waiver of the requirements for a period of one (1) year on a one-time basis. The district superintendent or charter school chief administrator shall, pursuant to school board or charter school governing board approval for such waiver, show extenuating circumstances that create a hardship for the district or teachers in meeting the specified requirements; or

~~(6)~~(5) Is a nondegreed teacher of career and technical vocational education employed under the provisions of Section

1012.39, F.S. The requirements in Sections 1012.39(1)(c)2.a. and b., F.S., must be satisfied prior to initial appointment to the position.

(7) Is a prekindergarten instructor qualified to teach Voluntary Prekindergarten classes under the provisions of Sections 1002.55(3)(c), 1002.55(4), and 1002.63(5), F.S.

(8) Is a part-time instructional staff member who holds a valid adjunct teaching certificate in the subject area to be taught issued pursuant to district school board policy adopted under the provisions of Section 1012.57, F.S.

Rulemaking Authority 1002.33(12), 1012.32, 1012.55(1), 1012.56(6) FS. Law Implemented 1002.33, ~~1002.55, 1002.63, 1012.05~~, 1012.32, 1012.39, ~~1012.42~~, 1012.55, 1012.56, ~~1012.57~~ FS. History—New 4-19-74, Repromulgated 12-5-74, Amended 9-8-76, Formerly 6A-1.503, Amended 10-30-90, 10-3-91, 2-18-93, 5-25-04, 3-1-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hershel Lyons, Chancellor, K-12 Public Schools.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 27, 2017

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09441
 RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: Updates the “Course Code Directory and Instructional Personnel Assignments” by which school districts receive Florida Education Finance Program (FEFP) funding. The effect will be an updated directory of courses for students to take to earn credit toward high school graduation.

SUMMARY: This amendment incorporates the following changes into the “Course Code Directory and Instructional Personnel Assignments” document: identify newly added courses for the 2017-18 school year, identify courses for deletion in the 2018-19 school year, remove deleted courses, and revise the form used to request the addition of new courses in the directory.

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: This proposed rule is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S., and will not require legislative ratification. No increase in regulatory costs are anticipated as a result of the rule changes. More specifically, deleting obsolete courses and revising a form to request less information will have no effect.

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), 1003.03(6), 1011.62(1)(t), FS.

LAW IMPLEMENTED: 1003.03(6), 1003.4282(1)(b), 1011.62(1), 1012.55(1)(c), FS.

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

DATE AND TIME: April 26, 2017, 10:00 a.m.

PLACE: Conference Call: 1-(888)419-5570, Passcode: 420 352 90.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Todd Clark, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 1011.62(1)(c), F.S.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Section 1012.01(2), F.S.

(4) The course or program shall be listed in the “Course Code Directory and Instructional Personnel Assignments” for the year in which the student is in membership.

(5) The “Course Code Directory and Instructional Personnel Assignments ~~2017-2018~~ ~~2016-2017~~,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06768>) is hereby incorporated by reference and made a part of this rule, effective ~~June 2016~~ May 2017. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access or electronic disc. The directory may be obtained from the Office of Articulation, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved. To request a new course, complete Form CCD01, Course Code Directory Request to Add a New Course, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06769>) which is hereby incorporated by reference and made a part of this rule, effective ~~June 2016~~ May 2017. A hard copy may be obtained by contacting the Office of Articulation, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, or www.fldoe.org/articulation/CCD/.
 Rulemaking Authority 1001.02(1), 1003.03(6), 1011.62(1)(t) FS. Law Implemented 1003.03(6), 1003.4282(1)(b), 1011.62(1), 1012.55(1)(c) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, 5-19-08, 1-5-09, 6-22-09, 5-3-10, 8-21-11, 9-5-12, 11-3-13, 4-2-14, 12-23-14, 6-23-15, 6-23-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Todd Clark, Director, Office of Articulation.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 15, 2017

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.0902	Requirements for Identification, Eligibility, and Programmatic Assessments of English Language Learners
6A-6.09021	Annual English Language Proficiency Assessment for English Language Learners (ELLs)
6A-6.0905	Requirements for the District English Language Learners Plan
6A-6.09091	Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners

PURPOSE AND EFFECT: Amend rules relating to services for ELLs in Florida public schools, update identification procedures for prospective ELLs to address the requirements in the Every Student Succeeds Act, Public Law No. 114-95 (2015) (“ESSA”), and to update requirements for the annual English language proficiency assessment, including the following revisions: 6A-6.0902, F.A.C. - These amendments meet the requirements of ESSA, so prospective ELLs are assessed and placed in the English for Speakers of Other Languages program within time frames established under ESSA and that parents receive timely notices that include information required under ESSA. 6A-6.09021, F.A.C. - This amendment adopts the assessments as an ongoing requirement. In addition, the name of the kindergarten assessment will be updated, and the proposed rule will clarify the current English language proficiency level. 6A-6.0905, F.A.C. – Amend the Department’s online template ESOL 100 entitled, “District English Language Learners (ELL) Plan,” incorporated by reference, to reflect revisions to the requirements of Rule 6A-6.0902, F.A.C. 6A-6.09091, F.A.C. - This amendment includes use of a bilingual glossary as an approved accommodation.

SUMMARY: Amending rules relating to services for ELLs in Florida public schools.

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 proposed rule is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S., and will not require

legislative ratification. Further, any possible increase in regulatory costs as a result of the enhanced notice to parents is expected to be minimal and absorbed by the school districts with existing resources.

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, 1003.56, 1008.22, FS.

LAW IMPLEMENTED: 1003.56, 1008.22, 1011.62, FS.

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

DATE AND TIME: April 26, 2017, 10:00 a.m.

PLACE: Conference Call: 1-(888)419-5570, Passcode: 420 352 90.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chane Eplin, Chief, Bureau of Student Achievement through Language Acquisition, Department of Education, (850)245-0417 or email chane.eplin@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0902 Requirements for Identification, Eligibility, and Programmatic Assessments of English Language Learners.

(1) No change.

(2) Assessment to determine eligibility for appropriate services and funding.

(a) Each student who responded “yes” to any question on the home language survey shall be assessed to determine if the student is limited English proficient based on one of the standards set forth in this subsection. Any student identified by the home language survey who also meets one of the standards in subparagraphs (2)(a)1., 2. and 3. of this rule shall be classified as an English Language Learner (ELL) and shall receive appropriate instruction and funding as specified in Sections 1003.56 and 1011.62, F.S.

1. Any student in grades K through 12 who scores within the limited English proficient range as determined by the publisher’s standards on a Department of Education approved aural and oral language proficiency test or scores below the English proficient level on a Department of Education approved assessment in listening and speaking, shall be classified as an English Language Learner and shall be provided appropriate services. Assessment of each student’s aural and oral proficiency or listening and speaking should be completed as soon as possible after the student’s initial enrollment but not later than twenty (20) school days after the student’s enrollment, ~~unless documented in the following manner:~~

~~a. The documentation shall include the reason for the delay, evidence that the student is accorded the programming required~~

~~for ELLs pending the delay, and a specific timetable for completing the assessment.~~

~~b. This documentation shall be mailed to the parents in the language they understand, unless clearly not feasible no later than eight (8) weeks after initial enrollment.~~

~~c. A copy shall be retained in the student’s files for a minimum of one (1) year.~~

Prospective kindergarten students may be assessed prior to enrollment during a kindergarten roundup evaluation so long as the assessment is given no earlier than May 1 of the calendar year the student will enroll.

2. Any student in grade 3 or above, who scores at or below 32nd percentile on reading comprehension and writing or language usage subtests of a nationally norm referenced test or scores below the English proficient level on a Department of Education approved assessment in reading and writing shall be classified as an English Language Learner and provided appropriate services. The assessment in reading and writing shall be completed as soon as possible after initial enrollment, but not later than thirty (30) school days after enrollment ~~the aural and oral assessment or listening and speaking assessment.~~

3. No change.

(b) through (d) No change.

(e) Notice. Each school or school district shall provide notice to parents of an ELL identified for participation or participating in a language instruction educational program, within thirty (30) days after the beginning of the school year or, for students who were not identified prior to the beginning of the school year, but were identified during the school year, within the first two (2) weeks of the student being placed in a language instruction educational program. The notice shall inform the parent of the following:

1. The reasons for the identification of their child as an ELL and the need for the child’s placement in a language instruction educational program;

2. The child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

3. The methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

4. How the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

5. How such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

6. The specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for ELLs, and the expected rate of graduation from high school (for students in high schools);

7. In the case of a student with a disability, how such program meets the objectives of the individualized education program of the student; and

8. Information pertaining to parental rights that includes written guidance—

a. Detailing the right that parents have to have their child immediately removed from such program upon their request;

b. Detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

c. Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

(3) Programmatic Assessment.

(a) through (c) No change.

(d) Parents have the right to have their child immediately removed from a language instruction educational program and to decline to enroll the student in such a program or choose other instructional options, if available. For purposes of this subparagraph, a “language instruction educational program” means an instruction course in which an ELL is placed for the purpose of developing and attaining English proficiency and which may make instructional use of both English and a child’s heritage language. Nothing herein shall alter the duty of the district to provide ~~highly~~ qualified, duly certified or endorsed ESOL instructors in accordance with Rule 6A-1.09441, F.A.C., and the Course Code Directory and Instructional Personnel Assignments that is incorporated by reference therein. If any parent or guardian of an ELL communicates a refusal to have his or her child enrolled in an ELL program, the District shall have the student’s principal or another representative of the school meet with the parent to:

1. through 3. No change.

Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56, 1011.62 FS. History—New 10-30-90, Amended 5-19-08, 10-26-11,_____.

6A-6.09021 Annual English Language Proficiency Assessment for English Language Learners (ELLs).

(1) All students classified as ELLs on the first day of the test administration shall be assessed annually on the Assessing Comprehension and Communication in English State-to-State for English Language Learners 2.0 suite of assessments (ACCESS for ELLs 2.0), including Kindergarten ACCESS for ELLs 2-0 for kindergarten students, ACCESS for ELLs 2.0 for grades 1-12 students, or Alternate ACCESS for ELLs 2-0 for students with significant cognitive disabilities. Students

pending assessment and classification and former ELLs shall not be assessed on ACCESS for ELLs 2.0 suite of assessments.

(2) The ACCESS for ELLs 2.0 suite of assessments shall be administered in accordance with standard written instructions appropriate for the examination. The written instructions will be issued by the Commissioner in the form of directions for administration and other written communications, and provided to school districts in sufficient time prior to each test.

(3) No change.

(4) For students taking any the 2015-2016 administration of the Kindergarten ACCESS for ELLs or the ACCESS for ELLs 2.0 assessments, the English language proficiency level shall be a 4.0 5-0 composite score or greater and at least 4.0 in the all domains of reading . For students with significant cognitive disabilities taking any the 2015-2016 administration of the Alternate ACCESS for ELLs 2-0 assessment, the proficiency level shall be a P1 composite score or greater.

Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History—New 10-26-11, Amended 6-25-14, 6-23-16,_____.

6A-6.0905 Requirements for the District English Language Learners Plan.

(1) Each school district shall submit a school district English Language Learner (ELL) plan to the Department of Education describing the district’s proposed procedures and methodologies for serving ELLs and must receive the Commissioner of Education’s approval prior to program implementation.

(2) through (4) No change.

(5) School district ELL plan format.

(a) A district’s ELL plan shall include: standards for entry, exit and post-reclassification monitoring; a description of instructional, categorical and student services; provisions for and plans to employ qualified staff; and evidence of consultation with the district’s Parent Leadership Council or other parent advisory body representative of parents of ELL students.

(b) The school district ELL plan shall be submitted to the Department utilizing the Department’s Form ESOL 100 entitled, “District English Language Learners (ELL) Plan (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06767>),” (May 2017 June 2016) which is hereby incorporated by reference to become a part of this rule. Copies of this form may be obtained from the Bureau of Student Achievement through Language Acquisition, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400.

Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History—New 10-30-90, Amended 5-28-09, 8-23-12, 12-23-14, 6-23-16,_____.

6A-6.09091 Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners.

(1) The Department of Education shall provide accommodations for English Language Learners (ELLs) to enable them to fully participate in the statewide standardized assessment program as defined in Section 1008.22, F.S.

(2) Each school board shall utilize appropriate and allowable accommodations for statewide standardized assessments within the limits prescribed herein. Accommodations are defined as adjustments to settings for administration of statewide standardized assessments, adjustments to scheduling for the administration of statewide standardized assessments to include amount of time for administration, assistance in heritage language during the administration of statewide standardized assessments, and the use of an approved translation dictionary or glossary to facilitate the student’s participation in statewide standardized assessments. Accommodations that negate the validity of statewide standardized assessments are not allowable.

Accommodations shall include:

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

2. The ESOL or heritage language teacher or other trained individual familiar with the student may answer specific questions about a word or phrase in a prompt, item, or answer choice that is confusing the student because of limited English proficiency but is prohibited from giving assistance that will help the student produce, correct, or edit responses. Assistance may not ~~NOT~~ be provided for words or phrases in Reading and Writing passages.

(d) Approved Dictionary and Glossary. ELLs ~~should~~ must have access to English-to-heritage language/heritage language-to-English dictionaries or glossaries or both, such as those made available to ELLs in an instructional setting. The dictionary or glossary must provide word-to-word translations only and may not contain definitions or other information. A dictionary or glossary written exclusively in the heritage language or in English shall not be provided. Electronic translation dictionaries or glossaries that meet the same requirements without accessing the Internet may be used.

(3) through (7) No change.

Rulemaking Authority 1001.02, 1008.22 FS. Law Implemented 1008.22 FS. History–New 10-17-00, Amended 5-5-09, 10-26-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hershel Lyons, Chancellor, K-12 Public Schools.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 24, 2017

Section III
Notice of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
5E-14.110 Fumigation Requirements - Notices
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 43 No. 52, March 16, 2017 issue of the Florida Administrative Register.

The form Notification of Fumigation (FDACS -13667, Rev. 02/17) is corrected to show a revision date of 03/17.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
69K-1.005 Licensure Application Procedures
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 42 No. 214, November 2, 2016 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NOS.: RULE TITLES:
73B-3.001 Definitions
73B-3.002 Displaced Homemaker Program Service Provider Application
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. 43 No. 25, February 7, 2017 issue of the Florida Administrative Register.

73B-3.001 Definitions.

(1) through (2) No change.

(3) “Self-Sufficient,” means that an individual earns wages at or above the higher of 200% of the Federal Poverty Level as set by the U.S. Department of Health and Human Services or 200% of the Lower Living Standard Income Level applicable to the catchment area in which the individual resides, as set by the Department of ~~Labor~~.

(4) through (6) No change.

Rulemaking Authority, s. 446.50(3), FS., Law Implemented s.446.50, FS. History- New_____.

73B-3.002 Displaced Homemaker Program.

(1) No change.

(2) To be considered for approval, contract or grant proposals submitted to the Department must, at a minimum, provide the following:

(a) through (d) No change.

(3) through (4) No change.

(5) Each service provider must establish performance benchmarks based, at a minimum, on the following:

(a) through (c) No change.

Rulemaking Authority .446.50(3), FS., Law Implemented 446.50, FS. History-New _____.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On March 9, 2017 the Division of Hotels and Restaurants received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Taqueria Las Mariposas Corp located in Temple Terrace. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 43, No. 48, F.A.R., on March 10, 2017. The Order for this Petition was signed and approved on March 28, 2017. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that

the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On March 9, 2017, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Skyline Catering located in Hialeah. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 43, No. 48, F.A.R., on March 10, 2017. The Order for this Petition was signed and approved on March 28, 2017. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within El Guajiro Produce and Cheese Distribution LLC (201 W 27 St. Hialeah, FL 33010), are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation.

The Petitioner shall also ensure that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Skyline Catering Inc. and/or El Guajiro Produce and Cheese Distribution LLC changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on January 27, 2017, by Helmut Mueller, P.E. The Notice of Petition for Variance was published in Vol. 43, No. 35, the February 21, 2017, Florida Administrative Register. Petitioner sought a variance from the requirements of paragraphs 61G15-35.003(1)(b) and (c), F.A.C., that engineers whose principal practice is structural engineering shall have three (3) years experience performing structural field inspections within the seven (7) years preceding application for certification. The Board considered the facts underlying the Petition at a duly-noticed public meeting held on January 20, 2017, by Telephone Conference Call and directed the filing of the petition and its noticing in the FAR. The Board's Order, filed on March 23, 2017, granted the Petition for a Variance because the petition was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. The Board found that Petitioner has met the purpose of the underlying statute by other means, in that he possesses sufficient design and inspection experience to be certified. Further, the Board found Petitioner has demonstrated compliance with the rule would pose an undue hardship on Petitioner, as petitioner's livelihood and business will suffer, if Petitioner cannot be certified.

A copy of the Order or additional information may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, (850)521-0050, zraybon@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Waiver, filed on February 17, 2017, by Esteban Anzola, P.E. The Notice of Petition for Variance or Waiver was published in Vol. 43, No. 39, of the February 27, 2017, Florida Administrative Register.

Petitioner sought a waiver of the requirement of paragraph 61G15-35.003(1)(b), F.A.C., that engineers whose principal practice is structural engineering shall have three (3) years of design experience within the seven (7) years preceding application for certification. The Board considered the instant Petition at a duly-noticed public meeting held on February 2, 2017, in Orlando, Florida. The Board's Order, filed on March 23, 2017, granted the Petition for Waiver, finding Petitioner has met the purpose of the underlying statute by other means, in that he possesses sufficient design and inspection experience to be certified. Further, the Board found the Petitioner has demonstrated compliance with the rule would pose an undue hardship on Petitioner, given the Board is initiating rulemaking to delete the instant rule provision, but Petitioner's livelihood and business will suffer if Petitioner cannot be certified until the rule amendments take effect.

A copy of the Order or additional information may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, (850)521-0050, zraybon@fbpe.org.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on February 7, 2017, by Lisbet Drivdahl. The Notice of Petition for Waiver or Variance was published in Vol. 43, No. 28, the February 10, 2017 Florida Administrative Register. Petitioner sought a variance or waiver of 64B7-32.002, F.A.C., regarding the requirements for proof of graduation. The Board considered the instant Petition at a duly-noticed public meeting held on March 8, 2017, by telephone conference call.

The Board's Order, filed on March 24, 2017, granted the Petitioner's request for a waiver or variance of 64B7-32.002, F.A.C. The petition is in substantial compliance with the provisions of Section 120.542, FS, and Chapter 28-104, F.A.C. The Petitioner demonstrated that in this particular case the purpose of the underlying statute has been achieved by submission of the copies and strict application of the rule would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4162, Kama.Monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or

Waiver, filed on February 16, 2017, by Juli Turpin. The Notice of Petition for Waiver or Variance was published in Vol. 43, No. 35, the February 21, 2017 Florida Administrative Register. Petitioner sought a variance or waiver of 64B7-32.002, F.A.C., regarding the requirements for proof of graduation. The Board considered the instant Petition at a duly-noticed public meeting held on March 8, 2017, by telephone conference call.

The Board's Order, filed on March 24, 2017, granted the Petitioner's request for a waiver or variance of 64B7-32.002, F.A.C. The petition is in substantial compliance with the provisions of Section 120.542, FS, and Chapter 28-104, F.A.C. The Petitioner demonstrated that in this particular case the purpose of the underlying statute has been achieved by submission of the copies and strict application of the rule would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4162, Kama.Monroe@flhealth.gov.

Section VI

Notice of Meetings, Workshops and Public Hearings

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public customer meeting in the following docket to which all persons are invited.

DATE AND TIME: Tuesday, April 18, 2017, 6:00 p.m.

PLACE: Lake View Clubhouse, 231 Shoreline Drive, Lake Placid, FL 33852

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 160222-WS – Application for staff-assisted rate case in Highlands County by LP Waterworks, Inc.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact: Commission staff Charles Murphy, (850)413-6191.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the meeting, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD).

EMERGENCY CANCELLATION OF MEETING: If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website, (<http://www.psc.state.fl.us/>), under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

EXECUTIVE OFFICE OF THE GOVERNOR

The Constitution Revision Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 6, 2017, 5:00 p.m. – 8:00 p.m.

PLACE: Florida International University (FIU), Frost Art Museum, 10975 SW 17th St., Miami, FL 33199

GENERAL SUBJECT MATTER TO BE CONSIDERED: Once every twenty years, Florida's Constitution provides for the creation of a thirty-seven member revision commission for the purpose of reviewing Florida's Constitution and proposing changes for voter consideration. The Commission meets for approximately one year, traveling the State of Florida to speak with citizens, identifying issues, performing research, and possibly recommending changes to the Constitution. Any amendments proposed by the Commission would be placed on the 2018 General Election ballot.

A copy of the agenda may be obtained by contacting: Meredith Beatrice, Director of External Affairs: Meredith.Beatrice@flrc.gov, (850)717-9242.

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: Meredith Beatrice, Director of External Affairs: Meredith.Beatrice@flrc.gov, (850)717-9242. 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: Meredith Beatrice, Director of External Affairs: Meredith.Beatrice@flrc.gov, (850)717-9242.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 9, 2017, 10:00 a.m.

PLACE: Telephone conference number: 1(888)670-3525, participant code: 293 872 3619

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983.

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: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983. 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: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, May 10, 2017, 12:00 Noon; Thursday, May 11, 2017, 8:30 a.m.; Friday, May 12, 2017, 8:30 a.m.

PLACE: Courtyard Palm Beach Jupiter, 4800 Main Street, Jupiter, FL 33458, (561)776-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the Board.

A copy of the agenda may be obtained by contacting: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983.

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: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983. 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: Donald Shaw, Senior Management Analyst Supervisor, 2601 Blair Stone Rd., Tallahassee, FL 32399-1039, (850)717-1983.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

The Board of Veterinary Medicine announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, April 12, 2017, 1:30 p.m.

PLACE: Telephone: 1(888)670-3525, conference code: 8357925709

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions of which may be closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1981.

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: the Board of Veterinary Medicine, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1981. 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: the Board of Veterinary Medicine, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1981.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.505 Middle St. Johns River Basin TMDLS.

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

DATE AND TIME: April 13, 2017, 2:30 p.m.

PLACE: Seminole County Extension Auditorium, 250 West County Home Road, Sanford, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This technical meeting is for interested stakeholders to discuss with the Department the model development for Lake Adair, Lake Alma, Lake Searcy and Bear Gulley Lake in the Middle St. Johns River basin. The meeting will provide an opportunity for the Department to present steps they will take to refine the existing watershed and receiving water models. The TMDL meeting will commence after the conclusion of the Lake Jesup

Basin Management Action Plan meeting, which is being separately noticed in the Florida Administrative Register. Written comments on the model approach will be accepted by the Department through April 19, 2017. These comments should be directed to: Erin Rasnake, Program Administrator, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Erin.Rasnake@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Shamyah Gibson, Department of Environmental Protection, MS 3555, 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: Shamyah Gibson, (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

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

DATE AND TIME: April 13, 2017, 1:00 p.m.

PLACE: Seminole County Extension Auditorium, 250 West County Home Road, Sanford, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Lake Jesup Basin Management Action Plan (BMAP) technical meeting to which the public is invited. At this meeting the Department will present allocations, and discuss projects and monitoring efforts related to the Lake Jesup BMAP. Immediately after this meeting (starting at approximately 2:30 p.m.), the Department will be holding a TMDL meeting for Lake Adair, Lake Alma, Lake Searcy and Bear Gulley Lake, all within the Lake Jesup BMAP. The TMDL meeting is being separately noticed in the Florida Administrative Register.

A copy of the agenda may be obtained by contacting: Moira Homann, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, Moira.Homann@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 48 hours before the workshop/meeting by contacting: Moira Homann, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, Moira.Homann@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

Board of Nursing Home Administrators

The Board of Nursing Home Administrators announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 28, 2017, 9:00 a.m.

PLACE: Correction of participant code, from Vol. 43, No. 61, F.A.R.: 1(888)670-3525, participant code: 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: <http://floridasnursinghomeadmin.gov/>.

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: Anthony.Spivey@flhealth.gov. 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: Anthony.Spivey@flhealth.gov.

GULF CONSORTIUM

The Gulf Consortium Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: April 6, 2017, 11:00 a.m., ET

PLACE: Florida Department of Environmental Protection, The Carr Building, Room 170, 3800 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Gulf Consortium will meet to discuss the progress of the state expenditure plan; grant management and administration; FY2015/2016 independent audit results; the contract with The Balmoral Group for management services; and, conduct other business.

A copy of the agenda may be obtained by contacting: Ginger Delegal at gdelegal@fl-counties.com, (850)922-4300 or www.FACRestore.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 3 days before the workshop/meeting by contacting: Ginger Delegal at gdelegal@fl-counties.com or (850)922-4300. 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: Ginger Delegal at gdelegal@fl-counties.com or (850)922-4300.

PARSONS TRANSPORTATION GROUP INC.

The Florida Department of Transportation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 11, 2017, 5:00 p.m. – 7:00 p.m.

PLACE: SRQ Media Room - Annex building of Sarasota City Hall, 1565 1st Street, Sarasota, Florida 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: US 41 and Fruitville Road PD&E Study Public Meeting.

The Florida Department of Transportation (FDOT), District One, will hold a public information meeting as part of the Project Development and Environment (PD&E) study to evaluate improvements to the intersection at US 41 and Fruitville Road in the City of Sarasota. All members of the public are invited to attend.

FDOT is evaluating improvements to the intersection at US 41 and Fruitville Road that would accommodate all modes of travel and provide for a better integrated transportation system as identified in the City of Sarasota’s Downtown Master Plan. The Department sent notices of the public meeting to all property owners located within at least 300 feet of the intersection and projected project boundaries. FDOT encourages all interested people to attend and express their views regarding the project and information presented.

This meeting will provide a platform to discuss the social, environmental and economic effects of the potential improvements. It will be held in an informal, open house format and will afford an opportunity for the community to learn about the project, become familiar with the study process, and offer initial feedback. Persons wishing to submit written statements, in place of or in addition to oral statements, may do so at the meeting or by sending them to: Project Manager Joshua Jester at Joshua.Jester@dot.state.fl.us. All statements postmarked on or before April 21, 2017, will become a part of the public meeting record.

FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: Joshua Jester, (863)519-2251, joshua.jester@dot.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 7 days before the workshop/meeting by contacting: FDOT - Joshua Jester, (863)519-2251, joshua.jester@dot.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).

For more information, you may contact: Joshua Jester, (863)519-2251, joshua.jester@dot.state.fl.us.

Section VII

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

DEPARTMENT OF HEALTH

Board of Nursing

NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by McCeil J. Johnson on February 16, 2016. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 42, No. 35, the February 22, 2016 Florida Administrative Register. Petitioner seeks a Declaratory Statement from the Board regarding the Florida Board of Nursing requirement that online faculty instructing Florida residents must hold a RN license in Florida. The Board’s Order, filed on May 23, 2016 denied the Petition stating that it was not in substantial compliance with the provisions of Section 120.565, F.S., and Rule 28-105. F.A.C. The Petition does not cite a statute or rule that addresses the unlicensed practice of nursing in Florida.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, Joe.Baker@flhealth.gov.

Section VIII

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

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

NONE

Notice of Disposition of Petition for Administrative Determination has been filed 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

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Thursday March 23, 2017 and 3:00 p.m., Wednesday, March 29, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
19-11.001	3/23/2017	4/12/2017
19-11.003	3/23/2017	4/12/2017
19-11.004	3/23/2017	4/12/2017
19-11.005	3/23/2017	4/12/2017

19-11.006	3/23/2017	4/12/2017
19-11.007	3/23/2017	4/12/2017
19-11.008	3/23/2017	4/12/2017
19-11.009	3/23/2017	4/12/2017
19-11.010	3/23/2017	4/12/2017
19-11.011	3/23/2017	4/12/2017
19-11.012	3/23/2017	4/12/2017
19-11.013	3/23/2017	4/12/2017
59G-6.090	3/23/2017	4/12/2017
60S-11.004	3/28/2017	4/17/2017
61DER17-1	3/24/2017	3/24/2017
61K1-3.016	3/28/2017	4/17/2017
64B16-32.007	3/23/2017	4/12/2017
64B16-32.009	3/23/2017	4/12/2017
69B-228.010	3/23/2017	4/12/2017
69B-228.020	3/23/2017	4/12/2017
69B-228.030	3/23/2017	4/12/2017
69B-228.040	3/23/2017	4/12/2017
69B-228.050	3/23/2017	4/12/2017
69B-228.060	3/23/2017	4/12/2017
69B-228.080	3/23/2017	4/12/2017
69B-228.090	3/23/2017	4/12/2017
69B-228.110	3/23/2017	4/12/2017
69B-228.120	3/23/2017	4/12/2017
69B-228.130	3/23/2017	4/12/2017
69B-228.150	3/23/2017	4/12/2017
69B-228.160	3/23/2017	4/12/2017

69B-228.180	3/23/2017	4/12/2017
69B-228.190	3/23/2017	4/12/2017
69B-228.210	3/23/2017	4/12/2017
69B-228.220	3/23/2017	4/12/2017
69B-228.230	3/23/2017	4/12/2017
69B-228.240	3/23/2017	4/12/2017
69B-228.250	3/23/2017	4/12/2017
69B-228.260	3/23/2017	4/12/2017
69B-228.270	3/23/2017	4/12/2017
69B-228.280	3/23/2017	4/12/2017
69P-5.002	3/29/2017	4/18/2017
69P-5.003	3/29/2017	4/18/2017
69P-5.004	3/29/2017	4/18/2017
69P-5.005	3/29/2017	4/18/2017
69P-5.006	3/29/2017	4/18/2017
69P-5.008	3/29/2017	4/18/2017
69P-5.012	3/29/2017	4/18/2017

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
40B-9.021	12/21/2016	**/**/****
40B-9.041	12/21/2016	**/**/****
40B-9.126	12/21/2016	**/**/****
40B-9.131	12/21/2016	**/**/****
40B-9.1381	12/21/2016	**/**/****
40B-9.1411	12/21/2016	**/**/****
40B-9.142	12/21/2016	**/**/****
40B-9.145	12/21/2016	**/**/****

40B-9.123	12/9/2016	**/**/****
58M-2.009	2/9/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-9.009	6/15/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.100	12/19/2016	**/**/****
69L-7.501	12/19/2016	**/**/****

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments and deadlines, and the address for providing comments, are available at: <https://fldep.dep.state.fl.us/clearinghouse/>. For information, call (850)717-9076. This public notice fulfills the requirements of 15 CFR 930.

**Section XIII
Index to Rules Filed During Preceding
Week**

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.