

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF EDUCATION****State Board of Education**

RULE NO.: RULE TITLE:
6A-1.09412 Course Requirements – Grades K-12
 Basic and Adult Secondary
 Programs

PURPOSE AND EFFECT: The purpose of the rule development is to update course descriptions for the 2012-13 school year in the areas of social studies, English language arts, the Arts, Mathematics, Science, Health, Research and Critical Thinking, World Languages, JROTC, and Physical Education to align them with the Next Generation Sunshine State Standards and Common Core State Standards. The effect will be updated course descriptions for the 2012-13 school year.

SUBJECT AREA TO BE ADDRESSED: Course Descriptions to align with the Next Generation Sunshine State Standards.

RULEMAKING AUTHORITY: 1001.03(1), 1011.62(1)(s) FS.
LAW IMPLEMENTED: 1001.42(9), 1003.42, 1011.62(1)(s) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Teresa Sweet, Chief, Bureau of Curriculum and Instruction, K-12 Public Schools, (850)245-9032 or teresa.sweet@fldoe.org

TO REQUEST A RULE DEVELOPMENT WORKSHOP please contact Lynn Abbott at lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09412 Course Requirements – Grades K-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades K-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publications “~~2012-13~~ ~~2011-2012~~ Florida Course Descriptions for Grades K-12/Adult, Basic Education,” ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00222>)~~ which is hereby incorporated by reference and made a part of this rule. Copies of approved course descriptions may be obtained from

K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or online at <http://www.floridastandards.org>.

Rulemaking Authority 1001.03(1), 1003.42, 1011.62(1)(u) FS. Law Implemented 1003.42, 1011.62(1)(u) FS. History—New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, 10-15-01, 12-17-02, 7-26-05, 11-21-05, 7-27-06, 1-18-07, 3-24-08, 10-21-09, 5-3-10, 7-27-11,_____.

DEPARTMENT OF EDUCATION**Education Practices Commission**

RULE NO.: RULE TITLE:
6B-4.009 Criteria for Suspension and
 Dismissal

PURPOSE AND EFFECT: The purpose and effect of this rule development is to update the Criteria for Suspension and Dismissal to include a definition of just cause.

SUBJECT AREA TO BE ADDRESSED: Define “just cause” and other criteria for which a district may dismiss or suspend instructional personnel.

RULEMAKING AUTHORITY: 1012.33, 1012.335 FS.

LAW IMPLEMENTED: 1012.33, 1012.335 FS.

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

DATE AND TIME: January 19, 2012, 9:30 a.m., EST

PLACE: Via Conference call # 1(866)304-6786, Code 28789527. The conference call will last for a minimum of 30 minutes but will conclude after 30 minutes if no additional callers are on the line.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marian W. Lambeth, Chief, Professional Practices Services, Florida Department of Education, 325 W. Gaines St., Room 203, Tallahassee, FL 32399, (850)245-0438 or e-mail marian.lambeth@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6B-4.009 follows. See Florida Administrative Code for present text.)

6B-4.009 Criteria for Suspension and Dismissal.

The bases for charges upon which dismissal action against specified school personnel may be pursued are set forth in Sections 1012.33 and 1012.335, Florida Statutes. The basis for each of such charges is hereby defined:

(1) “Immorality” means conduct that is inconsistent with the standards of public conscience and good morals. It is conduct that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual’s service in the community.

(2) “Misconduct in Office” means one or more of the following:

(a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.:

(b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.:

(c) A violation of the adopted school board rules;

(d) Behavior that disrupts the student’s learning environment; or

(e) Behavior that reduces the teacher’s ability or his or her colleagues’ ability to effectively perform duties.

(3) “Incompetency” means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

(a) “Inefficiency” means one or more of the following:

1. Failure to perform duties prescribed by law;

2. Failure to communicate appropriately with and relate to students;

3. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;

4. Disorganization of his or her classroom to such an extent that the health, safety or welfare of the students is diminished; or

5. Excessive absences or tardiness.

(b) “Incapacity” means one or more of the following:

1. Lack of emotional stability;

2. Lack of adequate physical ability;

3. Lack of general educational background; or

4. Lack of adequate command of his or her area of specialization.

(4) “Gross insubordination” means the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.

(5) “Willful neglect of duty” means intentional or reckless failure to carry out required duties.

(6) “Drunkenness” applies only to persons who hold a contract issued on or before July 1, 1984, and means:

(a) That condition which exists when an individual publicly is under the influence of alcoholic beverages or drugs to such an extent that his or her normal faculties are impaired;
or

(b) Conviction on the charge related to drunkenness by a court of law.

(7) Unsatisfactory or ineffective performance evaluation ratings as defined in Section 1012.33(1)(a), Florida Statutes.

(8) “Crimes involving moral turpitude” means offenses listed in Section 1012.315, Florida Statutes, and the following crimes:

(a) Section 775.085, Florida Statutes, relating to evidencing prejudice while committing offense, if reclassified as a felony.

(b) Section 782.051, Florida Statutes, relating to attempted felony murder.

(c) Section 782.09(1), Florida Statutes, relating to killing of unborn quick child by injury to mother.

(d) Section 787.06, Florida Statutes, relating to human trafficking.

(e) Section 790.166, Florida Statutes, relating to weapons of mass destruction.

(f) Section 838.015, Florida Statutes, relating to bribery.

(g) Section 847.0135, Florida Statutes, relating to computer pornography and/or traveling to meet a minor.

(h) Section 859.01, Florida Statutes, relating to poisoning of food or water.

(i) Section 876.32, Florida Statutes, relating to treason.

(j) An out-of-state offense, federal offense or an offense in another nation, which, if committed in this state, constitutes an offense prohibited under Section 1012.315(6), Florida Statutes.

Rulemaking Specific Authority 1001.02, 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 1012.33, 1012.335, 231.36(4)(e), 231.546(2) FS. History—New 12-25-66, Amended 9-8-68, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-4.09, Amended _____.

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.0665
RULE TITLE: Lifeline Service

PURPOSE AND EFFECT: Rule 25-4.0665, F.A.C., would be amended to eliminate the requirement of quarterly reporting, to require that a customer’s Lifeline local service may not be discontinued if the charges, taxes and fees applicable to dial tone, local usage, dual tone multifrequency dialing, emergency services such as “911,” and relay service are paid, and to clarify eligible telecommunications carrier responsibilities regarding record retention, resale of Lifeline lines, and advertising, including developing outreach materials for specific consumer groups and outreach strategies. Consistent with the 2011 changes made to Chapter 364 F.S., Rule 25-4.113, F.A.C., would be repealed. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 364.10(2)(j) FS.

LAW IMPLEMENTED: 364.10, 364.105, 364.183(1) FS.

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

DATE AND TIME: Wednesday, January 18, 2012, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

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: Office of Commission Clerk. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-102.101
 RULE TITLE: Public Information and Inspection of Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify Form DC1-201, Invoice for Production of Records, to update what is exempt from disclosure.

SUBJECT AREA TO BE ADDRESSED: Public Records Inspection.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.101 Public Information and Inspection of Records.

(1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on Form DC1-201, Invoice for Production of Records. Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as

required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is 8-18-09.

Rulemaking Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History--New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, 4-16-08, 12-25-08, 8-18-09, _____.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Beaches and Coastal Systems**

RULE NO.: 62B-54.002
 RULE TITLE: Determination of Fines

PURPOSE AND EFFECT: To amend the existing rules that states multi-day fines will not be assessed for minor impacts.

SUBJECT AREA TO BE ADDRESSED: The Bureau proposes amendment of subsection 62B-54.002(2), F.A.C. in order to address comments from the Joint Administrative Procedures Committee. The rule amendment will remove the statement that multi-day fines will not be assessed for minor impacts.

RULEMAKING AUTHORITY: 161.052, 161.053, 161.054 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.054 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James Martinello (850)488-7708 or by e-mail at james.martinello@dep.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62B-54.002 Determination of Fines.

(1) No change.

(2) Each day during any portion of which a violation occurs or continues to occur hereunder constitutes a separate offense. Multi-day fines will compound beginning on the date of receipt of the Department's warning notice. ~~Multi-day fines will not be assessed for minor impacts.~~

(3) No change.

Rulemaking Specific Authority 161.052, 161.053, 161.054 FS. Law Implemented 161.052, 161.053, 161.054 FS. History--New 3-20-00, Amended _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0144
 RULE TITLE: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate by reference form DH-MQA 1253, and to delete and add language to update the rule to comply with the current dental hygiene examination being administered and accepted.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges.

RULEMAKING AUTHORITY: 466.004, 466.007, 456.067 FS.

LAW IMPLEMENTED: 466.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0148
 RULE TITLE: Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records Are Unavailable

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete that the National Board must be completed within 10 years and to delete the time frame in which the applicant's credentials must be submitted before the exam to comply with legislative changes made to Chapter 466, F.S.

SUBJECT AREA TO BE ADDRESSED: Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records Are Unavailable.

RULEMAKING AUTHORITY: 466.004 (4) FS.

LAW IMPLEMENTED: 466.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0150
 RULE TITLE: Full-Time Practice Requirements for Applicants Submitting ADLEX Scores from a Jurisdiction Other Than Florida

PURPOSE AND EFFECT: The Board proposes the creation of the rule as it is mandated by statute.

SUBJECT AREA TO BE ADDRESSED: Full-Time Practice Requirements for Applicants Submitting ADLEX Scores from a Jurisdiction Other Than Florida.

RULEMAKING AUTHORITY: 466.004(4), 466.006(4)3.e.(III) FS.

LAW IMPLEMENTED: 466.004, 466.006(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0152
 RULE TITLE: Full-Time Practice Requirements for Licensees Granted Based on Out-of-State ADLEX Scores

PURPOSE AND EFFECT: The Board proposes the creation of the rule as it is mandated by statute.

SUBJECT AREA TO BE ADDRESSED: Full-Time Practice Requirements for Licensees Granted Based on Out-of-State ADLEX Scores.

RULEMAKING AUTHORITY: 466.004(4), 466.006(6)(b)2. FS.

LAW IMPLEMENTED: 466.004, 466.006(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.003
RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: The Board proposes to review the rule to clarify the number of hours for certification and to delete unnecessary language and add new language to clarify procedures for training, education, certification, and requirements for issuance of permits.

SUBJECT AREA TO BE ADDRESSED: Training, Education, Certification, and Requirements for Issuance of Permits.

RULEMAKING AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 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 LEGAL AFFAIRS

RULE NO.: 2-40.006
RULE TITLE: Addition of Alphamethyltryptamine (AMT) to Schedule I, Subsection 893.03(1), F.S.

PURPOSE AND EFFECT: The Department proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Section 120.745, F.S. The rule has previously been incorporated into law and its repeal will have no practical effect.

SUMMARY: The rule amendment will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Section 120.745, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 893.035 FS.

LAW IMPLEMENTED: 893.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Tellechea, Chief Assistant Attorney General-DLA, PL-01, The Capitol, Bin #4100, 107 West Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

2-40.006 Addition of Alphamethyltryptamine (AMT) to Schedule I, Subsection 893.03(1), F.S.

Rulemaking Specific Authority 893.035 FS. Law Implemented 893.035 FS. History--New 1-12-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Tellechea, Chief Assistant Attorney General-DLA