

(850)412-4281. 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: Ronique Hall, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4281, e-mail: ronique.hall@ahca.myflorida.com

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-2.017 RULE TITLE: Health Safety Standards

PURPOSE AND EFFECT: The Purpose of this new rule is to set food safety and environmental health sanitation standards for facilities licensed by the Agency for Persons with Disabilities.

SUBJECT AREA TO BE ADDRESSED: Health Safety Standards for Licensed Facilities; Section 393.067, Florida Statutes.

RULEMAKING AUTHORITY: 393.501(1) FS.

LAW IMPLEMENTED: 393.067(7) FS.

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

DATE AND TIME: July 11, 2012, 10:00 a.m. –12:00 Noon

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

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: Miranda Johnson, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)414-9132, miranda_johnson@apd.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Miranda Johnson, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)414-9132, miranda_johnson@apd.state.fl.us

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.: 5M-15.001
5M-15.002
5M-15.003
5M-15.004

RULE TITLES: Purpose
Definitions
Dispute Regarding Exemption
Eligibility for a Binding Determination

5M-15.005
5M-15.006
5M-15.007
5M-15.008

Documentation of Dispute
Exemption Criteria
Binding Determination Process
Final Agency Action

PURPOSE AND EFFECT: Pursuant to Section 373.407, Florida Statutes this rulemaking proposes to develop definitions and procedures by which the Department will make binding determinations about whether activities, which alter the topography of land, are or are not exempt from Environmental Resource Permitting requirements of Chapter 373, Florida Statutes.

SUMMARY: The proposed rule establishes procedures that the Department will use to render binding written opinions, when requested, as to whether or not an agricultural activity is exempt under Section 373.406(2), F.S. The Department’s opinion will ultimately affect whether or not agricultural operations that have a valid dispute need to obtain an Environmental Resource Permit.

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.

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: 373.407, 570.02(23) FS.

LAW IMPLEMENTED: 373.406(2), 373.407 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301 (850)617-1700 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

PROCEDURES FOR BINDING DETERMINATIONS OF AGRICULTURAL EXEMPTIONS

5M-15.001 Purpose.

The purpose of this rule is to implement the Florida Department of Agriculture and Consumer Services' (Department) authority under Section 373.407, F.S., to make binding determinations regarding the applicability of the agricultural exemption from environmental resource permitting in Section 373.406(2), F.S. The rule establishes a statewide process to address disputes between agricultural landowners and water management districts regarding the exemption.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New _____.

5M-15.002 Definitions.

(1) Landowner – The owner of the land on which the activities in question have been or are proposed to be conducted.

(2) Normal and customary practice in the area – Generally accepted agricultural activities for the type of operation and the region.

(3) Sole or predominant purpose – The primary function of the activity in question.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New _____.

5M-15.003 Dispute Regarding Exemption.

In the event of a dispute as to the applicability of an exemption under Section 373.406(2), F.S., a water management district or landowner may request that the Department make a binding determination as to whether an existing or proposed agricultural activity qualifies for the exemption. All requests for a binding determination shall be submitted in writing to the Office of Agricultural Water Policy, Florida Department of Agriculture and Consumer Services at 1203 Governor's Square Boulevard, Suite 200, Tallahassee, FL 32301, or AgPermitExemption@FreshFromFlorida.com.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New _____.

5M-15.004 Eligibility for a Binding Determination.

In order for the Department to conduct a binding determination under Section 373.407, F.S., the following conditions must exist:

(1) The activities in question must be on lands classified as agricultural by the county property appraiser pursuant to Section 193.461, F.S. Proof of classification status may be provided by the requesting party or confirmed by the Department through the county property appraiser.

(2) The activities in question must not previously have been authorized by an environmental resource permit or a management and storage of surface water permit issued pursuant to Part IV, Chapter 373, F.S., or by a dredge and fill permit issued pursuant to Chapter 403, F.S. The water management district shall provide a statement as to whether the activities in question were previously authorized by any of these types of permits.

(3) There must be a dispute between the landowner and the water management district as to the applicability of the exemption. The dispute must be documented as provided in Rule 5M-15.005, F.A.C.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New _____.

5M-15.005 Documentation of Dispute.

In order to establish that a dispute exists as to the applicability of Section 373.406(2), F.S.:

(1) A water management district making a request for a binding determination from the Department must provide a copy of written correspondence informing the landowner that the activity requires or may require a permit, and a copy of written correspondence or other documentation from the landowner indicating that the landowner is claiming that the activity is exempt under Section 373.406(2), F.S.

(2) A landowner making a request for a binding determination from the Department must provide a copy of written correspondence from the water management district indicating that the activity requires or may require a permit, and a written statement or other documentation indicating that the landowner is claiming that the activity is exempt under Section 373.406(2), F.S.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New _____.

5M-15.006 Exemption Criteria.

(1) In order for alterations or activities to be exempt from permitting under Section 373.406(2), F.S., all of the following criteria must be met, as determined by the Department:

(a) The landowner must be engaged in the occupation of agriculture, silviculture, floriculture, or horticulture;

(b) Alterations to the topography of the land must be for purposes consistent with the normal and customary practice of such occupation in the area; and

(c) The alteration or activity may not be for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands.

(2) The Department shall not establish, by policy or practice, standardized threshold acreage impacts to wetlands or other surface waters, as a basis to deny exempt status to the activity or activities subject to review. The Department shall consider each disputed activity on a case-by-case basis, including the extent and nature of potential or actual impacts.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New _____.

5M-15.007 Binding Determination Process.

(1) In support of a request for a binding determination as to whether an existing or proposed activity qualifies for the exemption in Section 373.406(2), F.S., the Department shall obtain the following documentation, as needed to address questions in dispute. Maps may be combined, as appropriate and feasible.

(a) From the landowner:

1. A written description of the existing or proposed activities and the reasons the landowner considers the activities to be exempt from permitting.

2. For newly proposed activities, construction drawings (e.g., plan view, cross-sectionals).

3. Onsite digital photographs. These may be obtained by the Department during a site visit.

(b) From the water management district or other appropriate source:

1. A project location map (include section/township/range, property boundary, major roads).

2. Soils map.

3. A map of hydrologic features, including wetlands, lakes, streams, and reservoirs; and canals, ditches, and other excavated areas.

4. United States Geological Survey topographic quadrangle map or a more recent topographic map.

5. Historical and recent aerial photographs.

(2) To the extent of the available information, the water management district shall provide a detailed written description and the location of each activity that is in dispute, the dates that any existing activities occurred, the impacts the district is associating with each existing or proposed activity, and the specific regulation(s) under which the water management district is asserting permitting authority.

(3) The steps the Department will take to arrive at a binding determination include, but are not limited to:

(a) Confirm that the eligibility requirements in Section 5M-15.004, F.A.C., are met.

(b) Review the information listed in subsections (1) and (2) of this section.

(c) Schedule and conduct a site visit. Information collected during a site visit may include:

1. Field notes that characterize the type of farming operation.

2. In-situ measurements, including soil borings.

3. Identification of gravity drainage, pumped outfall areas, and flow notations.

4. Digital photographs.

5. Interviews with individuals knowledgeable about the operation.

(d) Consult best management practices manuals applicable to the operation and adopted by the Department under Title 5M, F.A.C., and applicable conservation practice standards contained in Section IV of the Natural Resources Conservation Service Field Office Technical Guide.

(e) Request additional information from the water management district or the landowner, as needed and feasible.

(4) Based on the information obtained pursuant to this section, the Department will evaluate whether the landowner meets the criteria listed in Rule 5M-15.006, F.A.C., and will formulate a report containing a binding determination. In the report, the Department will explain the basis for its conclusions and provide references to any documents or other sources of information or guidance used in making its determination. The Department will send the written report, by regular or electronic mail, to the affected water management district and landowner.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New _____.

5M-15.008 Final Agency Action.

Binding determinations under this rule are final agency action subject to administrative proceedings pursuant to Sections 120.569 and 120.57, F.S. Each determination will include a notice of rights to an administrative hearing and appeal.

Rulemaking Authority 373.407 FS. Law Implemented 373.406(2), 373.407 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard J. Budell, Office of Agricultural Water Policy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2011

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 this rule amendment is to adopt new and revised course descriptions 2012-13 school-year. Courses for Social Studies, English Language Arts, the Arts, Mathematics, Science, Health, Research and Critical Thinking, World Languages, JROTC, and Physical Education are updated to align with the Next Generation Sunshine State Standards and Common Core State Standards approved by the State Board of Education for these content areas.

SUMMARY: Course descriptions for Social Studies, English Language Arts, the Arts, Mathematics, Science, Health, Research and Critical Thinking, World Languages, JROTC, and Physical Education are updated to include the Next Generation Sunshine State Standards and Common Core State Standards.

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 been prepared by the agency.

Based on the SERC, the rule is not expected to require legislative ratification pursuant to Section 120.54(3), Florida Statutes. Instructional materials are adopted on a five year schedule and instructional materials publishers already incur a cost to update their content for each adoption. Publishers will incur no additional cost as a result of this rule. Likewise, virtual instruction providers are required to apply for approval every three years and to demonstrate that their content is aligned to state standards as part of the approval process regardless of the rule change.

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

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

DATE AND TIME: July 17, 2012, 8:00 a.m.

PLACE: Broward College, Fort Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Chancellor, Division of Public Schools, 325 W. Gaines Street, Room 1502, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE 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.fldoe.org/articulation/ccd/1213.asp>) (<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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
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

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

SUMMARY: This rule amendment will add new courses approved by the Commissioner of Education, remove outdated/deleted courses, and incorporate legislative policy changes.

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 rule is not expected to require legislative ratification pursuant to Section 120.541(3)(a)1., F.S., as there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness. Any increase in regulatory costs would not approach the statutory thresholds for legislative ratification.

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), 1009.53(3), 1011.62(1)(s) FS.

LAW IMPLEMENTED: 1009.531, 1009.535, 1009.536, 1011.62(1) FS.

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

DATE AND TIME: July 17, 2012, 8:00 a.m.

PLACE: Broward College, Fort Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew Bouck, 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) through (4) No change.

(5) The “Course Code Directory and Instructional Personnel Assignments ~~2012-2013~~ ~~2011-2012~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref00513>),” is hereby incorporated by reference and made a part of this rule. 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.

Rulemaking Authority 1001.02(1), 1009.53(3), 1011.62(1)(s)(~~tt~~) FS. Law Implemented 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew Bouck, Director, Office of K-20 Articulation
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099826
 RULE TITLE: VPK Staff Development Plan for Providers on Probation

PURPOSE AND EFFECT: The purpose of this new rule is to adopt procedures and criteria for the Department’s approval of a staff development plan to strengthen instruction in language development and phonological awareness, for use by VPK providers placed on probation.

SUMMARY: This rule adopts the document DOE-Approved Staff Development Plan for VPK Providers on Probation by reference which outlines the required staff trainings and activities as well as recommended staff trainings and activities that can strengthen instruction in language development and phonological awareness.

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 the staff development plans for VPK providers and rules of this nature, 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: 1002.67(3) FS.

LAW IMPLEMENTED: 1002.67(3) FS.

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

DATE AND TIME: July 17, 2012, 8:00 a.m.

PLACE: Broward College, Fort Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stuart Greenberg, Executive Director of the Office of Early Learning and Just Read, Florida!, 325 W. Gaines Street, Suite 514, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099826 VPK Staff Development Plan for Providers on Probation.

The VPK Staff Development Plan for Providers on Probation adopted by the State Board of Education outlines the required staff development trainings and required staff development activities as well as recommended trainings and activities in the document titled "DOE-Approved Staff Development Plan for VPK Providers on Probation, August 2012." This document is hereby incorporated by reference in this rule.

Rulemaking Authority 1002.67(3)(c)2., 3. FS. Law Implemented 1002.67 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Chancellor, Division of Public Schools.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099827
 RULE TITLE: Charter School Corrective Action and School Improvement Plans

PURPOSE AND EFFECT: The purpose of this new rule is to implement the charter school accountability provisions relating to school improvement plans, corrective actions, and waivers of termination. The effect is a rule consistent with Florida Statutes.

SUMMARY: This new rule creates the process for charter schools to develop and submit school improvement plans to their sponsors for review and the process for charter schools to select and implement corrective actions pursuant to Section

1002.33(9)(n), Florida Statutes. The rule also creates the process for charter schools that receive two consecutive grades of "F" to request a waiver of termination from the State Board of Education.

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's past experience with rules of this nature that incorporate forms do not meet the criteria for requiring legislative ratification.

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: 1008.33(3)(c) FS.

LAW IMPLEMENTED: 1002.33 FS.

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

DATE AND TIME: July 17, 2012, 8:00 a.m.

PLACE: Broward College, Fort Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099827 Charter School Corrective Action and School Improvement Plans.

(1) Required Plans.

(a) A charter school that receives a school grade of "D" or "F" pursuant to Section 1008.34(2), F.S., must develop and submit a school improvement plan to its sponsor.

(b) A charter school that earns three (3) consecutive grades of "D", two (2) consecutive grades of "D" followed by a grade of "F", or two (2) nonconsecutive grades of "F" within a three (3) year period must submit to its sponsor a school improvement plan that includes one of the corrective actions listed in subsection (6) of this rule.

(2) Notifications.

(a) Upon release of school grades the Department of Education will publish a list of charter schools that meet the criteria in subsection (1) of this rule. The list will be published

at http://www.floridaschoolchoice.org/Information/Charter_Schools/. Upon publication of the list by the Department of Education, a sponsor shall notify, in writing, each charter school in its district that is required to appear before the sponsor and submit a school improvement plan pursuant to subsection (1) of this rule. The notification shall include the following:

1. The date, time, and location of the publicly noticed meeting that the director and a representative of the Charter School Governing Board shall appear before the sponsor. For the purposes of this rule the term "Director" shall mean charter school director, principal, chief executive officer or other management personnel with similar authority. The appearance shall be no earlier than thirty (30) calendar days and no later than ninety (90) calendar days after notification is received by the school;

2. The date by which the school must submit its proposed school improvement plan to sponsor staff for review which shall be no earlier than thirty (30) calendar days after notification is received by school; and

3. Whether the school is required to select a corrective action pursuant to paragraph (1)(b) of this rule.

(b) Notifications may be delivered electronically with proof of receipt.

(3) Appearances.

(a) Upon receipt of notification pursuant to subsection (2) of this rule, the director and a representative of the governing board shall appear before the sponsor at the publicly noticed meeting.

(b) The director and governing board representative shall present to the sponsor a school improvement plan that includes, at a minimum, the components identified in subsection (4) of this rule.

(4) School Improvement Plans.

(a) A charter school that receives a school grade of "D" or "F", but is not subject to corrective action pursuant to paragraph (1)(b) of this rule, shall submit to its sponsor a school improvement plan that includes, at a minimum, the following components:

1. Mission statement of school;

2. Academic data for most recent three (3) years, if available;

3. Student achievement objectives included in the charter contract or most recent sponsor approved school improvement plan;

4. Analysis of student performance data including academic performance by each subgroup;

5. Detailed plan for addressing each identified deficiency in student performance, including specific actions, person responsible, resources needed, and timeline;

6. Identification of each component of school's approved educational program that has not been implemented as described in the school's approved charter application or charter contract;

7. Detailed plan for addressing each identified deficiency noted in subparagraph (4)(a)6. of this rule, including specific actions, person responsible, resources needed, and timeline;

8. Identification of other barriers to student success, with a detailed plan for addressing each barrier including specific actions, person responsible, resources needed, and timeline; and

9. Specific student achievement outcomes to be achieved.

(b) A charter school that improves at least one (1) letter grade is not required to submit a new school improvement plan but must continue to implement the strategies identified in the approved school improvement plan and continue to report annually to the sponsor pursuant to paragraph (7)(b) of this rule.

(c) A charter school that is subject to corrective action pursuant to paragraph (1)(b) of this rule shall submit to its sponsor a school improvement plan that includes, at a minimum, each of the components listed in paragraph (4)(a) of this rule and the following:

1. Governing board resolution selecting one of the corrective action options pursuant to subsection (6) of this rule;

2. A detailed implementation timeline; and

3. A charter school may submit as part of its school improvement plan a request to waive the requirement to implement a corrective action. The waiver request must include information that demonstrates that the school is likely to improve a letter grade if additional time is provided to implement the strategies included in the school improvement plan.

(5) Approvals.

(a) A sponsor shall approve or deny a school improvement plan submitted pursuant to subsection (4) of this rule. The sponsor shall notify the charter school in writing within ten (10) calendar days of its decision to approve or deny the school improvement plan.

(b) A sponsor may deny a school improvement plan if it does not comply with subsection (4) of this rule. If denied, the sponsor shall provide the charter school, in writing, the specific reasons for denial and the timeline for resubmission.

(c) A charter school or sponsor may request mediation pursuant to Section 1002.33(6), Florida Statutes, if the parties cannot agree on a school improvement plan.

(6) Corrective Actions.

(a) Upon meeting one of the conditions in paragraph (1)(b) of this rule and receiving notification pursuant to subsection (2) of this rule, a charter school governing board shall select one of the following corrective actions for implementation the following school year:

1. Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as follows:

a. The charter school may select a state approved provider of Supplemental Education Services, pursuant to paragraph 6A-1.039(2)(f), F.A.C., to provide services to students.

b. The charter school may select an Education Management Organization or Academic Management Organization to provide services to charter school students, teachers, and administrators, including services such as, but not limited to, instructional coaching, curriculum review and alignment, and data literacy.

2. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school:

3. Reorganize the school under a new director or principal who is authorized to hire new staff:

4. Voluntarily close.

(b) The selection of the corrective action shall be made by the governing board and is not subject to sponsor approval.

(c) A charter school is no longer required to implement a corrective action if it improves by at least one (1) letter grade, but must continue to implement the strategies identified in the school improvement plan.

(d) A charter school implementing a corrective action that does not improve by at least one (1) letter grade after two (2) full school years of implementation must select a different corrective action to be implemented in the next school year unless the sponsor determines that the charter school is likely to improve a letter grade if additional time is provided.

(7) Monitoring.

(a) Sponsors shall monitor the implementation of school improvement plans.

(b) Annually, the sponsor shall notify, in writing, each charter school implementing a school improvement plan of the requirement to appear before the sponsor to present information regarding the progress of the approved school improvement plan. The notification shall include the date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school shall appear.

(8) Waivers of Termination.

(a) The State Board of Education may waive termination for a charter school that has received two (2) consecutive grades of "F" if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for one (1) year and may only be granted once.

(b) No later than thirty (30) days after completion of school grade appeals, the governing board of a charter school that has received two (2) consecutive grades of "F" may submit a request to the State Board of Education for a waiver of termination. Charter schools that have been in operation for more than five (5) years are not eligible for a waiver.

(c) The charter school shall submit ten (10) hard copies of the waiver request to the Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400.

(d) The charter school shall certify that it has provided the district school board a copy of the waiver request as provided herein by filing a certificate of service with the Agency Clerk stating the person and address to which the copy was provided and the date of mailing or other transmittal.

(e) The waiver request shall not exceed five (5) pages. Information provided beyond the five (5) page maximum will not be discussed nor considered by the State Board of Education. The waiver request shall be on 8 1/2 x 11 inch paper, double spaced, except quoted material and footnotes. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one (1) inch at the top, bottom, left and right.

(f) The waiver request must include the name of the school, the Master School Identification Number, and the physical address of the school. The waiver request must be signed by the chair of the charter school governing board and include a certification that the governing board voted at a duly noticed public meeting to support the submission of the waiver request.

(g) In determining whether to grant a waiver the State Board of Education shall review student achievement data provided by the Department of Education and shall provide such data to the charter school and the sponsor no later than seven (7) calendar days prior to the State Board meeting at which the waiver request is to be considered. Analysis of student learning gains data must be based on comparisons between students enrolled in the charter school and similarly situated students enrolled in nearby district public schools and may include such factors as prior performance on state assessments, disability status, and English language learner status. Nearby district public schools shall include the three (3) geographically closest district public schools with similarly situated students. If three such schools do not exist within the school district the comparison may include less than three.

(h) The State Board of Education shall approve or deny the request.

(i) The filing of a timely waiver request under this rule that complies with the requirements in paragraphs (8)(b), (d), and (f) of this rule shall automatically stay any pending termination of the charter school requesting the waiver until such time as the State Board of Education has ruled on the waiver request.

Rulemaking Authority 1008.33(3)(c) FS. Law Implemented 1002.33(9) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 05, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03024
 RULE TITLE: Provision of Occupational or Physical Therapy to Exceptional Students as a Related Service

PURPOSE AND EFFECT: The purpose of this amendment is to address requirements related to both occupational therapy and physical therapy. Rule 6A-6.03024, F.A.C., has been substantially reworded to incorporate requirements related to both occupational therapy and physical therapy currently found in Rules 6A-6.03024 and 6A-6.03025, F.A.C., Special Programs for Exceptional Students who Require Occupational Therapy. The effect will be a rule that updates terminology to clarify that occupational therapy and physical therapy are related services and not special programs and update definitions and revise language to clarify the provision of occupational therapy and physical therapy related to assessment, determination of educational need, and plan of treatment.

SUMMARY: The proposed rule revision deletes lengthy descriptions that are not consistent with the Occupational Therapy Practice Act (Part III, Chapter 468, Florida Statutes) and the Physical Therapy Practice Act (Chapter 486, Florida Statutes). The proposed rule defines occupational and physical therapy as services provided by a licensed therapist or assistant pursuant to the respective Practice Acts. A definition of "related service provider" was added to rule language to identify that occupational or physical therapists are responsible for the assessment and provision of school-based occupational or physical therapy as a related service as defined in Section 1003.01(3)(b), Florida Statutes, and Rule 6A-6.03411, F.A.C. The proposed rule removes reference to "criteria for eligibility." The proposed rule is consistent with the respective Practice Acts and states that assessments shall be conducted by the related service provider prior to the provision of occupational or physical therapy. The proposed rule removes "procedures for student evaluation" and includes references to rules already in place regarding individual educational plans (IEPs), educational plans (EPs) and individualized family support plans (IFSPs). It also clarifies that assessments by the related service provider have to be conducted before the determination is made that there is an educational need for a related service. The requirement for a medical prescription is removed from the proposed rule. The proposed rule removes language related to the annual assessment of "student

progress." Instead, the proposed rule includes the requirement that input from the related service provider is required to assist the IEP, EP, or IFSP team when the educational need for therapy as a related service is being determined, and when an IEP, EP, or IFSP for a student who is receiving occupational therapy or physical therapy is reviewed. The proposed rule references the Practice Acts with regard to plan of treatment requirements.

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 of this nature, 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: 1001.02, 1003.01(3), 1003.57, 1003.571 FS.

LAW IMPLEMENTED: 1001.02, 1003.01(3), 1003.57, 1003.571 FS.

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

DATE AND TIME: July 17, 2012, 8:00 a.m.

PLACE: Broward College, Fort Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Chancellor, Division of Public Schools, 325 West Gaines Street, Room 1502, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-6.03024 follows. See Florida Administrative Code for present text.)

6A-6.03024 Provision of Occupational or Physical Therapy to Special Programs for Exceptional Students as a Related Service who Require Physical Therapy.

(1) Definitions.

(a) Occupational therapy is defined to mean services provided by a licensed occupational therapist or a licensed occupational therapy assistant pursuant to the provisions of the Occupational Therapy Practice Act found in Part III, Chapter 468, Florida Statutes, and sub-subparagraph 6A-6.03411(1)(dd)3.f., F.A.C.

(b) Physical therapy is defined to mean services provided by a licensed physical therapist or a licensed physical therapist assistant pursuant to the provisions of the Physical Therapy Practice Act found in Chapter 486, Florida Statutes, and sub-subparagraph 6A-6.03411(1)(dd)3.i., F.A.C.

(c) Related service provider is defined to mean the licensed occupational or physical therapist responsible for the assessment and provision of school-based occupational or physical therapy as a related service as defined in Section 1003.01(3)(b), Florida Statutes, and subparagraph 6A-6.03411(1)(dd)3., F.A.C.

(2) Assessments. Assessments as defined in Section 468.203 or 486.201, Florida Statutes, shall be conducted by the related service provider prior to the provision of occupational or physical therapy.

(3) Determination of need for occupational or physical therapy. The individual educational plan (IEP) team in accordance with Rule 6A-6.03028, F.A.C., the educational plan (EP) team in accordance with Rule 6A-6.030191, F.A.C., or the individualized family support plan (IFSP) team, in accordance with Rule 6A-6.03029, F.A.C., shall review assessments conducted by the related service provider and all other relevant data to determine if occupational or physical therapy services are needed to assist a student to benefit from specially designed instruction.

(4) Provision of input to planning teams. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when the educational need for occupational or physical therapy as a related service is being determined, and when an IEP, EP, or IFSP for a student who is receiving occupational or physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.

(5) Plan of treatment. Once the educational need for occupational or physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in Section 468.203 or 486.021, Florida Statutes, and the corresponding requirement found Rule 64B17-6.001, F.A.C., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.

Rulemaking Specific Authority ~~1001.02~~ ~~1000.01, 1001.42(4)(1), 1003.01(3), 1003.57, 1003.571~~ FS.. Law Implemented ~~1003.01(3), 1003.57, 1003.571~~ ~~1000.01, 1001.42(4)(1), 1003.21, 1011.62~~ FS. History—New 11-25-80, Amended 2-4-81, Formerly 6A-6.3024, Amended 2-12-91, 9-30-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Stewart, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.03025	Special Programs for Exceptional Students who Require Occupational Therapy

PURPOSE AND EFFECT: The purpose is to repeal the rule as the content is being incorporated in Rule 6A-6.03024, F.A.C., making Rule 6A-6.03025, F.A.C., obsolete.

SUMMARY: This rule is to be repealed.

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 Department’s experience in repealing rules that are obsolete and that the adverse impact of regulatory cost, if any, does not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.54(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: 1000.01, 1001.42(4)(1), 1003.01(3), 1003.21, 1003.57, 1011.62 FS.

LAW IMPLEMENTED: 1000.01, 1001.42(4)(1), 1003.21, 1011.62 FS.

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

DATE AND TIME: July 17, 2012, 8:00 a.m.

PLACE: Broward College, Fort Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Chancellor, Division of Public Schools, 325 W. Gaines Street, Room 1502, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03025 Special Programs for Exceptional Students who Require Occupational Therapy.

Rulemaking Specific Authority 1000.01, 1001.42(4)(1), 1003.01(3), 1003.21, 1003.57, 1011.62 FS. Law Implemented 1000.01, 1001.42(4)(1), 1003.21, 1011.62 FS. History–New 11-25-80, Formerly 6A-6.3025, Amended 2-12-91, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Chancellor, Division of Public Schools
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03033
 RULE TITLE: Specialized Instructional Services (SIS) for Voluntary Prekindergarten Children (VPK) with Disabilities

PURPOSE AND EFFECT: Beginning with the 2012-2013 school year, a child who has a disability and enrolls with the early learning coalition under Section 1002.53(3)(d), Florida Statutes, is eligible for specialized instructional services if (a) The child is eligible for the Voluntary Prekindergarten Education Program under Section 1002.53, Florida Statutes; and (b) A current individual educational plan has been developed for the child by the local school board in accordance with rules of the State Board of Education. The purpose of this new rule is to adopt procedures for the Department to approve specialized instructional service providers whose services meet the standards in Section 1002.66(3), Florida Statutes, maintain a list of approved providers, and notify each school district and early learning coalition of the approved provider list. The effect of the rule will allow the parent of a child who is eligible for the prekindergarten program for children with disabilities to select one or more specialized instructional services that are consistent with the child’s individual educational plan. These specialized instructional services may include, but are not limited to (a) Applied behavior analysis as defined in Sections 627.6686 and 641.31098, Florida Statutes, (b) Speech-language pathology as defined in Section 468.1125, Florida Statutes, (c) Occupational therapy as defined in Section 468.203, Florida Statutes, (d) Physical therapy as defined in Section 486.021, Florida Statutes, and (e) Listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing who has received an implant or assistive hearing device.

SUMMARY: New statutory language (Section 1002.66, F.S.) requires the Department to approve individuals providing specialized instructional services (SIS) to VPK children with

disabilities. Statutory language automatically approves certain providers, and others, outlined in the rule, may apply for approval.

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, 2) the application process for approval by a parent or a Specialized Instructional Service provider has no associated regulatory costs; and 3) based on past experiences with the VPK program and rules of this nature, 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: 1002.66 FS.

LAW IMPLEMENTED: 1002.66 FS.

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

DATE AND TIME: July 17, 2012, 8:00 a.m.

PLACE: Broward College, Fort Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stuart Greenberg, Executive Director of the Office of Early Learning and Just Read, Florida!, Florida Department of Education, 325 W. Gaines St., Suite 514, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03033 Specialized Instructional Services (SIS) for Voluntary Prekindergarten Children (VPK) with Disabilities.

(1) Definitions.

(a) For purposes of this rule, “specialized instructional services” refers to those services authorized to be provided under Section 1002.66, F.S.

(b) For purposes of this rule, “an applicable field of study” refers to an occupation that is subject to licensure or certification by the state of Florida or a subdivision thereof and that may be used to address the age-appropriate progress of

children with disabilities in the development of the capabilities, capacities, and skills required under Section 1(b), Art. IX of the State Constitution.

(2) The Department approves the following individuals to provide specialized instructional services:

(a) Individuals certified pursuant to Section 393.17, F.S., or licensed pursuant to Chapter 490 or 491, F.S., for applied behavior analysis services as defined under Sections 627.6686 and 641.31098, F.S.:

(b) Speech-language pathologists licensed under Section 468.1185, F.S.:

(c) Occupational therapists licensed under Chapter 468, Part III, F.S.:

(d) Physical therapists licensed under Chapter 486, F.S.:

(e) Clinical Social Workers licensed under Chapter 491, F.S.; and

(f) Psychologists licensed under Chapter 490, F.S.

(3) The Department will approve the following individuals to deliver specialized instructional services upon submission of a request for approval using the Department's Form VPK-SIS1, Specialized Instructional Services (SIS) for Voluntary Prekindergarten Children with Disabilities – Specified SIS Providers, effective August 2012, which is incorporated by reference herein. Applicants under this subsection are approved for a period of five (5) years, or until license or certification suspension, revocation, or expiration, whichever occurs earlier:

(a) Listening and Spoken Language Specialists™ certified by the Alexander Graham Bell Academy for Listening and Spoken Language;

(b) Board Certified Behavior Analysts certified by the Behavior Analyst Certification Board® pursuant to Rule 65G-4.0011, F.A.C.

(4) The Department will approve other specialized instructional service providers meeting the following criteria:

(a) The applicant must be licensed or certified in an applicable field of study; and

(b) The applicant must submit a request for approval using the Department's Form VPK-SIS2, Specialized Instructional Services (SIS) for Voluntary Prekindergarten Children with Disabilities – Other SIS Providers, effective August 2012, which is incorporated by reference herein. Applicants under this subsection are approved for a period of five (5) years, or until license or certification suspension, revocation, or expiration, whichever occurs earlier.

(5) Pursuant to Section 1002.66(4), F.S., the Department will maintain a list of approved providers of specialized instructional services meeting the requirements of subsections (1) through (4) of this rule.

(6) Pursuant to Section 1002.66(4), F.S., upon the request of a child's parent, the Department may approve a provider of specialized instructional services not included on the Department's approved list.

(a) The services of the specialized instructional service provider must:

1. Be consistent with the child's individual educational plan (IEP), as described in Rule 6A-6.03028, F.A.C.;

2. Be provided by a service provider licensed or certified in an applicable field of study;

3. Be delivered according to professionally accepted standards;

4. Be delivered in accordance with the performance standards adopted by the Department of Education under Section 1002.67, F.S.; and

5. Address the age-appropriate progress of the child in the development of the capabilities, capacities, and skills required under Section 1(b), Art. IX of the State Constitution.

(b) When requesting the approval of a specialized instructional service provider who is not included on the Department's approved list, a parent must submit the Department's Form VPK-SIS3, Specialized Instructional Services (SIS) for Voluntary Prekindergarten Children with Disabilities – Parent Request, effective August 2012, which is incorporated by reference herein. This form must be received no later than thirty (30) calendar days prior to the beginning of the program (school year or summer program). Providers approved at the request of a parent remain approved for the period of the child's eligibility for VPK, or until the provider's license or certification is suspended, revoked, or expired, whichever occurs earlier.

Rulemaking Authority 1002.66, 1002.73(2) FS. Law Implemented 1002.66 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Stewart, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.717
RULE TITLE: Visiting – Denial

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to prevent inadvertent mistakes from resulting in a denial of visiting privileges and to clarify the duty of the warden and authority of the Secretary over approval and denial of visiting privileges.

SUMMARY: The rulemaking prevents inadvertent mistakes from resulting in a denial of visiting privileges and clarifies the duty of the warden and authority of the Secretary concerning visiting privileges.

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: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), FS.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.717 Visiting – Denial.

(1) through (5)(b) No change.

(c)1. through 3. No change.

4. Current community supervision status or tTermination from community supervision in any jurisdiction within the past one year.

5. No change.

(d) through (e) No change.

(f) Either the inmate or prospective visitor gave false or misleading information to obtain visiting privileges within the past six months, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertent or good faith mistake, omission, or clerical error. ~~Discovery~~ of falsification of visitor information after the visitor has been approved for visitation shall result in the visitor being considered for suspension of visiting privileges pursuant to Rule paragraph 33-601.731(9)(e), F.A.C.

(g) through (l) No change.

(6) No change.

(7) It is the warden’s duty to supervise and enforce the rules relating to the approval or denial of visiting privileges.

(8) The Secretary or designee, who for purposes of this rule shall be the Assistant Secretary of Institutions, has the authority to review and modify the approval or denial of visiting privileges where it has been determined to further the inmate’s rehabilitation, to ensure consistency with the department’s rules, to enhance public safety, or to ensure the security of an institution.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 6-15-06, 1-7-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Director, Office of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 7, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to remove “Handbook on” from the title for ASME A17.1-2007 to identify the correct name of the elevator safety code adopted by the division.

SUMMARY: The proposed rule amendment edits the name of ASME A17.1-2007 as adopted by the division.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A

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 economic review conducted by the agency.

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: 399.02, 399.10 FS.

LAW IMPLEMENTED: 399.02 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012; Michelle.Comingore@dbpr.state.fl.us, Telephone: (850)488.1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.001 Safety Standards.

(1) Safety Standards. The installation and maintenance of elevators, dumbwaiters, escalators, moving walks, inclined and vertical wheelchair lifts, and inclined stairway chairlifts must comply with chapter 399, Florida Statutes (F.S.), and the following standards, which are hereby adopted and incorporated by reference.

(a) ASME A17.1-2007, ~~Handbook on Safety Code for Elevators and Escalators~~, including ASME A17.1a-2008, Addenda to ASME A17.1-2007, and A17.1b-2009, Addenda to ASME A17.1-2007, effective March 15, 2012;

(b) through (c) No change.

(2) No change.

Rulemaking Authority ~~399.02~~, 399.10 FS. Law Implemented 399.02 FS. History—Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98, 10-4-00, 4-2-08, 3-15-12_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.006 RULE TITLE: Demonstrating Compliance

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to update and clarify procedures for demonstrating compliance by licensees.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to update and clarify procedures for demonstrating compliance by licensees.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.006 Demonstrating Compliance.

(1) In order to demonstrate compliance, licensees must attest to completion of the continuing education requirements upon licensure renewal. The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met. must execute a signed statement at any time during the biennium and submit said statement to the Board office at that time or by accompanying their renewal form with said statement and return it to the Board office with their renewal. For each qualifying activity listed, the following information must be included on the statement:

- (1) Title of activity and a description.
- (2) The date, location and provider of the activity.

~~(3) The area of practice to which the activity applies.~~

~~(4) The number of PDH credits claimed for each activity.~~

(2) The licensee shall retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the continuing education pursuant to an audit for four years from the date of completion of the continuing education activity.

In addition, the Board shall use attendance information submitted by the provider to determine whether licensees can demonstrate compliance.

Rulemaking Specific Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended 7-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-23.003
RULE TITLE: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to update and clarify procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

SUMMARY: The rule amendment will add new language to update and clarify procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and

experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 471.025(1), 668.006 FS.

LAW IMPLEMENTED: 471.025 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-23.003 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) through (3) No change.

(4) A professional engineer signing and sealing a document in electronic form that contains multiple plan sheets or pages may apply a single digital signature as set out in Rule 61G15-23.003 subsection (2), F.A.C. or an electronic signature set forth in subsection (3). A single signature applied to a document in electronic form shall have the same force and effect as signing all of the individual sheets or pages in the set contained in said document unless otherwise limited by elements of the project for which the engineer does not intend to accept responsibility by use of qualifying language, as set out in subsection 61G15-30.003(3), F.A.C. In the case where multiple engineers of record are to sign and seal a single document file, each shall apply their digital or electronic signature and include qualifying language in said signature, or in the text of the document thoroughly describing what portions they take responsibility for.

Rulemaking Authority 471.025(1), 668.006 FS. Law Implemented 471.025 FS. History--New 8-18-98, Amended 9-4-05, 5-6-09, 1-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-29.001
 RULE TITLE: Certification Definition, Procedures, Prohibitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language for certification procedures and prohibitions.

SUMMARY: The rule amendment will modify language for certification procedures and prohibitions.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 471.008 FS.

LAW IMPLEMENTED: 471.025(3), 471.033(1)(j) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-29.001 Certification Definition, Procedures, Prohibitions.

(1) No change.

(2) When an engineer is presented with a certification to be signed, dated, and sealed, he or she shall carefully evaluate that certification to determine if any of the circumstances set forth in subsection (3) would apply. If any of these

circumstances would apply, that engineer shall either: (a) modify such certification to limit its scope to those matters which the engineer can properly sign, date, and seal, or (b) decline to sign, date and seal such certification.

(3) Engineers who sign, date and ~~seal~~ seal certifications which: (a) relate to matters which are beyond the engineer's technical competence, or (b) involve matters which are beyond the engineer's scope of services actually provided, or (c) relate to matters which were not prepared under engineer's responsible supervision, direction, or control; would be subject to discipline pursuant to subsection 61G15-19.001(6), F.A.C.

Rulemaking Authority 471.008 FS. Law Implemented 471.025(3), 471.033(1)(j) FS. History--New 1-16-91, Formerly 21H-29.001, Amended 4-2-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

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 this rule amendment to complete review of the rule for implementing SB 1040, Ch. 2012-14, §3, P. 4-5, Laws of Fla., which allows for the administration of local anesthesia by a properly credentialed dental hygienist.

SUMMARY: The Board proposes this rule amendment to complete review of the rule for implementing SB 1040, Ch. 2012-14, §3, P. 4-5, Laws of Fla., which allows for the administration of local anesthesia by a properly credentialed dental hygienist.

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: During discussion of the economic impact of this rule

at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

LAW IMPLEMENTED: 466.017(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

(1) through (4) No change.

(5) Local Anesthesia Certificate or Permit: A permit or certificate to administer local anesthesia under the direct supervision of a Florida licensed dentist to non-sedated patients eighteen (18) years of age or older shall be issued by the Department of Health to a Florida licensed dental hygienist who has completed the appropriate didactic and clinical education and experience as required by subsection 466.017(5), Florida Statutes, and who has been certified by the Board as having met all the requirements of Section 466.017, Florida Statutes.

(a) A registered dental hygienist who is seeking a permit or certificate for administering local anesthesia must apply to the department on form DH-MQA 1261 (May 2012), Application for Dental Hygiene Certification Administration of Local Anesthesia, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref>, or available on the Florida Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry>.

(b) An applicant shall submit the following with the application:

1. A thirty-five dollar (\$35) non refundable certificate or permit fee;

2. A certified copy of the applicant’s transcripts that reflect the required didactic and clinical education and experience;

3. A certified copy of the diploma or certificate issued by the applicant’s institution, program, or school; and

4. Proof of acceptable certification in Cardiopulmonary Resuscitation or Advanced Cardiac Life Support.

Rulemaking Authority 466.004(4), 466.017(3), 466.017(6), 466.017(6) FS. Law Implemented 466.017(3), 466.017(5) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, 6-23-04, 6-11-07, 2-8-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Dental Hygiene & Anesthesia Committee

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2012

DEPARTMENT OF HEALTH

Board of Dentistry

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to eliminate Fellow of the American Dental Society of Anesthesiology and eliminates use of physician anesthesiologist, which is to be added in new rule.

SUMMARY: The proposed changes will eliminate Fellow of the American Dental Society of Anesthesiology and eliminates use of physician anesthesiologist, which is to be added in new rule.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 466.004(4), 466.017(3) FS.
LAW IMPLEMENTED: 466.017(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

(1) General Anesthesia Permit.

(a) A permit shall be issued to an actively licensed dentist authorizing the use of general anesthesia or deep sedation at a specified practice location or locations on an outpatient basis for dental patients provided the dentist:

1. through 4. No change

~~5. Is a Fellow of the American Dental Society of Anesthesiology.~~

(b) through (e) No change.

~~(f) A dentist who has not met the requirements specified in paragraph (1)(a) of this rule may treat patients under deep/general anesthesia as defined in subsections 64B5-14.001(2) and (3), F.A.C., in his practice if a physician anesthesiologist, as defined in subsection 64B5-14.001(12), F.A.C., is present and is responsible for the administration of the anesthetic and if the conditions as set forth in both sub-paragraphs 1. and 2. below are met. Failure to comply with these conditions may result in disciplinary action against the dentist.~~

~~1. The dentist is a holder of a valid sedation permit.~~

~~2. The dentist complies with the requirements for the appropriate equipment, supplies and facilities, as set forth in Rule 64B5-14.008, F.A.C., when the physician anesthesiologist is administering anesthesia/sedation in the dentist's office.~~

(2) through (4) No change.

Rulemaking Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, 6-23-04, 6-11-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesia Committee

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2011

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.007
RULE TITLE: Standards of Practice

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth requirements for proper implementation of the “pause” rule.

SUMMARY: The proposed rule amendments require physicians to confirm the patient’s identity, confirm the procedure being performed and confirm the correct surgical site with another healthcare practitioner. The rule amendment also requires that the “pause” be performed again if the physician leaves the room at any time during in which the procedure or surgery is performed.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(v) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), F.S., and the delegation of duties restrictions of Section 458.331(1)(w), F.S., with regard to surgery as follows:

(1) No change.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) No change.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the team has been gathered and immediately prior to the initiation of any procedure, the team will pause and the physician(s) performing the procedure and another Florida licensed healthcare practitioner will verbally and simultaneously confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The medical record shall specifically reflect when this confirmation procedure was completed and which personnel on the team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, F.S., and shall be in addition to any other requirements that may be required by the office or facility.

(c) Confirmation of the patient's identity shall be made by using two or more of the following corroborating patient identifiers:

1. Name.
2. Assigned identification number.
3. Telephone number.
4. Date of Birth.
5. Social security number.
6. Address.
7. Photograph.

(d)(e) The provisions of paragraph (b) shall be applicable to anesthesia providers prior to administering anesthesia or anesthetic agents, or performing regional blocks at any time both within or outside a surgery setting.

(e) At any time after the pause is completed, but before the procedure is performed, if the physician(s) leave the room where the procedure is being performed, upon his or her return, the pause set forth in paragraph (b) above must be performed again.

(3) through (4) No change.

Rulemaking Authority 458.309 FS. Law Implemented 458.331(1)(v) FS. History—New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended 2-18-04, 9-18-05, 4-25-06, 5-6-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009

RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth a period of time (6 years) for the maintenance of surgical logs.

SUMMARY: The proposed rule amendment requires physicians to maintain surgical logs for a period of 6 years following the last patient contact.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.351 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) No change.
- (2) General Requirements for Office Surgery.
 - (a) through (b) No change.
 - (c) The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, time of arrival in the operating suite, the name of the physician who provided medical clearances, the surgeon's name, diagnosis, CPT Codes, patient ASA classification, the type of procedure, the level of surgery, the anesthesia provider, the type of anesthesia used, the duration of the procedure, the type of post-operative care, duration of recovery, disposition of the patient upon discharge, list of medications used during surgery and recovery, and any adverse incidents, as identified in Section 458.351, F.S. The log and all surgical records shall be provided to investigators of the Department of Health upon request and must be maintained for six (6) years from the last patient contact.

- (d) through (m) No change.
- (3) through (6) No change.

Rulemaking Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(v), 458.351 FS. History--New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07, 9-3-07, 3-25-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-46.0165

RULE TITLE: Submission of the Application for a Water-Based Fire Protection Inspector Permit

PURPOSE AND EFFECT: Sections 633.521(10) and (11), F.S., require an applicant for a water-based fire protection inspector permit to hold a National Institute for Certification in

Engineering Technologies (NICET) Level II certification in a subfield of Inspection and Testing of Water-Based Systems or equivalent training or education as determined by the State Fire Marshal (SFM). The proposed rule amendments will implement that law by establishing criteria to determine whether a course or certification will be approved by the SFM as the equivalent of a NICET Level II certification.

SUMMARY: The proposed rule amendment will allow an applicant for a water-based fire protection inspector permit to submit, as an alternative to holding a NICET Level II certification, proof of equivalent education and training approved by the SFM. The proposed rule amendment establishes a procedure and criteria that will be used by the SFM to determine whether a course or certification will be approved as the equivalent of a NICET Level II certification to obtain a water-based fire protection inspector permit.

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 economic analysis conducted by the Department showed that: (1) no requirement for a SERC was triggered under Section 120.541(1), F.S., and (2) based on the Department's past experience with rules of this nature, the adverse impact or regulatory cost, if any, will not exceed any of the criteria set forth in Section 120.541(2), F.S.

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: 633.01, 633.517(1) FS.

LAW IMPLEMENTED: 633.521(4), (8), (10), (11), 633.524(1), 633.537(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: July 11, 2012, 10:00 a.m.

PLACE: 3rd Floor Conference Room, The Atrium Building, 325 John Knox Road, 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: Belinda Chukes at (850)413-3619 or Belinda.Chukes@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Casia Sinco, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3621 or Casia.Sinco@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-46.0165 Submission of the Application for a Water-Based Fire Protection Inspector Permit.

(1) No change.

(2) The applicant for a Water-Based Fire Protection Inspector Permit shall submit an application on Form DFS-K3-1794, "Application for Water-Based Fire Protection Inspector Permit," (Effective: 5-18-08), incorporated herein by reference, and available from the Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(3) No change.

(4) The application shall be accompanied by two current full-face color passport size photographs, and a photocopy of the applicant's driver's license or identification card issued by the Florida Department of Highway Safety and Motor Vehicles. Each photograph shall have the name of the applicant printed legibly on the back of the photograph. ~~Each Effective July 1, 2008, each~~ application shall be accompanied by evidence that the applicant holds a NICET Level II certification in a subfield of Inspection and Testing of Water-Based Systems. As an alternative to holding a NICET Level II certification, the applicant may provide proof of equivalent education and training approved by the State Fire Marshal and meeting the criteria outlined in this rule.

(5) through (7) No change.

(8) A Water-Based Fire Protection Inspector permittee must qualify and maintain a NICET Level II certification in a subfield of Inspection and Testing of Water-Based Systems as a condition to renewal ~~effective July 1, 2008.~~

(9) Courses and certifications equivalent to NICET certification shall be reviewed and approved by the State Fire Marshal. The State Fire Marshal shall approve any course or certification which meets the criteria provided in this rule. Requests for approval shall be submitted to the State Fire Marshal in writing to the address in subsection (2). All requests shall include, at a minimum:

(a) Passage scores and rates;

(b) An educational agenda;

(c) Required number of classroom hours;

(d) A work experience requirement and system of verification of that experience;

(e) Description of the minimum standards covered;

(f) Coverage of technical aspects;

(g) Formulation of a test bank and sample exam.

(10) Courses may include both NICET Level I and NICET Level II certification equivalents or may include only a NICET Level II certification equivalent.

(11) Courses may be presented to the Florida Fire Safety Board for an advisory opinion as to the sufficiency of any equivalent course or certification.

Rulemaking Specific Authority 633.01, 633.517(1), ~~633.521(11), 633.524(1)~~ FS. Law Implemented 633.521(4), ~~(8), (10), (11), 633.524(1), 633.537(4)~~ FS. History--New 5-18-08, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 1, 2011

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NOS.: IT-1.040
RULE TITLES: Fast Track Grants
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. 16, April 20, 2012 issue of the Florida Administrative Weekly.

The Fast Track Grants Guidelines and Grant Administration procedures were amended to delete some language to clarify when a grant might be rescinded.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Stage, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE BY CONTACTING THE DIVISION AT THE ADDRESS ABOVE.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201
RULE TITLE: Inmate Property