

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.0451 Florida Education Finance Program
 Student Membership Surveys

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate by reference the full-time equivalent (FTE) student membership reporting instructions publication (FTE General Instructions) for fiscal year 2015-16.

SUBJECT AREA TO BE ADDRESSED: Florida Education Finance Program student membership surveys.

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1011.60(1), 1011.62(1), 1011.68 FS.

LAW IMPLEMENTED: 1011.62(1), 1011.68 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Eggers, Assistant Deputy Commissioner, Florida Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399, (850)245-0351. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Florida Department of Education, (850)245-9661 or e-mail: cathy.schroeder@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

ADMINISTRATION COMMISSION

RULE NO.: RULE TITLE:
28-17.001 Purpose, Definitions and Program
 Implementation

PURPOSE AND EFFECT: This rule establishes a program to award to Florida Keys local governments Hotel Unit Allocations for hotel development in exchange for reduction of residential development rights on vacant buildable environmentally sensitive lots and ensure safe evacuation of residents of the Florida Keys during hurricane events. Up to 300 hotel room allocations shall be available in exchange for the extinguishment of 900 buildable lots.

SUBJECT AREA TO BE ADDRESSED: The rule covers residential development entitlements in the Florida Keys; the increase acquisition of vacant buildable environmentally sensitive platted lots; reduction of state and local government exposure to potential takings claims; and ensures the safe evacuation of residents of the Florida Keys and City of Key West Areas of Critical State Concern during tropical hurricane events.

RULEMAKING AUTHORITY: 380.05(22)(b) FS.

LAW IMPLEMENTED: 380.05, 380.0552 FS.

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

DATE AND TIME: February 3, 2016, 10:00 a.m. – 11:30 a.m.

PLACE: Murray Nelson Center, 102050 Overseas Highway, Key Largo, FL 33037

DATE AND TIME: February 3, 2016, 3:00 p.m. – 4:30 p.m.

PLACE: Founders Park, 87000 Overseas Highway, Islamorada, FL 33036

DATE AND TIME: February 4, 2016, 10:00 a.m. – 11:30 a.m.

PLACE: Marathon Fire Station, 8900 Overseas Highway, Marathon, FL 33050

DATE AND TIME: February 4, 2016, 3:00 p.m. – 4:30 p.m.

PLACE: Sugarloaf Fire Station, 17175 Overseas Highway, Sugar Loaf, FL 33042

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: Barbara Powell at (850)717-8504 or write to Department of Economic Opportunity, 107 East Madison Street, MSC 160, Caldwell Building, Tallahassee, Florida 32399-6100. 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: Barbara Powell, Division of Community Development, Department of Economic Opportunity, 107 East Madison Street, MSC 160, Caldwell Building, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-17.001 Purpose, Definitions and Program Implementation.

(1) Purpose. This rule establishes a program to award to Florida Keys local governments Hotel Unit Allocations for

hotel development in exchange for extinguishment of residential development rights on vacant buildable environmentally sensitive lots. The purpose of the program is to reduce residential development entitlements and increase acquisition of vacant buildable environmentally sensitive platted lots, reduce state and local government exposure to potential takings claims, and ensure the safe evacuation of residents of the Florida Keys and City of Key West Areas of Critical State Concern during tropical hurricane events.

(2) Definitions. As used in this rule the following terms have the following meanings:

(a) "Florida Keys" means the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern.

(b) A "Hotel Unit Allocation" means an allocation for development of one Hotel Unit consisting of one bedroom and up to two bathrooms.

(c) "Recipient(s)" means a non-government entity or an individual who receives a Hotel Unit Allocation award from a local government.

(d) Department and DEO means the State Land Planning Agency

(e) "Environmentally Sensitive" means lands targeted for acquisition by the Florida Department of Environmental Protection, lands designated Tier I and Tier II under the Monroe County comprehensive plan, or wetlands scoring 4 to 5 on the Keys Wetland Evaluation Program (KEYWEP)

(3) Communities; Local Government Hotel Unit Allocation Awards; Expiration. The Department of Economic Opportunity may designate up to three local governments in the Florida Keys as communities under this rule. The Department shall issue a Hotel Unit Allocation Award Letter to the community or communities awarding a combined total of up to 300 Hotel Unit Allocations. If more than one community is designated, the Department may award all Hotel Unit Allocations simultaneously or may stagger the Hotel Unit Allocation awards.

(4) Use of Hotel Unit Allocations for Development.

(a) Local Hotel Unit Allocation Program. A local government in possession of Hotel Unit Allocations may award those Hotel Unit Allocations to a Recipient for development of hotel units. Prior to any award to a Recipient, the local government shall establish a Hotel Unit Allocation Program that:

1. includes application, award, tracking, and record-keeping requirements,

2. requires development of affordable housing units or, if authorized by the local government's comprehensive plan or land development regulations, contribution of a fee for each hotel unit built, and

3. requires the extinguishment of residential development rights as provided in this rule.

(b) Conditional Use Approval; Expiration of Hotel Unit Allocation to a Recipient. Hotel Unit Allocations shall be awarded pursuant to a conditional use approval conditioning the award on the Recipient extinguishing development rights on three vacant buildable environmentally sensitive platted residential lots for each one Hotel Unit Allocation awarded. For the purpose of this rule, an environmentally sensitive platted residential lot is a platted lot designated as Tier I or II, targeted for acquisition by the Florida Department of Environmental Protection, or a lot that scores between 4.0 and 5.0 under the Florida Keys Wetland Identification Program and must have been platted on or before the effective date of this rule. The lots on which development rights are extinguished must be located within unincorporated Monroe County, Islamorada, or Marathon exclusive of offshore islands and Mainland Monroe. Residential development rights shall be extinguished within two years after the date of the conditional use approval or the Hotel Unit Allocation award shall automatically expire. Upon expiration, the Hotel Unit Allocations shall revert to the Department for further award pursuant to its adopted Hotel Unit Allocation program. Once the required residential development rights are extinguished in a manner consistent with this rule, the Hotel Unit Allocations are the sole property of the Recipient.

(c) Extinguishing Residential Development Rights. Residential development rights shall be extinguished by the Recipient recording a written instrument in the public records of Monroe County, Florida, extinguishing such development rights. The instrument shall be in a form acceptable to the local government in which the lots are located. The Recipient shall provide a copy of the recorded instrument to the Department and to the local government in which the lots are located no later than 10 days after the recording information is made available to the Recipient by the Clerk's Office. The Recipient shall not be entitled to receive a building permit for hotel units to be developed pursuant to a Hotel Unit Allocation award until the required residential development rights have been extinguished.

(d) Plan Amendment Designating Lots as Conservation. The local government in whose jurisdiction the lots on which development rights have been extinguished are located shall amend its comprehensive plan to designate the lots as "Conservation" on its Future Land Use Map within six months after the receipt of the recorded written instrument extinguishing such development rights. The local government in whose jurisdiction the lots are located may require the Recipient to apply for the plan amendment required by this section.

(e) Land Management. For the purpose of land management, the Recipient may convey the lots on which development rights have been extinguished to the Monroe County Land Authority or to the local government in which they are located to manage the lots.

(5) Evaluation and Report to the Administration Commission. Local governments participating in the program shall provide DEO an annual Report by July 30 of each year indicating the status of the program and reporting the number of units that have been transferred or acquired. Adjustments to the ten year building permit allocation shall be reflected in a plan amendment by the donor and receiver local governments within 12 months of adoption of a resolution to transfer units to another local government. Department of Economic Opportunity shall include in its Florida Keys annual report an assessment of the success or failure of the program and a recommendation whether the program should be expanded.

Rulemaking Authority: 380.05(22)(b), FS; Law Implemented: 380.05, 380.0552, FS; New

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: 65D-30.005
 RULE TITLE: Standards for Addictions Receiving Facilities

PURPOSE AND EFFECT: The purpose of the proposed rule is to update the standards for addictions receiving facilities.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses addictions receiving facilities.

RULEMAKING AUTHORITY: 397.321(5), FS.

LAW IMPLEMENTED: 397.311(19)(a), 397.321(1), 397.419, 397.901, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Wanda Carter, SAMH Program Information Unit, 1317 Winewood Boulevard, Building 6, Tallahassee, Florida 32399-0700, wanda.carter1@myflfamilies

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65D-30.005 Standards for Addictions Receiving Facilities.

In addition to Rule 65D-30.004, F.A.C., the following standards apply to addictions receiving facilities.

(1) Designation of Addictions Receiving Facilities. The department shall designate addictions receiving facilities. The provider shall indicate on the licensure application for this service component that designation is requested. Once the designation request is received by the regional Substance Abuse and Mental Health Program Office, the regional Director of Substance Abuse and Mental Health shall submit a written recommendation to the Office of Substance Abuse and Mental Health at headquarters in Tallahassee. The headquarters Director of Substance Abuse and Mental Health may approve or deny the request and shall respond in writing to the Chief Executive Officer of the requesting provider. If the request is denied, the response shall specify the denial. If the request is approved, the response shall include a certificate designating the facility. The designation shall be valid for three years. process of designating such facilities shall begin with a written request from a provider and a written recommendation from the department's District Administrator to the department's Director for Substance Abuse. The Director for Substance Abuse shall submit written recommendations to the Secretary of the department approving or denying the request.

(2) Services.

(a) Stabilization and Detoxification. Following the nursing physical screen, and in those cases where medical emergency services are unnecessary, the individual client shall be stabilized in accordance with their presenting condition. Detoxification shall be initiated if this course of action is determined to be necessary.

(b) Supportive Counseling. Each individual client shall be offered ~~participate in~~ supportive counseling on a daily basis, unless an individual a client is not sufficiently stabilized as defined in subsection 65D-30.002(69), F.A.C. Supportive counseling sessions shall be of sufficient duration to enable staff to make reasonable decisions regarding the individual's client's need for other services. Services shall be directed toward assuring ~~that~~ the individual's client's most immediate needs are addressed and that the individual client is encouraged to remain engaged in treatment and to follow up on referrals after discharge.

(c) Daily Schedule. The provider shall develop a daily schedule that shall be posted in clear view of all program participants and include recreational and educational activities. Participation in daily activities by the individual client shall be documented in the individual's medical client's record.

(3) Facility Requirements Related to Screening and Assessment. Providers shall designate an area of the facility that is properly equipped and furnished for conducting screening and assessment. The area shall be conducive to privacy and freedom from distraction, and shall be accessible

to transportation, including law enforcement vehicles and ambulances.

(4) Observation of ~~Individuals~~ ~~Clients~~. ~~Individuals~~ ~~Clients~~ requiring close medical observation, as determined by medical staff, shall be visible and readily accessible to the nursing staff 24 hours per day and 7 days per week. Staff shall perform visual checks minimally every 15 minutes, which shall be documented in the individual's medical record. ~~Individuals~~ ~~Clients~~ who do not require close medical observation shall be in a bed area that allows for general nursing observation.

(5) Eligibility Criteria. To be considered eligible for placement, a person must be unable to be placed in another component and must also fall into one of the following categories:

(a) An individual who presents for voluntary admission ~~A voluntary client who has a substance abuse problem to the extent that the person displays behaviors that indicate potential harm to self or others due to a substance use issue or who meets diagnostic or medical criteria justifying placement in a secure an addictions receiving facility;~~ or

(b) An individual involuntary client who meets the criteria for involuntary admission specified in Section 397.675, F.S.; or

(c) An adult or juvenile offender who is ordered for assessment or treatment under Sections 397.705 and 397.706, F.S., and who meets diagnostic or medical criteria justifying placement in an addictions receiving facility; or

(d) Juveniles found in contempt as authorized under Section 985.037 ~~Section 985.216~~, F.S.

(6) Exclusionary Criteria for Addictions Receiving Facilities. Persons ineligible for placement include:

(a) Persons found not to be using substances or whose substance use ~~substance abusers or whose substance abuse~~ is at a level which permits them to be served in another component, with the exception of those persons placed for purposes of securing an assessment for the court; and

(b) Persons found to be beyond the safe management capability of the provider as defined under subsection 397.311(3)(5), F.S., and as described under paragraph 397.6751(1)(f), F.S.

(7) Placement Procedures. Following the nursing physical screen, the individual client shall be screened to determine ~~the person's~~ eligibility or ~~ineligibility~~ for placement. The decision to admit place or not to admit place shall be made by a physician, a qualified professional, or an R.N., and shall be based upon the results of screening information and face-to-face consultation with the person to be admitted.

(8) Notification and Referral. In the event that the addictions receiving facility has reached full capacity or it has been determined that the screened individual prospective client can not be safely managed, the provider shall attempt to notify the referral source and document the attempt. In addition, the provider shall provide assistance in referring the person to another component, in accordance with Section 397.6751, F.S.

(9) Involuntary Assessment and Disposition.

(a) Involuntary Assessment. An assessment shall be completed ~~for or~~ on each individual admitted to client placed in an addictions receiving facility under protective custody, emergency admission, alternative involuntary assessment for minors, and under involuntary assessment and stabilization. The assessment shall be completed by a qualified professional and based on the requirements in paragraph 65D-30.004(14)(b), F.A.C. The assessment shall be directed toward determining the individual's client's need for additional treatment and the most appropriate services and supports.

(b) Disposition Regarding Involuntary Admissions. Within the assessment period, one of the following actions shall be taken, based upon the needs of the individual client and, in the case of a minor, after consultation with the parent(s) or guardian(s).

1. The individual client shall be released and notice of the release shall be given to the applicant or petitioner and to the court, pursuant to Section 397.6758, F.S. In the case of a minor that has been assessed or treated through an involuntary admission, that minor must be released to the custody of his parent(s), legal guardian(s), or legal custodian(s).

2. The individual client shall be asked if they will consent to voluntary treatment at the provider, or consent to be referred to another provider for voluntary treatment in another service component residential treatment, day or night treatment, intensive outpatient treatment, or outpatient treatment.

3. A petition for involuntary treatment will be initiated.

(10) Notice to Family or Legal Guardian. In the case of a minor, the minor's parent(s) or legal guardian(s) shall be notified upon admission to placement in the facility. Such notification shall be in compliance with the requirements of Title 42, Code of Federal Regulations, Part 2.

(11) Staffing. Providers shall conduct clinical and medical staffing of persons admitted for services. Participation in staffing shall be dictated by the individual's needs. At a minimum, staffing ~~All staffing~~ shall include participation by a physician, nurse, ~~and~~ primary counselor, and the individual served unless clinically contraindicated. ~~Participation in staffing shall be dictated by client needs.~~

(12) Staff Coverage. A physician, P.A., or A.R.N.P. shall make daily visits to the facility for the purpose of conducting physical examinations and addressing the medical needs of individuals clients. A full-time R.N. shall be the supervisor of all nursing services. An R.N. or L.P.N. shall be on-site 24 hours per day, 7 days per week. At least one qualified professional shall be on staff and shall be a member of the treatment team. At least one member of the clinical staff shall be available on-site for 8 hours daily and be on-call thereafter, between the hours of 7:00 a.m. and 11:00 p.m. and on call between 11:00 p.m. and 7:00 a.m.

(13) Staffing Requirement and Bed Capacity. The staffing requirement for nurses and nursing support personnel for each shift shall consist of the following:

Licensed Bed Capacity	Nurses	Nursing Support
1-10	1	1
11-20	1	2
21-30	2	2

The number of nurses and nursing support staff shall increase in the same proportion as the pattern described above. In those instances where a provider operates a crisis stabilization unit and addictions receiving facility within the same facility, the combined components shall conform to the staffing requirement of the component with the most restrictive requirements.

(14) Seclusion Restraint and Restraint Seclusion. Addictions receiving facilities may utilize seclusion and restraint. If seclusion or restraint is utilized, addictions receiving facilities shall adhere to all standards and requirements for seclusion and restraint as described in subsection 65E-5.180(7), F.A.C. Restraint and seclusion can only be used in emergency situations to ensure the physical safety of the client, other clients, staff, or visitors and only when less restrictive interventions have been determined to be ineffective. Restraint and seclusion shall not be employed as punishment or for the convenience of staff and shall be consistent with the rights of clients, as described in subsection 65D-30.004(29), F.A.C.

(a) Training. All staff who implement written orders for restraint or seclusion shall have documented training in the proper use of the procedures, including formal certification in control of aggression techniques, and this training shall be documented in their personnel file. Training shall occur initially and a minimum of two hours annually thereafter.

(b) Restraint and Seclusion Orders. Providers shall implement the following requirements regarding the use of restraint and seclusion orders.

1. Orders for the use of restraint or seclusion must not be written as a standing order or on an as needed basis.

2. ~~The treating physician, or other medically qualified designee identified in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., must be consulted as soon as possible, but no longer than one hour after the initiation of restraint or seclusion. Further, in the case of adults, the physician, or other medically qualified designee identified in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., must conduct a face to face evaluation of the client within four hours of the initiation of restraint or seclusion. In the case of children age 17 and under, this shall occur within two hours of initiation of restraint or seclusion.~~

3. Each written order for restraint or seclusion is limited to 4 hours for adults, 2 hours for children and adolescents ages 9 to 17, and 1 hour for children under 9. The original order may only be renewed in accordance with these time limits for up to a total of 24 hours. After the original order expires, a physician or qualified professional licensed under Chapter 490 or 491, F.S., must see and assess the patient before issuing a new order.

4. The use of restraint and seclusion must be implemented in the least restrictive manner possible. In addition, restraint and seclusion must be applied in accordance with safe and appropriate techniques and ended at the earliest possible time.

5. ~~Restraint and seclusion may not be used simultaneously unless a client is continually monitored face to face by an assigned staff member, or continually monitored by staff using both video and audio equipment.~~

6. The condition of the client who is in restraint or seclusion must be assessed, monitored, and reevaluated at least every 15 minutes.

(c) Restraint and Seclusion Log Book. A continuing log book shall be maintained by each provider that will indicate, by name, the clients who have been placed in restraint or seclusion, the date, and specified reason for restraint or seclusion, and length of time in restraint or seclusion. The log book shall be signed and dated by the R.N. on duty.

(d) Observation of Clients. Staff shall conduct a visual observation of clients who are placed in restraint or seclusion every 15 minutes. The observation shall be documented in the restraint and seclusion log book, and shall include the time of the observation and description of the condition of the client.

(e) Basic Rights. While in restraint or seclusion, clients shall be permitted to have regular meals, maintain personal hygiene, use the toilet and, as long as there is no present danger to the client or others, permitted freedom of movement for at least 10 minutes each hour.

~~(f) Post Restraint or Seclusion. Upon completion of the use of restraint or seclusion, the client shall receive a nursing physical screen by an R.N. that will include an assessment of the client's vital signs, current physical condition, and general body functions. The screening shall be documented in the client record. In addition, supportive counseling shall be provided in accordance with the needs of the client in an effort to transition the client from restraint or seclusion.~~

(g) Seclusion Room Facility Requirements. If the provider utilizes seclusion and restraint, the provider ~~Providers~~ shall have at least one seclusion room located in the facility. Seclusion rooms shall incorporate the following minimum facility standards.

1. Seclusion rooms shall be free from sharp edges or corners and constructed to withstand repeated physical assaults. Walls shall be either concrete block or double layered to provide resistance. The ceilings shall be a minimum of eight feet in clear height, hard-coated, and fixtures shall be recessed and tamper proof. Lighting fixtures shall be non-breakable and shall be installed with tamper-proof screws, as shall any other items in the seclusion room. Seclusion room doors shall be heavy wood or metal at least 36 inches in width and shall open outward. The doorframe shall be resistant to damage and thoroughly secured.

2. A bed in the addictions receiving facility seclusion room is optional. If a bed is included, it shall be sturdily constructed, without sharp edges and bolted to the floor. Its placement in the room shall provide adequate space for staff to apply restraints and shall not permit individuals to tamper with the lights, smoke detectors, cameras, or other items that may be in the ceiling of the room. There shall be a rheostat control mechanism outside the room to adjust the illumination of the light in the seclusion room.

3. There shall be a vision panel in the door of the seclusion room, which provides a view of the entire room. This vision panel shall be Lexan or other suitable strong material and it shall be securely mounted in the door. Provisions shall be made to ensure privacy from the public and other clients while providing easy access for staff observation.

4. Seclusion rooms shall be a minimum of 70 square feet with no wall less than 8 feet.

5. Fire sprinkler heads shall be ceiling mounted and either recessed or flush-mounted without a looped spray dispersal head.

6. Each seclusion room will allow for two-way communication and emergency calling.

7. In those instances where the full interior of the seclusion room can not be seen from the nurse's station, the seclusion room shall have an electronic visual monitoring system capable of viewing the entire room from the nurse's station.

Specific Authority 397.321(5) FS. Law Implemented 397.311(18)(19)(a), 397.321(1), 397.419, 397.901 FS. History--New 5-25-00, Amended 4-3-03.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: RULE TITLES:

6A-1.039 Supplemental Educational Services in Title I Schools

6A-1.0391 Evaluation of Supplemental Educational Service Providers

PURPOSE AND EFFECT: The purpose is to repeal Rules 6A-1.039 and 6A-1.0391, F.A.C. The effect is to remove two rules from the Florida Administrative Code that no longer have rulemaking authority.

SUMMARY: These rules are to be repealed. Senate Bill 1226 deleted the Rulemaking Authority Section 1008.331, Florida Statutes.

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 repeal of these rules will not have any impact on transactional costs, regulatory costs or the other factors set forth in Section 120.541(2), Florida Statutes, which are used to determine whether a SERC is needed and whether legislative ratification will be required.

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 FS.

LAW IMPLEMENTED: 1001.02 FS.

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

DATE AND TIME: February 18, 2016, 9:00 a.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sonya Morris, Bureau Chief, Bureau of Federal Educational Programs, 325 West Gaines Street, Suite 348, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.039 Supplemental Educational Services in Title I Schools.

Rulemaking Authority 1008.331 FS. Law Implemented 1008.331 FS. History—New 4-14-08, Amended 5-24-09, 12-15-09, 3-20-11, 12-20-11, 8-19-13, Repealed.

6A-1.0391 Evaluation of Supplemental Educational Service Providers.

Rulemaking Authority 1001.02(i), 1008.331(5)(d) FS. Law Implemented 1008.331(5) FS. History—New 5-3-10, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2016

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09401 Student Performance Standards

PURPOSE AND EFFECT: The purpose and effect of this amendment is to revise and adopt Next Generation Sunshine State Standards (Florida Standards) for Mathematics, Access Points to Next Generation Sunshine State Standards (Florida Standards) for Mathematics and Access Points to Next Generation Sunshine State Standards for Science as described below.

SUMMARY: Revise Next Generation Sunshine State Standards (Florida Standards) for Mathematics to correct one minor error, Access Points to Next Generation Sunshine State Standards (Florida Standards) for Mathematics to provide content for the Access Algebra II course, and Access Points to Next Generation Sunshine State Standards for Science to provide clarification to three 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 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 revision of standards is to correct minor errors not affecting content as well as adding access points for Access Algebra II. There will not be a need for revision of instructional materials. The proposed rule does not impose any direct fees and the regulated entities, public school districts and charter schools, will implement with existing resources without increased cost. It is not anticipated that this will increase costs of instructional materials as the revised standards are no more expensive to implement than the existing standards.

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, 1003.41, FS.

LAW IMPLEMENTED: 1001.03, 1003.41, FS.

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

DATE AND TIME: February 18, 2016, 9:00 a.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice-Chancellor, K-12 Public Schools at Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) through (a) No change.

(b) Next Generation Sunshine State Standards (Florida Standards) – Mathematics 2016 ~~2014~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03098>),

(c) through (e) No change.

(f) Next Generation Sunshine State Standards – The Arts, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03100>),

(g) through (k) No change.

(l) Access Points to Next Generation Sunshine State Standards (Florida Standards) – English Language Arts 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04241>), ~~and~~

(m) Access Points to Next Generation Sunshine State Standards (Florida Standards) – Mathematics ~~2014~~ 2016 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04242>), ~~and~~.

(n) Access Points to the Next Generation Sunshine State Standards for Science – 2016 (DOS Link).

Copies of these publications may be obtained from the Division of Public Schools, Department of Education, 325 West Gaines St., Tallahassee, Florida 32399-0400.

(2) through (4) No change.

Rulemaking Authority 1001.02, 1003.41(4) FS. Law Implemented 1001.03, 1003.41 FS. History–New 6-18-96, Amended 9-28-99, 3-1-07, 7-25-07, 11-25-07, 4-14-08, 9-22-08, 2-1-09, 1-6-10, 9-5-10, 2-8-11, 3-25-14, 7-22-14, _____

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 16, 2015

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: RULE TITLES:
6A-3.0141 Employment of School Bus Operators
6A-3.0151 School Bus Driver Physical Examination
 and Medical Examiners Certificate

PURPOSE AND EFFECT: The purpose of the amendment to Rule 6A-3.0141, F.A.C. is to require school bus operators within the state to meet the medical examination requirements of federally regulated commercial drivers specified in Form MCSA-5876, Medical Examiner’s Certificate, instead of the Florida School Bus Operators Medical Examination Report for Commercial Driver Fitness Determination (Form ESE 479). Form ESE 480, Dexterity Test for School Bus Driver is incorporated by reference for districts to report dexterity results. Since 1986, the medical examination requirements for school bus operators within the state have been substantially the same as those established by the Federal Motor Carrier Safety Administration for federally regulated commercial drivers. The effect would require Florida school bus operators to continue to adhere to the same medical examination requirements as federally

regulated commercial drivers with one exception. Authority to waive federal requirements that allow the medical examiner to specify bus operators with Skill Performance Evaluation Certificates/limb waiver and/or Diabetes and Vision exemptions meet 49 CFR s. 391.41, medical examination requirements, will not be granted. Rule 6A-3.0151, F.A.C. is being proposed for repeal. The content of this rule will be superseded by implementation of Rule 6A-3.0141, F.A.C. and is no longer necessary.

SUMMARY: Rule 6A-3.0141, F.A.C., is amended to replace the requirement that school districts use the Florida School Bus Operators Medical Examiner’s Certificate for Commercial Driver Fitness Determination (Form ESE 479) with the Form MCSA-5876, Medical Examiner’s Certificate and its associated guidelines. Due to the amendment of this Rule, Rule 6A-3.0151, F.A.C. is no longer needed and is being proposed for repeal.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Using the federal Medical Examiner's Certificate rather than a separate state form will reduce duplication and result in less regulatory costs.

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: 316.615(3), 1001.02(1), 1006.22, 1012.45 FS.

LAW IMPLEMENTED: 316.615, 322.03, 1012.32(2)(a), 1012.45 FS.

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

DATE AND TIME: February 18, 2016, 9:00 a.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations, Florida Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399, (850)245-0405

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-3.0141 Employment of School Bus Operators.

(1) through (2) No change.

~~(3) Form ESE 479, Florida School Bus Operators Medical Examination Report for Commercial Driver Fitness Determination is hereby incorporated by reference and made a part of this rule to become effective November 2006. This form may be obtained from the Director of the School Transportation Management Section or the Bureau of Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.~~

~~(3)(4)~~ Prior to transporting students on a school bus each operator shall meet the following requirements:

(a) Hold a valid commercial driver license with a passenger endorsement and a school bus endorsement.

(b) Successfully complete forty (40) hours of preservice training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department's Basic School Bus Operator Curriculum, Revised 2006, which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the School Transportation Management Section Bureau of Career Development, Department of Education, 325 West Gaines Street The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution costs.

(c) Demonstrate the ability to prepare required written reports.

(d) Be physically capable of operating the vehicle as determined by physical examination, in accordance with 49 C.F.R. s. 391.41(b), as evidenced by the Medical Examiner's Certificate (Form MCSA-5876) and given by a certified medical examiner, registered with the National Registry of Certified Medical Examiners, pursuant to 49 CFR s. 391.43 Form ESE 479, prescribed by the Commissioner and given by a physician designated by the school board and as determined by a dexterity test administered by the school district. Form MCSA-5876 (effective March, 2016) is incorporated by reference (DOS link) and may be obtained from the School Transportation Management Section, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The school district shall report dexterity results on Form ESE 480, Dexterity Test for School Bus Driver (DOS link) (effective March, 2016), which is incorporated in this rule by reference. The medical examiner may not specify any waiver or exemption from the medical examination requirements, and no alternative physical qualification standards are recognized. Compliance with 49 C.F.R. Part 391 is required under section 1012.45, Florida

Statutes. This document may be obtained from the School Transportation Management Section, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(e) Demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus operator.

~~(4)(5)~~ A certification of training provided by the Commissioner shall be issued by the district to each operator successfully completing the forty (40) hours of preservice training.

~~(5)(6)~~ Each district school board shall obtain a driver's history record from the Department of Highway Safety and Motor Vehicles for each regular school bus operator, substitute operator, or any other individual certified to drive a school bus by the district. The schedule for reviewing these records shall be:

(a) Prior to initial employment;

(b) Prior to the first day of the fall semester.

(c) Thereafter, the district shall continuously screen operator records using the automated weekly updates, ensuring proper retrieval documentation for every week.

~~(6)(7)~~ Driver history records shall be requested in a manner prescribed by the Department of Highway Safety and Motor Vehicles using the Automated School Bus Driver's License Record Check System through the Department's data base. All school districts shall obtain and review records for school bus operators using the automated data base system. For any operator licensed in another state, the district shall obtain and review the driver's history record from the appropriate state.

~~(7)(8)~~ Each school district shall establish a school board policy that specifies which infractions of the traffic code deem an applicant unqualified for employment hire and which causes any employee to be subject to a prescribed follow-up action. At a minimum, this policy shall state that any district school bus operator or contracted operator who should have known that his or her license has expired or has been suspended or revoked shall be subject to prescribed disciplinary measures up to and including dismissal by the school board.

~~(8)(9)~~ At least annually, the school district shall assure that the operator of a school bus meets the following requirements:

(a) The requirements of paragraph ~~(3)~~ ~~(4)~~(a) of this rule.

(b) Successfully complete a minimum of eight (8) hours of inservice training related to the operator's responsibilities for transporting students.

(c) Successfully pass a dexterity test administered by the school district and maintain a valid Medical Examiners Certificate.

~~(9)(10)~~ At the time of reemployment, the school board shall assure that each school bus operator meets all of the requirements of subsections (2) ~~and (3)~~ and paragraph ~~(3)~~ ~~(4)(a)~~ ~~and (d)~~ of this rule. If not more than a twelve continuous calendar month break in service has occurred, an operator shall be required to complete eight (8) hours of inservice training related to their responsibilities for transporting students prior to driving a school bus with students. If a period exceeding twelve (12) calendar months has occurred, the operator shall be required to successfully complete all of the requirements of subsections (2) through ~~(6)~~ ~~(5)~~ of this rule.

(11) All school bus operators shall be subject to the Federal requirements of 49 C.F.R., Parts 382 and 391 related to the substance abuse testing and alcohol detection program. Rulemaking Authority 316.615(3), 1001.02(1), ~~1006.22~~, 1012.45 FS. Law Implemented ~~316.615~~ ~~112.044~~(3), 322.03(1), ~~(3)~~, 1006.22, 1012.32(2)(a), 1012.45 FS. History—New 8-1-86, Amended 7-5-89, 11-15-94, 4-18-96, 6-24-03, 11-26-06, 4-25-07.

6A-3.0151 School Bus Driver Physical Examination and Medical Examiners Certificate.
Rulemaking Authority 1001.02, 1006.21, 1006.22 FS. Law Implemented 1001.02, 1006.21, 1006.22 FS. History—New 11-15-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Champion, Deputy Commissioner, Finance and Operations

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 28, 2015

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.024
RULE TITLE: Articulation Between and Among Universities, Florida Colleges, and School Districts

PURPOSE AND EFFECT: The rule implements the statewide articulation agreement of Section 1007.23, Florida Statutes, which facilitates the transfer of credit across Florida educational entities. The purpose is to insert provisions regarding Florida’s 2+2 system of articulation: to clarify that provisions in the rule indicating a student with an associate in arts degree from a Florida public postsecondary institution shall be granted admission to an upper division program at a public postsecondary institution do not prevent a public postsecondary institution from denying admission or

continued enrollment based on an applicant’s past misconduct; to clarify transfer guarantees for students with courses completed after award of the associate in arts degree; and to update the Articulation Coordinating Committee Credit-by-Exam Equivalencies list. The effect is to align the rule with institution standard admission practices and statutory articulation provisions and to expand credit-by-examination course equivalencies.

SUMMARY: This rule amendment will incorporate the following changes: clarify that a postsecondary institution’s admissions decisions for students with prior misconduct also applies to associate in arts transfer students; clarify that for students who earn additional credit after the associate in arts degree (pursuant to section 1007.25, Florida Statutes) are still protected by the 2+2 transfer guarantee as long as they maintain the 2.0 grade point average; and incorporate revisions to the Articulation Coordinating Committee Credit-by-Examination Equivalencies, Revised February 2016.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule applies to public postsecondary institutions and student transfer of credit. It updates and clarifies existing policies and so does not create new regulations; no additional regulatory costs are anticipated as a result of these rule revisions.

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(2)(n), 1007.23(1), 1007.25, 1007.27 FS.

LAW IMPLEMENTED: 1001.64(8)(a), 1007.01(2), 1007.23, 1007.25, 1007.27 FS.

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

DATE AND TIME: February 18, 2016, 9:00 a.m.
PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

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-10.024 Articulation Between and Among Universities, Florida Colleges, and School Districts.

It is the intent of the Board of Governors in regulation and the State Board of Education in rule to facilitate articulation and seamless integration of the education system by agreeing to the provisions of this articulation agreement, pursuant to Section 1007.23, F.S. The authority to adopt and amend this rule aligns with the Constitutional power given the Board of Governors for the state university system and the statutory authority given the State Board of Education for the district school boards, the Florida College System, and the Department of Education.

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

(c) Nothing herein shall prevent a postsecondary institution from denying admission or continued enrollment based on an applicant's past misconduct, both on or off campus, or when past actions have been found to disrupt or interfere with the orderly conduct, processes, functions or programs at any other postsecondary institution.

(4) No change.

(5) The award of additional credit after award of the associate in arts degree pursuant to section 1007.25(9), F.S., does not exclude a student from the provision in subsection (3). However, students must maintain a cumulative grade point average of 2.0 or higher to qualify for guaranteed admission under subsection (3) of this rule.

(6)(5) Associate in Science (A.S.) Degree. The associate in science degree is defined in subsection 6A-14.030(3), F.A.C., (The rule may be obtained from the Office of Articulation, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399) which definition is incorporated by reference herein, and for purposes of this agreement shall include:

(a) through (f) No change.

(7)(6) Applied Technology Diploma (A.T.D.). The A.T.D. consists of a course of study that is part of an associate in science (A.S.) or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, is approximately fifty (50) percent of the technical component (non-general education), and leads to employment in a specific occupation. An A.T.D. program may consist of either clock hours or college credit.

(a) through (f) No change.

(8)(7) Credit by examination.

(a) For examination programs listed in Section 1007.27, F.S., a list of examinations, minimum scores for guaranteed transfer credit, maximum credits guaranteed to transfer, and recommended course equivalents shall be maintained by the Articulation Coordinating Committee and reviewed annually. The list is incorporated in the document Articulation Coordinating Committee Credit-by-Examination Equivalencies, Effective March 2016 ~~December 2014~~, which is herein incorporated by reference and located at (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04774>). The list may be requested from the Office of Articulation, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) through (e) No change.

(f) For all Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), and College-Level Examination Program (CLEP) examinations, credit must be awarded at a minimum in accordance with the credit-by-examinations equivalencies determined by the Articulation Coordinating Committee referenced in paragraph (8) ~~(7)~~(a) of this rule. The postsecondary institution shall determine the credit awarded for examinations completed prior to November 1, 2001, or examinations not included in the Articulation Coordinating Committee Credit-by-Examination Equivalencies.

(g) through (h) No change.

(9)(8) Limited access programs. Florida College System institution and state university transfer students shall have the same opportunity to enroll in baccalaureate limited access programs as native students. Baccalaureate limited access program selection and enrollment criteria shall be established and published in catalogs, counseling manuals, and other appropriate publications. A list of limited access programs shall be filed annually with the Articulation Coordinating Committee.

(10)(9) A state university may accept non-associate in arts degree credit in transfer based on its evaluation of the applicability of the courses to the student's program at the university.

(11)(10) State universities and Florida College System institutions shall publish with precision and clarity in their official catalogs the admission, course, and prerequisite requirements of the institution, each unit of the institution, each program, and each specialization. Any applicable duration of requirements shall be specified. The university or college catalog in effect at the time of a student's initial collegiate enrollment shall govern upper division prerequisites in the same manner as for native students at the same institution, provided the student maintains continuous enrollment as defined in that catalog unless otherwise specified.

~~(12)(44)~~ The Department and all public universities, Florida College System institutions, and school districts shall maintain the electronic exchange of student transcripts and associated educational records, including acquisition of and access to test scores of students in the standard format established by the ACC.

~~(13)(42)~~ All postsecondary courses offered for college credit, clock hours, or developmental education credit as they are defined in Rule 6A-10.033, F.A.C., (The rule may be obtained from the Office of Articulation, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399) which definitions are incorporated by reference herein, shall be entered in the statewide course numbering system. Each course shall be assigned a single prefix and a single identifying number in the course numbering system.

~~(14)(43)~~ When a student transfers among postsecondary institutions that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and that participate in the statewide course numbering system, the receiving institution shall award credit for courses satisfactorily completed at the previous participating institutions when the courses are judged by the appropriate common course designation and numbering system faculty task forces to be academically equivalent to courses offered at the receiving institution including equivalency of faculty credentials regardless of the public or nonpublic control of the previous institution. The award of credit may be limited to courses that are entered in the statewide course numbering system. Credit so awarded shall satisfy institutional requirements on the same basis as credits awarded to native students.

Rulemaking Authority 1001.02(2)(n), 1007.23(1), 1007.25, 1007.27 FS. Law Implemented 1007.01(2), ~~1001.64(8)(a)~~, 1007.23, 1007.25, 1007.27 FS. History—New 5-5-75, Amended 10-7-75, 6-8-76, 8-22-77, 12-26-77, 3-28-78, 5-10-78, 7-2-79, 2-27-80, 5-27-81, 1-6-83, 4-5-83, 6-28-83, 1-9-85, Formerly 6A-10.24, Amended 8-4-86, 5-18-88, 5-29-90, 7-30-91, 10-4-93, 5-3-94, 1-2-95, 9-30-96, 6-15-98, 12-13-99, 8-14-00, 10-15-01, 9-22-03, 12-18-05, 12-23-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew Bouck, Director, Office of Articulation
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2016
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 12, 2015

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-10.080	Code of Ethics of the Education Profession in Florida
6A-10.081	Principles of Professional Conduct for the Education Profession in Florida

PURPOSE AND EFFECT: The purpose of this amendment is to revise the current definition of the principles of professional conduct for the education profession in Florida. The revisions incorporate significant portions of Rule 6A-10.080, F.A.C. The effect will be a repeal of Rule 6A-10.080, F.A.C. and a rule aligned with Florida Statutes.

SUMMARY: The proposed rule defines the ethical principles by which Florida educators shall be guided and the disciplinary principles that if violated, shall subject the educator to penalties against his or her Florida educator certificate. Rule 6A-10.080, F.A.C. shall 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 proposed rule provides a definition of terms and does not impose any new or additional regulatory costs and should not have any adverse impact on economic growth, business competitiveness or any other factors listed in Section 120.541(2)(a), 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: 1001.02, 1012.795(1)(j) FS.
LAW IMPLEMENTED: 1012.795 FS.

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

DATE AND TIME: February 18, 2016, 9:00 a.m.
PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marian Lambeth, Chief, Professional Practices Services, 325 West Gaines Street, Suite 224, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.081 Principles of Professional Conduct for the Education Profession in Florida.

(1) Florida educators shall be guided by the following ethical principles: The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.

(a) The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

(b) The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.

(c) Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

(2) Florida educators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.

(a)(3) Obligation to the student requires that the individual:

1.(a) Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.

2.(b) Shall not unreasonably restrain a student from independent action in pursuit of learning.

3.(c) Shall not unreasonably deny a student access to diverse points of view.

4.(d) Shall not intentionally suppress or distort subject matter relevant to a student's academic program.

5.(e) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.

6.(f) Shall not intentionally violate or deny a student's legal rights.

7.(g) Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family

background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.

8.(h) Shall not exploit a relationship with a student for personal gain or advantage.

9.(i) Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

(b)(4) Obligation to the public requires that the individual:

1.(a) Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

2.(b) Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.

3.(c) Shall not use institutional privileges for personal gain or advantage.

4.(d) Shall accept no gratuity, gift, or favor that might influence professional judgment.

5.(e) Shall offer no gratuity, gift, or favor to obtain special advantages.

(c)(5) Obligation to the profession of education requires that the individual:

1.(a) Shall maintain honesty in all professional dealings.

2.(b) Shall not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.

3.(c) Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.

4.(d) Shall not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.

5.(e) Shall not make malicious or intentionally false statements about a colleague.

6.(f) Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.

7.(g) Shall not misrepresent one's own professional qualifications.

8.(h) Shall not submit fraudulent information on any document in connection with professional activities.

9.(4) Shall not make any fraudulent statement or fail to disclose a material fact in one’s own or another’s application for a professional position.

10.(4) Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

11.(4) Shall provide upon the request of the certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

12.(4) Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules.

13.(4) Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), F.S.

14.(4) Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), F.S.

15.(4) Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), F.S.

16.(4) Shall comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

17.(4) Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

Rulemaking Authority 1001.02, 1012.795(1)(j) FS. Law Implemented 1012.795 FS. History—New 7-6-82, Amended 12-20-83, Formerly 6B-1.06, Amended 8-10-92, 12-29-98, Formerly 6B-1.006, Amended

6A-10.080 Code of Ethics of the Education Profession in Florida.

Rulemaking Authority 1001.02 FS. Law Implemented 1012.34, 1012.795, 1012.796 FS. History—New 3-24-65, Amended 8-9-69, Repromulgated 12-5-74, Amended 8-12-81, 7-6-82, Formerly 6B-1.01, 6B-1.001, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 23, 2015

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-25.001 Examination Requirements

PURPOSE AND EFFECT: The board proposes this rule amendment to update examination requirements.

SUMMARY: Update 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: 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: 456.013(7), 456.017(1)(c), 480.035(7), 480.041(2), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1)(c), 456.0635, 480.041, 480.042 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Claudia Kemp, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.001 Examination Requirements.

(1) The Department shall issue a license to a person who:

~~(a) Pays to the Department the fees set out in Rule 64B7-27.100, F.A.C.;~~

~~(b) s~~Submits a completed application on form DH-MQA 1115, "Massage Therapist Licensure Application," (Rev. 6/14). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/massage-app.pdf> or

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04604>. To apply on-line, visit <https://ww2.doh.state.fl.us/DOHInitialApp/CreateAccount.aspx?Board=8014&Procde=1401>;

~~(c) Completes a course of study at a massage school approved by the Board pursuant to Rule Chapter 64B7-32, F.A.C.; or completes an approved apprenticeship program in accordance with Rule Chapter 64B7-29, F.A.C.;~~

~~(d) Completes the HIV/AIDS course requirement in Rule 64B7-32.003, F.A.C.;~~

~~(e) Passes a national examination approved by the Board;~~

~~(f) Completes a course relating to the prevention of medical errors as required by Section 456.013(7), F.S.~~

(2) The Board approves the following examinations:

(a) through (d) No change.

(e) The National Board for Colon Hydrotherapy Examination.

(3) No change.

Rulemaking Authority 456.013(7), 456.017(1)(c), 480.035(7), 480.041(2), 480.042(1) FS. Law Implemented 456.013(7), 456.017(1)(c), 456.0635, 480.041, 480.042 FS. History—New 11-27-79, Amended 9-2-80, 10-9-85, Formerly 21L-25.01, Amended 12-22-92, 3-24-93, 5-20-93, Formerly 21L-25.001, Amended 8-12-93, 6-28-94, 8-18-96, Formerly 61G11-25.001, Amended 5-20-98, 7-30-02, 3-31-08, 6-15-09, 9-6-09, 6-2-10, 12-24-13, 6-2-14, 10-2-14, .

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2015

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-26.002 Licensure of Massage Establishments

PURPOSE AND EFFECT: The board proposes the rule amendment to update the rule text and form DH-MQA 1263, "Massage Establishment Licensure Application."

Summary: Update incorporated application form and rule text.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

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: 480.035(7), 480.043(2) FS.

LAW IMPLEMENTED: 480.043, 456.0635 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Claudia Kemp, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

64B7-26.002 Licensure of Massage Establishments.

(1) Each establishment, shall obtain a license from the Department as required by Section 480.043(1), F.S., by submitting a completed form DH-MQA 1263, "Massage Establishment Licensure Application" (Rev. 11/15 6/14), incorporated herein by reference, together with the fee set forth in subsection 64B7-27.100(2), F.A.C. The form and the attached instructions may be obtained from the Board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at http://floridasmassagetherapy.gov/applications/app-bus-original-mt.pdf or http://www.flrules.org/Gateway/reference.asp?No=

Ref- 04617.

(2) The application for licensure shall be submitted in the name of the owner or owners of the establishment. If the owner is a partnership, limited partnership or corporation, the application shall be submitted in the name of the business entity ~~corporation~~ and shall be signed by an authorized ~~corporate~~ representative.

(3) An owner ~~operating may operate~~ an establishment under a fictitious name as defined in s. 865.09, F.S. ~~name other than the name of the owner, must~~ provided such name ~~is submitted~~ to the Board on the application for licensure. Any advertisement by the establishment of massage therapy must include the fictitious business name, and must comply with Rule 64B7-33.001, F.A.C.

(4) No change.

Rulemaking Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043, 456.0635 FS. History--New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, 1-26-00, 4-2-09, 10-7-14, -----.

NAME OF PERSON ORIGINATING RULE: Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2015 and November 9, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2015

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-32.002 Proof of Graduation

PURPOSE AND EFFECT: The board proposes the rule amendment due to high volume of petitions for variance/waiver. There is no evidence it has an impact on fraud prevention.

SUMMARY: Delete language.

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: 480.035 (7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Claudia Kemp, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.002 Proof of Graduation.

To be acknowledged as a graduate of a Board approved massage school as referred to in Section 480.033(9), F.S., the Board’s administrative office must receive one of the following:

(1) List of graduates sent electronically in a method designed by the Board office; or

(2) Official transcript which indicates that an applicant has met all educational and institutional requirements indicating the date of enrollment and the date of graduation. An official transcript must include the following:

~~(a) Transcript must be printed on counterfeit proof paper;~~

~~(a)(b) Transcript must be created in an electronic system at the approved massage school that includes an audit trail;~~

~~(b)(c) Transcripts must be sent directly from the school to the Board office in a sealed envelope that states “Transcript is not valid if seal is broken.”~~

Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.002, Amended 2-13-95, 2-21-96, Formerly 61G11-32.002, Amended 2-26-12, 12-8-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2015

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-2.016
RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose of the amendment is to delete forms incorporated into other rules.

SUMMARY: Delete duplicative forms.

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, and the substance of the rule amendment, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary because the rule does not impose additional rights, obligations, or duties on any persons or any businesses, 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: 464.006, 464.203(4) FS.

LAW IMPLEMENTED: 120.52(16), 456.013, 456.048(1), 464.008, 464.009, 464.0115, 464.019, 456.0276(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, Joe.Baker@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-2.016 Annual Report Forms.

The Annual Report for Programs in Nursing DH-MQA 1096, 05/10, is following forms are incorporated herein by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or from the Board office or on the Board’s website: <http://www.FfloridasNnursing.gov>;

~~(1) Application for Nursing Licensure by Examination, form number DH MQA 1094, 10/08.~~

~~(2) Application for Nursing Licensure by Re-Examination, form number DH MQA 1120, 10/08.~~

~~(3) Application for Nursing Licensure by Endorsement, form number DH MQA 1095, 10/08.~~

~~(4) Application for Dual Registered Nurse (RN) and Advanced Registered Nurse Practitioner, form number DH-MQA 1124, 12/08.~~

~~(5) Financial Responsibility, form number DH MQA 1186, 1/09.~~

~~(6) Dispensing Application for ARNPs, form number DH MQA 1185, 3/09.~~

~~(7) Application for Clinical Nurse Specialist (CNS), form number DH MQA 1117, 10/08.~~

~~(8) Reciprocity Application for Certified Nursing Assistant, form number DH MQA 1121, 2/08.~~

~~(9) Application for New Nursing Program DH MQA 1211, 03/10 (rev.)~~

~~(10) Annual Report for Programs in Nursing DH MQA 1096, 05/10.~~

Rulemaking Authority 464.006, 464.203(4) FS. Law Implemented 120.52(16), 456.013, 456.048(1), 464.008, 464.009, 464.0115, 464.019, 456.0276(2) FS. History—New 6-22-09, Amended 10-10-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2015

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-13.022	Definitions
65C-13.023	Background Screening Requirements
65C-13.024	Parent Preparation Pre-service Training
65C-13.025	Initial Licensing
65C-13.026	Continuing Education
65C-13.027	Changes During the Licensed Year
65C-13.028	Re-Licensing
65C-13.029	Licensed Out-of-Home Team Member Roles
65C-13.030	Standards for Licensed Out-of-Home Caregivers
65C-13.031	Terms of a License
65C-13.032	Over-Capacity Assessments and Exceptions
65C-13.033	Babysitting, Overnight Care, Extended Overnight Care, and Other Supervision Arrangements
65C-13.034	Foster Care Referrals and Investigations
65C-13.035	Administrative Actions, Appeals and Closures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 41 No. 36, February 23, 2015 issue of the Florida Administrative Register has been withdrawn.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS
South Florida Water Management District
RULE NO.: RULE TITLE:
40E-6.011 Policy and Purpose
The South Florida Water Management District (District) hereby gives notice:

On January 14, 2016, the District's Governing Board issued SFWMD Order No. 2016-0002-DAO-ROW to Palm Beach County Roadway Production Division (Application No. 15-0224-1). The petition for waiver was received by the District on November 17, 2015. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Register, Vol. 41, No. 226, on November 20, 2015. No public comment was received. This Order provides a waiver of the District's criteria to allow a proposed linear park project consisting of a free-span pedestrian bridge, informational kiosk, bike rack, native palm trees, concrete path, rip-rap bank stabilization and existing guardrail within the L-10 right of way; Section 33, Township 41 South, Range 37 East; Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of top of canal bank with works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the proposed improvements will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268, jurussel@sfwmd.gov.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

NOTICE IS HEREBY GIVEN that on January 15, 2016, the Board of Chiropractic Medicine received a petition for variance or waiver filed by Bernard Alexander Greaux, D.C. The petitioner is seeking a waiver or variance of subsections 64B2-13.004(1) and (2), F.A.C., which require that for the purpose of renewing a license, an applicant must demonstrate to the Board that he or she participated in at least forty (40) classroom hours of continuing chiropractic education during the past two years. Only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Library and Information Services

The Department of State Division of Library and Information Services announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 29, 2016, 8:30 a.m. – 3:00 p.m., Eastern

PLACE: Room 307, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will provide an introduction and overview of each of the Multitype Library Cooperatives (MLC), including updates pertaining to current projects. Bureau of Library Development staff will provide updates of ongoing statewide initiatives. Other topics to be discussed include MLC support of the Florida Statewide Digital Action Plan and MLC statewide promotion of the value provided by all types of libraries.

For those who wish to participate by telephone, the dial-in number: 1(888)670-3525. The participant pass code: 5981801679. The security code: 2222.

A copy of the agenda may be obtained by contacting: info.florida.gov/meetings-and-notice/upcoming-meetings.

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: (850)245-6600 (or) TDD (850)922-4085. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David Beach with the Bureau of Library Development at david.beach@dos.myflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Subcommittee on Managed Marshes (SOMM) announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2016, 9:30 a.m. (Business Meeting & Field Trip)

PLACE: Tomoka State Park, 2099 North Beach Street, Ormond Beach, FL 32174

GENERAL SUBJECT MATTER TO BE CONSIDERED: The business of the Subcommittee on Managed Marshes and the field trip.

A copy of the agenda may be obtained by contacting: Doug Carlson, (772)562-2393, Chairman, doug.carlson@irmosquito2.org.

For more information, you may contact: Doug Carlson, (772)562-2393, Chairman, doug.carlson@irmosquito2.org.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

The Division of Aquaculture announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2016, 10:00 a.m.

PLACE: 600 S. Calhoun Street, Suite 230, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: A general discussion of issues affecting the growth of aquaculture in Florida:

Agenda: Call to Order, Welcome by Chair Allen Register.

Approve minutes from prior meetings; old business.

New business: guest speakers; Division of Marketing - overview of program; Division of Animal Industry - overview of program; ARC Preliminary Proposal Review meeting in March (process discussion).

Industry Update; Division Update (2016 Legislation, Candidate Species - Pros & Cons exercise).

Public comment; next meeting, March 2016; adjourn.

A copy of the agenda may be obtained by contacting: Serina Rocco, Environmental Administrator, (850)617-7621.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Serina Rocco, Environmental Administrator, (850)617-7600. 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).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 28, 2016, 9:00 a.m.

PLACE: Collier County Government Center - Commission Chambers, 3299 Tamiami Trail East, Naples, FL 34112-5746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Big Cypress Basin Board business.

A copy of the agenda may be obtained from: Lucia Martin, (239)263-7615, ext. 7602, lmartin@sfwmd.gov or from <https://www.sfwmd.gov/bcb>.

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: Lucia Martin, (239)263-7615, ext. 7602, lmartin@sfwmd.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lucia Martin (239) 263-7615, ext. 7602, lmartin@sfwmd.gov.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

The Department of Elder Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2016, 2:00 p.m. has been cancelled

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Room 225 F, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting scheduled for the Tallahassee Beta Test Brain Trust has been cancelled. If you have any questions, please contact: Korinna MacNeill at macneillk@elderaffairs.org or (850)414-2341.

For more information or a copy of the agenda, you may contact: Korinna MacNeill at macneillk@elderaffairs.org or (850)414-2341.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2016, 10:00 a.m.

PLACE: Meetings to be conducted using communications media technology: webinar and/or teleconference for audio only

To access the webinar go to <https://global.gotomeeting.com/join/272658565>. You may call in to participate by audio only or in conjunction with the webinar. To access the conference call, dial 1(866)899-4679. An Audio PIN will be provided after joining the meeting. When prompted for the meeting ID and access code, use 272-658-565.

Public point of access: Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Suite 90A, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislation before the 2016 Florida Legislature affecting the Florida Building Commission. This notice relates to a meeting that replaces that referred to in the notice published on January 19 in Vol. 42/11, Florida Administrative Register. The Commission will not hold a meeting on January 26, 2016.

A copy of the agenda may be obtained by contacting Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, calling (850)487-1823 or by accessing the Commission website: <https://floridabuilding.org/c/default.aspx>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, call (850)717-1823 or access the Commission website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, "THE COMMISSION", Energy Technical Advisory Committee, announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2016, 10:00a.m., ET until completion

PLACE: Teleconference number for audio and webinar for visual. Please note the access is different than previous meetings.

1. Join the meeting at <https://global.gotomeeting.com/join/342433869>

2. Join the conference call: United States (toll-free) 1(866)899-4679; access code: 342-433-869, audio PIN shown after joining the meeting, meeting ID: 342-433-869

Public point of access: Office of Codes and Standards, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

To consider and discuss the following Declaratory Statement: DS2015-154 by David John, P.E. of Stan Weaver & Company, Categorizing Mandatory Requirements for Commercial Code Compliance, and to review and approve proposed changes to the Energy Gauge USA for compliance with the 5th Edition 2014 Florida Building Code, Energy Conservation Code; and other business on behalf of the Commission as per agenda.

A copy of the agenda may be obtained by contacting: Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at: <http://floridabuilding.org/c/default.aspx>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, (850)487-1824, fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida

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

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

For more information, you may contact: Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at: <http://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NO.: RULE TITLE:

61K1-3.021 Post-Match Reports Required to be Filed; Penalty for Late Filing

The Florida State Boxing Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 12, 2016, 10:00 a.m.

PLACE: Conference call: 1(888)670-3525; passcode: 6740308491 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED:

To conduct a general business meeting to approve draft language and Notice of Proposed Rulemaking and Statement of Regulatory Cost Worksheet for Rule 61K1-3.021; and, to conduct a workshop to discuss Chapter 61K1-4 regarding amateur sanctioning organizations.

A copy of the agenda may be obtained by contacting: Lina Hurtado, (850)488-8500.

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 24 hours before the workshop/meeting by contacting: Lina Hurtado, (850)488-8500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lina Hurtado, (850)488-8500.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: January 29, 2016, 9:00 a.m.

PLACE: Leesburg Community Building, West Room, 109 East Dixie Avenue, Leesburg, FL 34748

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Upper Ocklawaha Basin Working Group will hold a meeting, open to the public, on January 29 in Leesburg at the Leesburg Community Building. This is a technical meeting to continue discussion of proposed methods for partitioning the reduction of nutrient loadings for the priority waterbodies Lake Harris, Lake Carlton, Trout Lake, Lake Yale, and the Palatlahaha River. Project credits for each priority waterbody will also be presented. The Upper Ocklawaha Basin Working Group was formed to provide a forum for stakeholders to discuss issues related to the basin's nutrient Total Maximum Daily Loads for the Harris Chain of Lakes, Palatlahaha River, and Lake Apopka. The Second Phase of the Upper Ocklawaha Basin Management Action Plan was adopted in 2014 to address nutrient problems in the previously listed waterbodies.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8560.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

The Drug Policy Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 29, 2016, 9:00 a.m. – 4:00 p.m., ET

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 182, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Established in Section 397.33, Florida Statutes, the Drug Policy Advisory Council reviews and analyzes the impacts of substance abuse in the State and makes recommendations for the implementation of a state drug control strategy.

A copy of the agenda may be obtained by contacting: Rebecca Poston at (850)245-4444, extension 3700, or Rebecca.Poston@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

The Board of Pharmacy Sterile Compounding Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 9, 2016, immediately following Rules Committee (CANCELLED)

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coastline Drive, Jacksonville, Florida 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Rules associated with sterile compounding.

A copy of the agenda may be obtained by contacting: The Florida Board of Pharmacy at (850)245-4292.

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: The Florida Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Florida Board of Pharmacy at (850)245-4292.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2016, 8:30 a.m. until adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Requests for Applications funding selection with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.

20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the January 29, 2016, Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197 or by visiting the Corporation's website: www.floridahousing.org.

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: Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FLORIDA HOUSING FINANCE CORPORATION

The FHFC II, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2016, 11:00 a.m., or upon adjournment of the Florida Housing Finance

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC II, INC.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC II, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC II, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.

8. Such other matters as may be included on the Agenda for the January 29, 2016, Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at www.floridahousing.org.

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: Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FLORIDA HOUSING FINANCE CORPORATION

The FHFC III, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2016 – 11:00 a.m., or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting, until adjourned.

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC III, Inc.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC III, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC III, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the January 29, 2016, Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197 or by visiting the Corporation's website: www.floridahousing.org.

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 Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2016, 4:00 p.m. until adjourned

PLACE: Florida Housing Finance Corporation, Seltzer Room, 6th Floor, 227 N. Bronough Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. The Committee will meet regarding the general business of the Committee.
2. Such other matters as may be included on the Agenda for the January 28, 2016, Audit Committee Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197 or by visiting the Corporation's website: www.floridahousing.org.

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: Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2016, 9:00 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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 24 hours before the workshop/meeting by contacting: the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

GULF CONSORTIUM

The Gulf Consortium Executive Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 27, 2016, 4:00 p.m., ET

PLACE: Dial-in number: 1(888)670-3525, participant passcode: 998 449 5298#, Florida Association of Counties, 100 S. Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee of the Gulf Consortium will conduct a briefing on the planning grant application; development of the state expenditure plan; officer elections; FY 2014/2015 independent financial audit; and, conduct other business.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ginger Delegal at gdelegal@fl-counties.com or (850)922-4300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ginger Delegal at gdelegal@fl-counties.com or (850)922-4300.

MOFFITT CANCER CENTER & RESEARCH INSTITUTE

The H. Lee Moffitt Cancer Center & Research Institute, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: January 26, 2016, 12:00 Noon

PLACE: Moffitt Cancer Center, Stabile Research Building, Trustees Board Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Joint Finance & Planning Committee.

A copy of the agenda may be obtained by contacting: Kathy McKinley, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612

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 24 hours before the workshop/meeting by contacting: Kathy McKinley. 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).

CHIPOLA COLLEGE

The Region II Trust Fund Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: January 21, 2016, 10:00 a.m. (CT)

PLACE: Florida Panhandle Technical College, 757 Hoyt St., Chipley, FL 32428

GENERAL SUBJECT MATTER TO BE CONSIDERED: Region II Trust Fund Advisory Board Meeting.

A copy of the agenda may be obtained by contacting: Dir. Steve Anderson, 3094 Indian Circle, Marianna, FL 32446, (850)718-2253.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Tammy Neal, (850)718-2494. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tammy Neal, (850)718-2494.

FLORIDA SURPLUS ASSET FUND TRUST

The Florida Surplus Asset Fund Trust (FLSAFE) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 28, 2016, 12:00 Noon

PLACE: City of St. Pete Beach Community Center, 2nd Floor, 7701 Boca Ciega Drive, St. Pete Beach, FL 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED:

A. BUSINESS ITEMS

1. Call to Order/ Roll Call
2. Public Comments
3. Nominations for Board Chairman, Vice Chairman, Secretary, Treasurer
4. Approval Prior Board Meeting Minutes
 - (a) October 29, 2015
5. Participant and Guest Introductions
6. Resolution – Revenue Recognition Policy
7. Resolution – PMA Capital Support Agreement

B. OTHER ITEMS

1. Investment Advisor/Operations Manager Update - PMA
 - (a) Economic and Market Update
 - (b) FLSAFE LGIP Portfolio Update
 - (c) Operations Manager Report
 - (d) Update on FIIP Rates
 - (e) Term Series – Ratify November 2015, December 2015 Term Series; Discussion January 2015 Term Series
 - (f) PMA Comments
2. Administrator Update- FMAS
 - (a) Marketing Update, Conferences, Events, Presentations
 - (b) FMAS Comments
3. FLSAFE Counsel’s Comments
4. Participants’ Comments
5. Board Members’ Comments

C. SET NEXT MEETING DATE/ ADJOURNMENT

1. Future meeting dates: April 2016, July 2016, October 2016

A copy of the agenda may be obtained by contacting: Jeff Larson, FLSAFE Administrator at (407)496-1597, jlarson@floridamanagementservices.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Jeff Larson, FLSAFE Administrator at (407)496-1597, jlarson@floridamanagementservices.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).

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

For more information, you may contact: Jeff Larson, FLSAFE Administrator at (407)496-1597, jlarson@floridamanagementservices.com.

AMERICAN CONSULTING PROFESSIONALS - DEBORAH TURNER

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

DATE AND TIME: Thursday, January 28, 2016, 5:30 p.m. – 6:30 p.m., CT

PLACE: Santa Rosa County Auditorium, 4530 Spikes Way, Milton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

U.S. 90 (State Road 10) Project Development and Environmental (PD&E) Study; Financial Project Identification Numbers: 220436-2-22-01 & 220436-3-22-01. The Florida Department of Transportation (FDOT) invites you to attend and participate in a public kick-off meeting concerning the PD&E study for widening of U.S. 90 (State Road 10) from four to six lanes beginning at U.S. 90 (Scenic Highway) and continuing to Glover Lane, a length of approximately 11 miles. This meeting is being held to introduce the study and give the public an opportunity to provide comments concerning proposed improvements. There will be no formal presentation; however, maps, drawings and other information will be on display. FDOT representatives will be available to answer questions. The intent of this study is to document viable alternatives and typical sections, evaluate the stormwater management needs, as well as to assess socio-economic and environmental impacts for each alternative.

A copy of the agenda may be obtained by contacting: Peggy Kelley, Project Manager, toll-free: 1(888)638-0250, extension 1517 or at peggy.kelley@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Peggy Kelley, Project Manager, toll-free at 1(888)638-0250, extension 1517 or peggy.kelley@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Peggy Kelley, Project Manager, toll-free: 1(888)638-0250, extension 1517 or peggy.kelley@dot.state.fl.us.

THE VALERIN GROUP, INC.

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

DATE AND TIME: Thursday, January 28, 2016, 500 p.m. – 7 p.m.

PLACE: FDOT District Five Urban Office, Lake Apopka Conference Room, 133 South Semoran Boulevard, Orlando, Florida 32807

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public hearing is being held regarding safety improvements at the intersections of State Road (SR) 551 at Quail Pond Street and State Road (SR) 551 at Mai Tai Drive in Orange County. The hearing is being conducted to give interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed improvements.

The projects address crash patterns at the intersections by converting the full median openings to directional median openings. This modification reduces traffic conflict points at these intersections.

The hearing will begin as an open house at 5:00 p.m. with a formal presentation at 6:00 p.m. Staff members will be available to discuss the project and answer questions before and after the presentation.

Participants may also provide verbal comments directly to a court reporter before and after the formal presentation. Written comments can be submitted at the hearing, sent by mail to: Dave Mixon, Florida Department of Transportation, District Five Traffic Operations, 719 South Woodland Boulevard, DeLand, FL 32720 or sent by email: Dave.Mixon@dot.state.fl.us no later than February 8, 2016. All comments written and oral will become part of the project's public record.

The draft project documents and other information will be available for public review from January 7, 2016 to February 8, 2016 at the FDOT District Five Urban Office, 133 South Semoran Boulevard, Orlando, Florida, 32807 and at the Orange County Southeast Branch Library, 5575 South Semoran Boulevard, Orlando, Florida 32822.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting: Jennifer Smith, FDOT District Five Title VI Coordinator, at (386)943-5367 or Jennifer.Smith2@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: there is no agenda.

Persons with disabilities who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Kelly Hiden, Public Involvement Coordinator, The Valerin Group, by telephone: (407)508-0839 or by email: kelly@valerin-group.com, at least seven days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dave Mixon at (386)943-5DOT or via email: Dave.Mixon@dot.state.fl.us.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC

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

DATE AND TIME: Tuesday, February 2, 2016, 6:00 p.m. – 8:00 p.m.

PLACE: Prince Field Senior Center, Miami Springs, FL 33166

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a public meeting for a roadway project along State Road (SR) 25/US-27/Okeechobee Road from SE 7 Avenue to NW 36 Street, in Miami-Dade County, to discuss the project's scope of work. The project identification number is 425979-2-52-01. The meeting will begin as an open house, from 6:00 p.m. to 800 p.m. Graphic displays will be shown during the meeting, and FDOT representatives will be available to discuss the project.

A copy of the agenda may be obtained by contacting: Public Information Specialist Rodolfo Roman at (305)470-5477, Rodolfo.Roman@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ivette Ruiz-Paz, FDOT, 1000 NW 111 Avenue, Miami, FL 33172(305)470-5225, ivette.ruiz-paz@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Public Information Specialist Rodolfo Roman, (305)470-5477, Rodolfo.Roman@dot.state.fl.us.

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

DEPARTMENT OF HEALTH
Division of Medical Quality Assurance
NOTICE IS HEREBY GIVEN that the Department of Health, Division of Medical Quality Assurance has declined to rule on the petition for declaratory statement filed by Robert Burns, M.D., M.P.H. on September 17, 2015. The following is a summary of the agency’s declination of the petition:
The Petitioner seeks a declaratory statement regarding the legality of a pharmacist refusing to fill, or “boycotting” a physician’s prescription. The Department’s Order, filed on January 15, 2016, declined to issue a declaratory statement in this matter because the proper interpretation and application of the actions of pharmacists is within the purview of the Board of Pharmacy.
A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Shannon Revels, Agency Clerk, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, FL 32399, by facsimile at (850)413-8743, or email at Shannon.Revels@FIHealth.gov.

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

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

NONE

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

NONE

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

NONE

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

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

CITY OF MIAMI BEACH PROCUREMENT DEPARTMENT

Proposal Requirements Document (PRD) 2016-071-KB
Notice of Receipt of Unsolicited Proposal for Light Rail/Modern Streetcar Project in Miami Beach

PUBLIC NOTICE

Proposal Requirements Document (PRD) 2016-071-KB
Notice of Receipt of Unsolicited Proposal for Light Rail/Modern Streetcar Project in Miami Beach

NOTICE IS HEREBY GIVEN that the City of Miami Beach, Florida, a municipal corporation of the State of Florida, has received an unsolicited proposal for a qualifying public-private partnership project in accordance with Florida Statute 287.05712 for an off-wire or “wireless” light rail/modern streetcar system (the “Project”). The City requests, and in accordance with Florida Statute 287.05712, will accept alternative proposals for the Project until 3:00 p.m. on May 10, 2016.

A Mandatory Pre-Proposal Conference will be held on February 19, 2016, beginning at 10:00 a.m., in the City of Miami Beach, Commission Chambers, 1700 Convention Center Drive, Miami Beach, FL 33139. Attendance is mandatory and each interested party shall have at least one representative at the Mandatory Pre-Proposal Conference. The City will not consider Proposals from parties not represented at the Pre-Proposal Conference by at least one Lead Team Participant.

Persons or entities wishing to submit alternative proposals for the Project (“Proposers”) may do so by delivering sealed proposals to: City of Miami Beach, Procurement Department, Attn: Alex Denis, 1755 Meridian Avenue, Third Floor, Miami Beach, Florida 33139. Each sealed proposal submitted should be clearly marked on the outside: “Sealed Proposal - Light Rail/Modern Streetcar System and Related Services.”

All proposals must be timely submitted no later than 3:00 p.m. on May 10, 2016, and must contain the information and materials required under Fla. Stat. 287.05712(5), the additional proposal submission requirements required by the City as provided below, and a \$100,000 application fee payable to the City of Miami Beach, Florida. Any proposal received after 3:00 p.m. on May 10, 2016 will be returned unopened, and will not be considered. Responsibility for submitting timely proposals rests solely with Proposers; City will not be responsible for any delays caused by mail, courier service or other occurrence.

Proposals will be ranked in order of preference by the City. In ranking the proposals, the City will consider factors in accordance with Florida Statute 287.05712 that include, but are not limited to, professional qualifications, general business terms, innovative design techniques or cost-reduction terms, and finance plans. A more complete listing of factors that the City will consider in ranking proposals, associated Project and proposal submission requirements (“Proposal Requirements”) can be obtained through the City’s proposal notification system, PublicPurchase (www.PublicPurchase.com). Interested parties must register with PublicPurchase for access to the Proposal Requirements. Registration will allow Proposers to receive any additional information that may be issued with respect to this procurement.

The City reserves the right to reject any or all proposals, or as provided under Section 287.05712, Florida Statutes, to award and negotiate an interim agreement and/or comprehensive agreement with the firm whose proposal best serves the interests of the City. Nothing contained herein shall be interpreted as an obligation or binding agreement by the City regarding the Project.

The City’s Code of Silence shall be in effect during the procurement process in accordance with Section 2-486 of the City Code. A link to certain applicable City of Miami Beach procurement-related provisions is available at www.miamibeachfl.gov/procurement. All communications regarding the Project and/or Proposal Requirements shall be directed in writing to: City of Miami Beach Procurement Department, Attn: Kristy Bada, email: kristybada@miamibeachfl.gov, with a copy to the City Clerk, Rafael Granado, at rafaelgranado@miamibeachfl.gov. The City will provide notice of a decision or proposed decision regarding contract award. Any person who is, or claims to be, adversely affected by the City’s decision or proposed decision shall file a written protest in accordance with Section 2-371 of the City Code.

Section XII Miscellaneous

DEPARTMENT OF HEALTH Board of Nursing

Notice of Emergency Action

On January 19, 2016, the State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Stefanie Lyn Moretz, R.N., License #: RN 9372519. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On January 19, 2016, the State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Allison Lansdowne, R.N., License #: RN 2826712. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On January 19, 2016, the State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Nancy Elizabeth Martinez, R.N., License #: RN 2721442. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-213

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF
ISLANDS, FLORIDA, ORDINANCE NO. 15-15

FINAL ORDER

APPROVING ISLAMORADA ORDINANCE NO. 15-15

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by the Islamorada, Village of Islands, Florida, Ordinance No. 15-15 (the “Ordinance.”)

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Florida Statutes, as an area of critical state concern. Islamorada, Village of Islands, is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Islamorada, Village of Islands, on October 22, 2015, and rendered to the Department on October 22, 2015.

3. The Ordinance amends the Islamorada, Village of Islands, Code of Ordinances at Chapter 30, “Land Development Regulations,” specifically Article VII, “Environmental Regulations,” Division 2 “Docks and Shoreline Uses,” Section 30-1542 “Shoreline Setback” and Section 30-1546 “Boat Ramps.” The adopted ordinances amend the Village’s land development regulations to provide additional criteria for the location of accessory structures within the shoreline setback, and to increase the boat ramp width limit.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. § 380.05(6) and § 380.0552(9), Florida Statutes.

5. Islamorada, Village of Islands, is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes, and Florida Administrative Code Chapter 28-29.

6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Islamorada, Village of Islands, Comprehensive Plan generally, and specifically Policies 1-4.5.1 (Manage Environmentally Sensitive Lands), 5-1.1.3 (Protect Coastal and Estuarine Environmental Quality and the Shoreline), 5-1.1.4 (Protect, Stabilize and Enhance Shorelines), 5-1.2.1 (Implement Policies for Shoreline Land Uses), 5-1.2.12 (Establish Setbacks from Shorelines), and 5-1.2.13 (Establish Standards for Shoreline Structures and Uses).

9. The Ordinance is consistent with the Principles for Guiding Development in section 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

WHEREFORE, IT IS ORDERED that the Department finds that the Islamorada, Village of Islands Ordinance No. 15-15 is consistent with the Islamorada, Village of Islands Comprehensive Plan and the Principles for Guiding Development for the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/
Julie A. Dennis, Interim Director
Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110

TALLAHASSEE, FLORIDA 32399-4128

FAX: (850)921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this ____ day of January, 2016.

/s/
Katie Zimmer, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By Certified U.S. Mail:

The Honorable Mike Forster, Mayor
Islamorada, Village of Islands Council
86800 Overseas Highway
Islamorada, FL 33036

Kelly Toth, Clerk
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Cheryl Cioffari
Director of Planning
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

Section XIII
Index to Rules Filed During Preceding
Week

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

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