

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: **RULE TITLE:**
 1S-2.027 Standards for Determining Voter's Choice
 on a Ballot

PURPOSE AND EFFECT: The proposed changes are to update the rule to conform to the changes in chapter 2022-109, Laws of Florida, which removed the limitation on specific types of vote target in s. 101.151, FS, to eliminate examples of vote targets not currently certified as part of voting systems, and to clarify circumstances for determining voter intent in ballot duplication, recounts and post-election voting system audits based on feedback from county canvassing boards.

SUBJECT AREA TO BE ADDRESSED: Standards for Determining Voters' Choice on a Ballot

RULEMAKING AUTHORITY: 20.10, 97.012(1), (2), 102.166, FS

LAW IMPLEMENTED: 101.5614, 101.591, 102.166, FS

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

DATE AND TIME: January 11, 2024 at 11:00 a.m.

PLACE: Heritage Hall (Department of State Auditorium), R.A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399

Call-in also available at: 1(888)585-9008; Conference Room # 201-297-717.

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 hours before the workshop/meeting by contacting: Jenna McLanahan at (850)245-6513 or Jenna.McLanahan@dos.myflorida.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 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: Genevieve McNalis at (850)245-6536 or Genevieve.McNalis@dos.myflorida.com.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: **RULE TITLES:**
 68A-9.002 Permits to Take Wildlife or Freshwater Fish
 for Justifiable Purposes
 68A-9.003 Permits for Freshwater Fish

PURPOSE AND EFFECT: The purpose of this rule amendment and new rule is to provide clarity on permit eligibility, evaluation criteria and considerations, and permit renewal processes for Freshwater Scientific Collection Permits and Black Bass Tournament Exemption Permits.

SUBJECT AREA TO BE ADDRESSED: Define permit eligibility, evaluation criteria, and renewal processes for Freshwater Fisheries Permits.

RULEMAKING AUTHORITY: Art. IV, Sec 9, Florida Constitution

LAW IMPLEMENTED: Art IV, Sec. 9, Florida Constitution

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: Thomas Graef, Director, Division of Freshwater Fisheries Management, 620 South Meridian St., Tallahassee, Florida 32399; Thomas.Graef@myfwc.com

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

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**
 6A-1.001 District Financial Records

PURPOSE AND EFFECT: To incorporate by reference an updated version (2023) of the "Financial and Program Cost Accounting and Reporting for Florida Schools" (Red Book) publication. Changes in law, accounting principles and district practices require periodic revision of this publication, which includes a chart of accounts. The effect is that districts will have an updated chart of accounts to use.

SUMMARY: The superintendent of each school district is responsible for keeping adequate records and accounts of all financial transactions in the manner prescribed by the commissioner in "Financial and Program Cost Accounting and

Reporting for Florida Schools” (Red Book), which is incorporated by reference in rule 6A-1.001, F.A.C. The Red Book is being amended to conform to recent Governmental Accounting Standards Board statements and to change titles and descriptions of accounts.

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 adverse impact or regulatory cost, if any, does not exceed, nor would it be expected to exceed, any one of the economic analysis criteria set forth in section 120.541(2)(a), F.S., and will not require legislative ratification. The modifications are accounting changes anticipated with the periodic issuance of new Governmental Accounting Standards Board pronouncements and an update to an existing accounting code, based on a legislative change.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1010.01 1011.07(2), F.S.

LAW IMPLEMENTED: 1010.01, 1010.20, 1011.07, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations, (850)245-0351 or mark.eggers@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.001 District Financial Records.

The superintendent of schools of each school district shall be responsible for keeping adequate records and accounts of all financial transactions in the manner prescribed by the Commissioner in the publication titled “Financial and Program Cost Accounting and Reporting for Florida Schools, ~~2023~~ 2024, [http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-13642)

13642,” which is hereby incorporated by reference in this rule. Copies of the publication may be obtained from the Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner, but which shall not exceed actual costs.

Rulemaking Authority 1001.02(1), (2)(n), 1010.01, 1011.07(2), FS. Law Implemented 1010.01, 1010.20, 1011.07, FS. History—New 9-17-72, Amended 12-5-74, 4-28-77, 8-2-79, 7-21-80, 10-7-81, 8-10-83, 9-27-84, 10-1-85, Formerly 6A-1.01, Amended 11-8-88, 7-30-91, 10-6-92, 10-18-94, 1-26-98, 10-15-01, 12-20-11, 11-13-12, 11-3-13, 11-4-14, 1-7-16, 8-20-17, 11-28-18, 10-24-19, 12-22-20, 11-23-21.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 1, 2023

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**

6A-1.004 School District Budget Requirements

PURPOSE AND EFFECT: To revise Form ESE 139 as incorporated by reference. The effect is school districts will need to use the updated form to submit their budget to the Florida Department of Education.

SUMMARY: Rule 6A-1.004, F.A.C., is amended to revise incorporated forms for the school district summary budget.

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: Based on past experience with revising required forms for financial reporting for school districts in accordance with laws and rules of the State Board of Education, the adverse impact or regulatory cost, if any, does not exceed, nor would it be expected to exceed, any one of the economic analysis criteria set forth in section 120.541(2)(a), F.S., and will not require

legislative ratification. Revisions include account additions to reflect updates to governmental accounting standards reporting requirements.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1001.42(12)(b), 1011.01(2)(a), (3)(a), 1011.60(1), (5), F.S.

LAW IMPLEMENTED: 200.065, 1011.01(2)(a), (3)(a), 1011.02, 1011.03, 1011.42(12)(b), 1011.60(1), (5), F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations, (850)245-0351 or mark.eggers@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.004 School District Budget Requirements.

(1) through (2) No change.

(3) A budget shall not be considered to be officially received until all required forms, schedules, analyses and certifications have been received, including Forms ESE 139, District Summary Budget (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14899>) (effective ~~February 2024~~ ~~November 2022~~), and ESE 524, Resolution Determining Revenues and Millages Levied (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05988>) (effective December 2015). Forms ESE 139 and ESE 524 are hereby incorporated by reference and may be obtained from the Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Rulemaking Authority 1001.02(1), (2)(n), 1001.42(12)(b), 1011.01(2)(a), (3)(a), 1011.60(1), (5) FS. Law Implemented 200.065, 1001.42(12)(b), 1011.01(2)(a), (3)(a), 1011.02, 1011.03, 1011.60(1), (5) FS. History—New 3-26-66, Amended 9-17-72, 2-18-74, Repromulgated 12-5-74, Amended 11-29-78, 7-10-85, Formerly 6A-1.04, Amended 10-4-88, 9-22-08, 3-13-12, 11-13-12, 11-19-13, 11-4-14, 12-2-15, 4-25-17, 11-28-18, 10-24-19, 12-22-20, 11-23-21, 11-23-22.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 1, 2023

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.0071 Fiscal Reporting Dates

PURPOSE AND EFFECT: To revise Forms ESE 348, Report of Financial Data to the Commissioner of Education, and ESE 145, Superintendent’s Annual Financial Report. The effect is that districts will have updated annual financial reporting forms. SUMMARY: Rule 6A-1.0071, F.A.C., is amended to revise forms for the school district annual financial report, incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The adverse impact or regulatory cost, if any, does not exceed, nor would be expected to exceed, any one of the economic analysis criteria set forth in section 120.541(2)(a), F.S., and will not require legislative ratification. Revisions to the annual financial reporting forms, including account additions and deletions, are necessary to facilitate school district report submission to the department.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(a), 1011.01(3)(a), 1011.60(1), (5), F.S.

LAW IMPLEMENTED: 1011.01(3)(a), 1011.60(1), (5), F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations, (850)245-0351 or mark.eggers@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0071 Fiscal Reporting Dates.

The following dates shall apply to the fiscal reporting and budgeting process of each school district.

(1) through (2) No change.

(3) The annual financial report and all official parts thereof must be submitted to the Commissioner no later than September 11 of each year. The annual financial report is composed of the following forms: Forms ESE 348, Report of Financial Data to the Commissioner of Education (<http://www.flrules.org/Gateway/reference.asp?No=Ref-44900>) (effective ~~February 2024~~ ~~November 2022~~), and ESE 145, Superintendent’s Annual Financial Report (<http://www.flrules.org/Gateway/reference.asp?No=Ref-44901>), which are incorporated by reference in this rule (effective ~~February 2024~~ ~~November 2022~~), and Forms ESE 374, Schedule of Maturities of Indebtedness (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06318>), (effective February 2016) and ESE 523, Information Concerning Authorized Obligations Under Sections 1011.14 and 1011.15, F.S. (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06319>), which are incorporated by reference in this rule (effective February 2016). These forms may be obtained from the Administrator of the Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(4) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1011.01(3)(a), 1011.60(1), (5) FS. Law Implemented 1011.01(3)(a), 1011.60(1), (5) FS. History—New 9-12-72, Amended 2-13-74, 12-5-74, 5-5-75, 10-7-75, 7-22-76, 6-7-77, 1-7-81, 7-10-85, Formerly 6A-1.071, Amended 3-12-86, 10-4-88, 9-22-08, 2-1-12, 11-13-12, 11-19-13, 11-4-14, 2-9-16, 8-20-17, 11-28-18, 10-24-19, 12-22-20, 11-23-21, 11-23-22,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 1, 2023

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: To incorporate, by reference, the full-time equivalent (FTE) student membership reporting instructions publication, “Full-time Equivalent (FTE) General Instructions, 2023-24,” including an appendix with eligibility and reporting requirements for student transportation funding, for fiscal year 2023-24.

SUMMARY: This amendment incorporates “FTE General Instructions, 2023-24,” which supersedes the 2022-23 publication.

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: Based on past agency experience updating instructions for FTE reporting for school districts, the adverse impact of regulatory cost, if any, does not exceed, nor would it be expected to exceed, any one of the economic analysis criteria set forth in section 120.541(2)(a), F.S. and will not require legislative ratification.

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

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

LAW IMPLEMENTED: 1011.62(1), 1011.68, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations, (850)245-0351 or mark.eggers@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0451 Florida Education Finance Program Student Membership Surveys.

(1) The Commissioner shall prescribe the methods for completing and reporting full-time equivalent (FTE) student membership surveys and transported student membership surveys in each school district for the Florida Education Finance Program (FEFP) in the publication titled “Full-time Equivalent (FTE) General Instructions, 2023-24 2022-23,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14902>), which is hereby incorporated by reference in this rule. The instructions may be obtained from the Bureau of School Business Services, Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(2) through (7) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1011.60(1), 1011.62(1), 1011.68 FS. Law Implemented 1011.62(1), 1011.68 FS. History—New 4-19-74, Amended 10-31-74, Repromulgated 12-5-74, Amended 6-1-75, 1-29-76, 4-12-78, 8-2-79, 2-4-81, 7-28-81, 4-27-82, 7-13-83, 7-10-85, Formerly 6A-1.451, Amended 3-12-86, 9-30-87, 10-31-88, 12-5-90, 10-26-94, 12-15-98, 3-24-08, 5-3-10, 4-22-14, 12-23-14, 6-23-16, 6-20-17, 9-19-17, 9-18-18, 12-22-19, 10-27-20, 11-23-21, 12-4-22,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 1, 2023

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.00821 Florida Educational Leadership Examination
PURPOSE AND EFFECT: This rule amendment serves to adopt and incorporate new Florida Educational Leadership Examination (FELE) competencies and skills, effective March 1, 2024.

SUMMARY: The proposed rule incorporates “Competencies and Skills Required for Certification in Educational Leadership in Florida, Fifth Edition” to align the content with the revised Florida Educational Leadership Standards, adopted and incorporated in Rule 6A-5.080, F.A.C.

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 amendment is not expected to have any adverse impact on economic growth, business competitiveness, increase regulatory costs or any other factor set forth in s. 120.541(2), F.S. and will not require legislative ratification. This is based upon the nature of the changes and experience with similar changes in the past.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1012.55(1), 1012.56, F.S.

LAW IMPLEMENTED: 1012.55, 1012.56, 1012.59, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) Scope. This rule governs the written examination for certification in Educational Leadership. Additional requirements for certification in Educational Leadership are specified in Rule 6A-4.0082, F.A.C.

(2) Description of the examination and competencies to be demonstrated.

(a) through (b) No change.

(c) Between Beginning January 1, 2014, and February 29, 2024, the written examination shall contain multiple-choice questions and a performance assessment associated with the Florida Principal Leadership Standards specified in Rule 6A-5.080, F.A.C., effective December 20, 2011, in the areas of:

1. Leadership for Student Learning;
2. Organizational Development; and,
3. Systems Leadership.

(d) Beginning March 1, 2024, the written examination shall contain multiple-choice questions and performance assessments associated with the Florida Educational Leadership

Standards specified in Rule 6A-5.080, F.A.C., effective November 22, 2022, in the areas of:

1. Foundational Policies and Practices of School Leadership;

2. Leadership Practices for Student Learning;

3. Leadership Development; and,

4. Leadership Communication.

~~(e)~~Before January 1, 2014, the competencies to be demonstrated by means of a written examination are contained in the publication “Competencies and Skills Required for Certification in Educational Leadership in Florida, Third Edition 2008,”

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-01709>), which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

~~(f)~~~~(e)~~ Between ~~Beginning~~ January 1, 2014, and February 29, 2024, the competencies to be demonstrated by means of a written examination are contained in the publication “Competencies and Skills Required for Certification in Education Leadership in Florida, Fourth Edition 2012,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01708>), which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(g) Beginning March 1, 2024, the competencies to be demonstrated by means of a written examination are contained in the publication “Competencies and Skills Required for Certification in Education Leadership in Florida, Fifth Edition 2024,” (DOS link), which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(3) through (12) No change.

Rulemaking Authority 1012.56, 1012.59 FS. Law Implemented 1012.56, 1012.59 FS. History—New 12-25-86, Amended 1-11-89, 5-19-98, 10-6-99, 7-17-00, 7-16-01, 3-24-02, 10-17-02, 3-24-03, 7-21-03, 6-22-04, 5-19-08, 7-21-08, 9-6-09, 12-16-12, 12-3-13, 12-23-14, 6-19-18, 11-28-18, 11-23-22, 11-21-23,

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Canto, Bureau Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, (850) 245-0513 or phil.canto@fldoe.org.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Phil Canto, Bureau Chief, Bureau of

Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 3, 2023

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.01791
 RULE TITLE: Specialization Requirements for the Gifted Endorsement - Academic Class Beginning July 1, 1992

PURPOSE AND EFFECT: To update the requirements for a gifted endorsement to emphasize instruction on the nature and needs of gifted students.

SUMMARY: The Bureau of Educator Certification issues a gifted endorsement, which requires a bachelor’s or higher degree with certification in an academic class coverage and fifteen semester hours in gifted education. School districts may issue a gifted endorsement if they have an approved program.

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 amendment is not expected to have any adverse impact on economic growth or business competitiveness, or increase regulatory costs or any other factor set forth in s. 120.541(2), F.S. and will not require legislative ratification.

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

RULEMAKING AUTHORITY: 1001.02, 1012.55, 1012.56, F.S.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.555, 1012.56, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle L. Gaines, Bureau Chief, Educator Certification, Michelle.Gaines1@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.01791 Specialization Requirements for the Gifted Endorsement — Academic Class Beginning July 1, 1992.

(1) A bachelor’s or higher degree with certification in an academic class coverage; and;

(2) Fifteen (15) semester hours in gifted education to include three (3) semester hours in each area specified below:

(a) Nature and needs of gifted students to include student characteristics; cognitive; and behavioral needs; ~~social, and emotional~~ and history and current research;

(b) Curriculum and instructional strategies for teaching gifted students to include modification of curricular curriculum content, instructional processes process, student products, and learning environment;

(c) ~~Guidance and~~ Counseling of gifted students to include motivational strategies, self-image, interpersonal skills, and career options for gifted students;

(d) Educating special populations of gifted students such as those with disabilities, speakers of other languages, or highly gifted; and Educating special populations of gifted students such as minorities, underachievers, handicapped, economically disadvantaged, and highly gifted to include student characteristics and programmatic adaptations;

(e) Theory and development of creativity to include elements of creativity such as fluency, flexibility, originality, and elaboration.

Rulemaking Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—New 7-1-92.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle L. Gaines, Bureau Chief, Educator Certification.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 19, 2023

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.007
 RULE TITLE: William L. Boyd, IV, Florida Resident Access Grants

PURPOSE AND EFFECT: To implement changes to the EASE grant program associated with Chapter 2023-93, Laws of

Florida, due to the passing of Senate Bill 1272 during the 2023 legislative session, that includes the creation of a postsecondary educational grant under the EASE grant program and expands postsecondary institutional eligibility under the program. Effective July 1, 2023, statutory modifications expand postsecondary institutional eligibility for the EASE grant program allowing for additional students to access EASE grant program funds.

SUMMARY: William L. Boyd, IV, Effective Access to Student Education (EASE) grants eligibility requirements for postsecondary institutions to participate in providing tuition assistance benefits to qualified students.

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: Based upon experience with financial aid programs in the past, the proposed changes to this rule are not expected to have any impact on transactional costs, regulatory costs, or any other factor set forth in section 120.541(2), F.S., and will not require legislative ratification.

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

RULEMAKING AUTHORITY: 1001.02(1), 1009.89(2), F.S.
 LAW IMPLEMENTED: 1009.40, 1009.42, 1009.521, 1009.89, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shawn Haskin, Director, State Scholarships and Grants, Finance and Operations, Office of Student Financial Assistance, (850)410-5185 or shawn.haskin1@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.007 William L. Boyd, IV, Effective Florida Resident Access to Student Education Grants.

(1) Eligibility Criteria for Awards. To receive aid, a student shall meet the provisions of Sections 1009.89, 1009.521, 1009.42 and 1009.40, F.S. and Rules 6A-20.001, 6A-20.003 and 6A-20.0371, F.A.C., and:

(a) through (b) No change.

(c) Be enrolled in a degree program in an eligible institution, pursuant to Sections 1009.521 or 1009.89(3), F.S.

(d) through (l) No change.

(2) through (7) No change.

Rulemaking Authority 1001.02(1), 1009.89(2) FS. Law Implemented 1009.40, 1009.42, 1009.521, 1009.89 FS. History—New 9-27-79, Amended 3-23-83, Formerly 6A-7.397, 6A-7.0397, Amended 12-25-86, 1-11-88, 4-3-90, 10-18-94, 10-15-02, 9-22-08,

NAME OF PERSON ORIGINATING PROPOSED RULE: Shawn Haskin, Director, State Scholarships and Grants, Finance and Operations.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 28, 2023

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-20.0282 Dual Enrollment Scholarship Program

PURPOSE AND EFFECT: The Florida Department of Education will be implementing changes to the Dual Enrollment Scholarship Program stemming from Chapter 2023-16, Laws of Florida, due to the passing of House Bill 1 during the 2023 legislative session, that includes the creation of personalized education programs for secondary students. Effective July 1, 2023, statutory modifications authorize students in a personalized education program access to the same programs and services as home education program students, such as the ability to participate within dual enrollment programs at a public postsecondary institution. The Dual Enrollment Scholarship Program procedures are being modified to allow participating public postsecondary institutions the ability to be reimbursed tuition and instructional materials costs for dual enrollment courses taken by personalized education program students.

SUMMARY: Dual Enrollment Scholarship Program procedures will be modified to allow eligible participating postsecondary institutions to be reimbursed for tuition and instructional material costs for personalized education program secondary students beginning in the 2023-24 fiscal year.

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: Based upon experience with similar changes in the past, the changes to the proposed rule are not expected to increase regulatory costs or any other factor found in section 120.541(2), F.S. and will not require legislative ratification.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1009.30(8), F.S.

LAW IMPLEMENTED: 1009.30, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shawn Haskin, Director, State Scholarships and Grants, Finance and Operations, Office of Student Financial Assistance, 850-410-5185 or shawn.haskin1@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.0282 Dual Enrollment Scholarship Program.

(1) No change.

(2) Definitions.

(a) through (b) No change.

(c) “Eligible student” means a secondary public, private, ~~or~~ home education, or personalized education program student who meets all requirements for dual enrollment, as provided in Section 1007.271, F.S.

(d) through (e) No change.

(f) “Personalized education program” means the sequentially progressive instruction of a student directed by his or her parent to satisfy the attendance requirements of ss. 1003.01(13) and 1003.21(1), F.S., while registered with an eligible nonprofit scholarship-funding organization pursuant to s. 1002.395, F.S.

(3) Institutional Eligibility.

(a) through (b) No change.

(c) Eligible institutions may apply for reimbursement of tuition and instructional materials costs for courses eligible for dual enrollment under Section 1007.271(1) and (2), F.S., taken by eligible students during the following terms:

1. For private school, ~~and~~ home education, and personalized education program students, postsecondary institutions may seek reimbursement for dual enrollment courses taken in fall, spring, or summer terms beginning in fall 2021.

2. No change.

(d) No change.

(4) Reporting. For each student enrolled in a dual enrollment course for which an eligible postsecondary institution is seeking reimbursement of tuition and instructional materials costs, the institution must report the following information to the Department’s Office of Student Financial Assistance (OSFA) within thirty (30) days after the end of regular registration via the Reimbursement Request Report (RRR) tool, available at <https://www.floridastudentfinancialaidsg.org/>;

(a) through (k) No change.

(5) through (6) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1009.30(8) FS. Law Implemented 1009.30 FS. History–New 11-23-21, Amended 11-23-22.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shawn Haskin, Director, State Scholarships and Grants, Finance and Operations, Office of Student Financial Assistance.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 1, 2024

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-20.045: Open Door Grant Program

PURPOSE AND EFFECT: To implement changes to the Open Door Grant Program associated with Chapter 2023-81, Laws of Florida, due to the passing of Senate Bill 240 during the 2023 legislative session that modifies section 1009.895, F.S., to convert the Open Door Grant Program to a financial aid program for students of a state college or technical center to incentivize current and future workers to enroll in CTE that leads to a credential, certificate, or degree. The statutory

modifications require participating postsecondary institutions to administer the grant program in accordance with rules of the State Board of Education.

SUMMARY: Open Door Grant Program eligibility requirements for postsecondary institutions and students to participate in the program.

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: Based upon experience with financial aid programs, the proposed changes to this rule is not expected to have any impact on transactional costs, regulatory costs, or any other factor set forth in section 120.541(2), F.S., and will not require legislative ratification.

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

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1009.895(7), F.S.

LAW IMPLEMENTED: 1009.40, 1009.42, 1009.895, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shawn Haskin, Director, State Scholarships and Grants, Finance and Operations, (850)410-5185 or shawn.haskin1@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 6A-20.045, Open Door Grant Program follows. See Florida Administrative Code for present text.

6A-20.045 Open Door Grant Program.

(1) Purpose. The purpose of this rule is to set forth the requirements relating to the Open Door Grant Program, which is created to incentivize current and future workers to enroll in career and technical education that leads to a credential, certificate, or degree.

(2) Definitions.

(a) “Cost of the program” means the cost of tuition, fees, examination, assessments, books, and related course supplies, equipment and materials. Examination costs can include vouchers for third-party testing vendors.

(b) “Other educational expenses” include transportation and personal costs, in addition to, housing and food living expenses that are tied to a student’s institutional cost of attendance. Students that receive a stipend to offset institutional cost of attendance expenses may not receive an amount that exceeds one thousand five hundred dollars (\$1,500) per academic year.

(c) “Department” means the Florida Department of Education.

(d) “Eligible institution” means a school district postsecondary technical career center under Section 1001.44, F.S., a Florida College System institution under Section 1000.21(3), F.S., or a charter technical career center under Section 1002.34, F.S.

(e) “Eligible program” means integrated education and training (IET) programs as specified in Section 1009.895(2)(b), F.S., which result in the award of credentials on the Master Credential List or any of the following workforce education programs that are included on the Master Credentials List: career certificate, applied technology diploma, registered apprenticeship certificate, preapprenticeship certificate, college credit certificate, associate in science degree, associate in applied science degree, non-credit program resulting in an industry certification on the Master Credentials List. The credential or program must be on the Master Credential List at the time of initial enrollment in program.

(f) “Integrated Education and Training” (IET) means programs that provide adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training, as defined by 34 CFR Part 463, Subpart D, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-13508>), (September 19, 2016). These federal regulations are incorporated by reference and may be obtained by contacting the Division of Florida Colleges, 325 West Gaines Street, Tallahassee, Florida 32399.

(g) “Master Credential List” means the list of nondegree and degree programs under Section 445.004(4), F.S., determined by the Credentials Review Committee that result in a credential of value. The Master Credential List is available at <https://careersourceflorida.com/boardroom/florida-credentials-review-committee/master-credentials-list/>.

(h) “State or federal financial aid” means scholarships and grants whose fund sources are the State of Florida or the federal government.

(i) “Allocation Formula” means the calculation by the Department to allocate funds to an eligible institution for the administration of the Open Door Grant Program.

(3) General Eligibility Requirements. To receive aid, a student shall meet the provisions of Sections 1009.21, 1009.40, and 1009.895, F.S., and Rules 6A-20.001, 6A-20.003, and 6A-20.0371, F.A.C., and:

(a) Be admitted to and enrolled in an eligible program at an eligible institution;

(b) Be a resident of this state as determined under Section 1009.40(1)(a)2., F.S.;

(c) Be a United States citizen, permanent resident, or eligible noncitizen pursuant to regulations established by the U.S. Congress or the U.S. Department of Education for the receipt of federal student financial assistance; and

(d) Meet the application procedures established by the eligible institution.

(4) Period of the award. An award is authorized to be made during the fall, spring, or summer semesters (or the equivalent) of an academic year.

(5) Appeals. An applicant may appeal the denial of an award pursuant to Section 1009.42, F.S., and Rule 6A-20.0371, F.A.C.

(6) Award procedures. The institution shall:

(a) Make determinations of applicant eligibility based on information it receives on the student application created by the participating institution;

(b) Make awards subject to availability of funding where returning students must be given priority over new students; and

(c) Verify the eligibility of such students and provide individual award notices to the students.

(7) Institutional Application. If funds are designated in the General Appropriations Act, institutions seeking eligibility for participation in the program must comply with Rule 6A-20.002(1)(j), F.A.C.

(8) Institutional Requirements. Institutions must meet the provisions of Sections 1009.46 and 1009.895, F.S., and Rule 6A-20.002, F.A.C.

(a) Reporting. Within thirty (30) days after the end of the regular registration period each term, institutions must report to the Department via State Student Financial Aid Database:

1. Student demographic information and the amount awarded to each student; and

2. Student demographic information of each student who is eligible for the grant, but who was not awarded grant funds.

(b) Refunds. Institutions must remit refunds with accompanying documentation to the department within thirty (30) days of the end of the institution’s summer term.

(9) Allocation Formula. For the 2024-25 fiscal year and beyond, each institution will receive a minimum base allocation of ninety (90) percent of disbursements for the prior fiscal year

or a proportional amount when funds are insufficient to make such an allocation. From remaining funds, each institution will receive a proportional amount based on the average number of full-time equivalent disbursed students and total unduplicated number of otherwise eligible students reported for the prior three (3) years.

Rulemaking Authority 1001.02(1), (2)(n), 1009.895(7)(9) FS. Law Implemented 1009.895 FS. History—New 9-21-21, Amended 9-20-22,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shawn Haskin, Director, State Scholarships and Grants, Finance and Operations.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 28, 2023

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-1.003
RULE TITLE: Definition of Terms

PURPOSE AND EFFECT: To implement the provisions of House Bill 1537 (Chapter 2023-39, Laws of Florida, sections 10-14), which revises Chapter 1005, Florida Statutes, governing the Commission for Independent Education and will define new terms in alignment with recent changes.

SUMMARY: Modifications to Rule 6E-1.003, F.A.C., Definition of Terms, to include the addition of new definitions to implement new statutory provisions relating to institutional accreditation of prelicensure professional nursing program and disclosure regarding the scope of accreditation.

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 Commission has determined that the proposed rule will not require legislative ratification based upon the following: the requirements found in the proposed rule are based upon or required by section 1005.335, F.S. As a result, if

any cost is incurred by the institutions, it is due to the statute and not the rule.

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: 1005.22 (1) (e), 1005.335, F.S.

LAW IMPLEMENTED: 1005.04, 1005.22, 1005.31, 1005.32, 1005.335, 1005.385, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tiffany Hurst, Executive Director, Commission for Independent Education, (850)245-3200 or tiffany.hurst1@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of the Commission, unless the context clearly indicates otherwise:

(1) through (41) No change.

(42) “Institutional Accreditation” means accredited status awarded to an institution by an accrediting agency or association that is recognized by the United States Department of Education as an institutional accrediting agency.

(43) (42) “Learning Agreement or Learning Contract” means a document drawn up between the instructor or the institution and the student(s), describing in detail the planned learning experiences that must be completed, the specific competencies to be mastered, and the evaluation methods to be used. An important characteristic of a learning agreement or learning contract is that it may be individualized to fit the needs of the student.

(44) (43) “Main Florida Headquarters” means the location designated by an out-of-state institution as its main administrative and academic center in Florida.

(45) (44) “Media and Computer Assisted Learning” means instruction through electronic information transfer, data processing, facsimile transmission, or through other technology.

(46) (45) “Minor Modification” means a change to programs and curricula intended to keep educational material up to date and relevant to the changing needs of employers, when such modifications affect less than 20 percent of the program or curriculum and do not change the purpose or

direction of the program; or providing a previously approved program as contract training.

~~(47)~~ ~~(46)~~ “Noncollegiate” or “Nondegree” describes a nonpublic career school licensed by the Commission to offer certificate or diploma programs as defined in Section 1005.02(16), F.S., or the certificate or diploma programs below the degree level offered by any institution under the jurisdiction of the Commission.

~~(48)~~ ~~(47)~~ “Nontraditional Education” means any positive progress toward a credential that is earned through experiential means or distance education and approved by the faculty of the institution granting the credential, or other sources verified by the American Council on Education, or testing from recognized sources such as but not limited to the Defense Activity for Non-traditional Education Support (DANTES), Servicemembers Opportunity Colleges (SOC), or other sources deemed by the Commission to have similar quality controls.

~~(49)~~ ~~(48)~~ “Occasional Elective Clinical Clerkship” means an elective course which does not exceed 6 weeks in length during the fourth year of medical school. “Occasional” in this context means no more than 3 students from any one unlicensed foreign medical school in any calendar year, with each of the 3 students doing no more than 3 elective clerkships in Florida in any calendar year.

~~(50)~~ ~~(49)~~ “On-line Courses” means courses taken by electronic means through the Internet or other similar delivery system.

~~(51)~~ ~~(50)~~ Parent Medical Schools – The licensed foreign medical institution that is offering a clinical clerkship program at the Florida teaching hospital.

~~(52)~~ “Prelicensure Professional Nursing Program” means a nursing education program that prepares a student for the practice of professional nursing by being qualified to apply for licensure as a Registered Nurse (RN). Examples include: Associate of Science in Nursing (ASN); Bachelor of Science in Nursing (BSN); Licensed Practical Nursing to Associate of Science in Nursing (LPN to ASN); Licensed Practical Nursing to Bachelor of Science in Nursing (LPN to BSN); and Accelerated Bachelor of Science in Nursing (ABSBN). The Nursing Assistant, Practical Nursing (PN), and RN to BSN programs are not included within this definition.

~~(53)~~ ~~(51)~~ “Program” means a prescribed group of courses, taken in the proper sequence to attain mastery of a body of knowledge or set of skills, and leading to a certificate, diploma, or degree.

~~(54)~~ ~~(52)~~ “Quarter” means at least ten weeks of instruction and learning, or its equivalent as described below.

~~(55)~~ ~~(53)~~ “Quarter Credit Hour” means either:

(a) through (b) No change.

~~(56)~~ ~~(54)~~ “Semester” means at least fifteen weeks of instruction and learning, or its equivalent as described below.

~~(57)~~ “Scope of Accreditation” means the range of activities for which an accrediting agency recognizes the institution. This includes any limits on the award of accreditation or range of accreditation; whether the accreditation is institutional; and whether one or more of its programs are programmatically accredited.

~~(58)~~ ~~(55)~~ “Semester Credit Hour” means either:

(a) through (b) No change.

~~(59)~~ ~~(56)~~ “Scholarship – a grant-in aid to a student.” The offer of a grant-in-aid to an enrolled student to offset partial or complete costs of a course, program, certificate or degree.

~~(60)~~ ~~(57)~~ “Substantive Change” means any change of control, level of credentials offered, location, a change in the purpose of the institution that exceeds minor corrections or alterations, financial soundness, or accreditation. A change of location includes any change of location that exceeds 45 miles. A change of accreditation includes change of accrediting agency, lowering the level of accreditation, exceeding the scope of the grant of accreditation or recognition of the agency, or any final action taken by the accrediting agency which places the accreditation of the institution in jeopardy. A substantive change also includes any change which the Commission determines is serious enough to affect the continued operation or stability of the institution, or the quality of the educational programs offered.

~~(61)~~ ~~(58)~~ “Synchronous” means that students must participate, electronically or by other means, in a distance educational program simultaneously, regardless of time zones.

~~(62)~~ ~~(59)~~ “Teaching Hospital” means a hospital having a residency program in a medical discipline accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or which is part of such a program through an affiliation approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or which has a written affiliation with an accredited United States Medical School to provide clinical training to its students; or an ambulatory care setting which is affiliated with a teaching hospital or an accredited United States Medical School for clinical teaching purposes.

~~(63)~~ ~~(60)~~ “Transcript” means the form maintained by an institution on student academic information which minimally shall include the following:

(a) through (h) No change.

Rulemaking Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31, 1005.385 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, 7-20-04, 3-28-05, 6-13-05, 2-20-06, 7-23-07, 1-11-12.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tiffany Hurst, Executive Director, Commission for Independent Education.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Commission for Independent Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 3, 2023

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:

6E-1.0032 Fair Consumer Practices

PURPOSE AND EFFECT: To implement the provisions of House Bill 1537 (Chapter 2023-39, Laws of Florida, sections 10-14), which revises Chapter 1005, Florida Statutes, governing the Commission for Independent Education and will provide additional student disclosures.

SUMMARY: Modifications to Rule 6E-1.0032, Fair Consumers Practices, F.A.C., include the requirement for institutions to provide written disclosures to a student or prospective student regarding exit examination requirements and the grade point average required for completion of the student's program or degree. This proposed rule includes the format by which the institutions must disclose the information to the student.

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 Commission has determined that the proposed rule will not require legislative ratification based upon the following: the requirements found in the proposed rule are based upon or required by section 1005.04 F.S. As a result, if any cost is incurred by the institutions, it is due to the statute and not the rule. Moreover, the rule includes reporting forms that should minimize any costs incurred by the institutions.

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: 1005.22(1)(e), 1005.34, F.S.
LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31, 1005.32, 1005.34, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tiffany Hurst, Executive Director, Commission for Independent Education, (850)245-3200 or tiffany.hurst1@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) No change.

(b) Educational programs and curricula: The curricula shall be published in the catalog and shall state objectives specific to each curriculum and the requirements to be met for successful completion of each curriculum or program. This shall include, at a minimum, the grade point average required for completion of the program and any exit examination requirements, including the disclosure of the exit exams which the students may be required to complete and the required passing score of the exit exams. Information relating to course availability and prerequisites shall be available for students. The catalog shall also contain brief course descriptions for each course offered.

(c) through (k) No change.

(7) No change.

(8) A licensed institution which is not accredited by a United States Department of Education recognized institutional accrediting agency shall use an enrollment agreement or application for admission which, in addition to the catalog, shall be the binding contract between the institution and the student. The binding document shall include, but not be limited to, the following:

(a) through (d) No change.

(e) Credential for Satisfactory Completion. At a minimum, this must include the grade point average required for completion of the program and any exit examination requirements, including the disclosure of the exit exams which

the students may be required to complete and the required passing score of the exit exams;

- (f) through (p) No change.
- (9) through (14) No change.

Rulemaking Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, 3-28-05, 5-18-05, 6-13-05, 7-23-07, 2-1-11, 8-20-17.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tiffany Hurst, Executive Director, Commission for Independent Education.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Commission for Independent Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 3, 2023

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:

6E-2.004 Standards and Procedures for Licensure

PURPOSE AND EFFECT: To implement the provisions of House Bill 1537 (Chapter 2023-39, Laws of Florida, sections 10-14), which revises Chapter 1005, Florida Statutes, governing the Commission for Independent Education and will update licensure standards relating to retention and completion and admissions and recruitment for private postsecondary educational institutions; enhance institutional data collection requirements and provide an administrative fine for failure to timely comply; provide additional student and program disclosures, and require accreditation for prelicensure professional nursing programs.

SUMMARY: Modifications to Rule 6E-2.004, Standards and Procedures for Licensure, F.A.C., include the format by which the institutions shall provide required data to the commission; the required data to be reported to the commission; the data definitions for reporting purposes; updated language; and the administrative fine when a licensed institution fails to timely submit the required data; the requirement for a retention and completion management plan and the format for which the institution must disclose the plan to the commission; the format for which the institution must disclose all programs to the commission; the requirement for an institution to obtain institutional accreditation prior to obtaining approval for a prelicensure professional nursing program by the commission and the application process for new prelicensure professional nursing programs; and updated requirements for verification of

high school graduation, high school equivalency, or qualifying scores on an ability-to-benefit test.

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 Commission has determined that the proposed rule will not require legislative ratification based upon the following: the requirements found in the proposed rule are based upon or required by sections 1005.11, 1005.31, and 1005.335, F.S. As a result, if any cost is incurred by the institutions, it is due to the statute and not the rule. Moreover, the rule includes reporting forms that should minimize any costs incurred by the institutions.

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: 1005.11, 1005.22(1)(e), 1005.31(2), (3), (6), 1005.335(3), 1005.34, 1005.39, F.S.

LAW IMPLEMENTED: 1005.04, 1005.11, 1005.31, 1005.33(1), 1005.335, 1005.34, 1005.39, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tiffany Hurst, Executive Director, Commission for Independent Education, (850)245-3200 or tiffany.hurst1@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Institutions applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief

administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (3) No change.

(4) Standard 4: Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) No change.

(b) Programs preparing the student for an occupation or professional certification shall conform to the standards and training practices generally acceptable by the occupational or professional fields for which students are being prepared. If the practice of the occupation or profession is regulated, licensed, or certified by a state or national agency, unless the institution provides the disclosure provided in subsection 6E-1.0032(5), F.A.C., the institution must document to the Commission that successful completion of the program will make the graduate eligible to take the licensing examination or to receive the appropriate certification or practice the profession.

1. Any institution applying to offer a new prelicensure professional nursing program must obtain institutional accreditation prior to obtaining approval from the Commission. In addition to the required application and fees, the institution must provide the following as part of the application process:

a. Documentation from the accrediting agency showing all approved information and offerings. All information approved by the accrediting agency must be consistent with the information on file with the Commission.

b. A copy of the application submitted to the accrediting agency for the proposed prelicensure professional nursing program. All information in the application must be consistent with the application presented to the Commission.

c. Documentation demonstrating the program is approved by the Florida Board of Nursing. All documents provided to the Florida Board of Nursing as part of this approval must be included as part of this documentation.

2. Failure to provide all documentation as required in subparagraph 1. constitutes an incomplete application.

3. Institutions which received approval by the Commission for a prelicensure professional nursing program must obtain programmatic accreditation within the time frames required by section 464.019(11), F.S. The termination of a prelicensure professional nursing program by the Florida Board of Nursing will, after all appeals have been waived or exhausted, result in termination of the program by the Commission and require the submission of a teach-out plan which must include:

a. A plan to complete the training of current students;

b. A plan for providing refunds to current students not completing their training; and

c. Sample notices that the institution will provide to each student regarding completion of training and refunds, as applicable.

4. Institutions which received approval by the Commission for a prelicensure professional nursing program prior to July 1, 2023, must report to the Commission on a quarterly basis the status of their application for accreditation or the approval status by an institutional or programmatic accreditor recognized by the United States Department of Education.

5. If an approved prelicensure professional nursing program is placed on probation or other adverse action is taken by the Florida Board of Nursing, or an accrediting agency imposes an adverse action on the program, the Commission must review the institution for a substantive change determination as defined in subsection 6E-1.003 (60), F.A.C. If the Commission determines a substantive change has occurred, the Commission shall place the institution on provisional licensure status in accordance with paragraph 6E-2.002(1)(c), F.A.C. When granting a provisional license, the Commission must impose conditions when it serves to protect the needs of students or prospective students. The conditions may include any of the following:

a. Reporting;

b. Prohibiting a licensed institution from enrolling new students in a prelicensure professional nursing program;

c. Limiting the number of students in a prelicensure professional nursing program; and

d. Terminating the program and requiring submission of a teach-out plan to include the requirements in subparagraph 3.

(c) through (l) No change.

(m) The following instructional program standards apply to nondegree diplomas:

1. through 2. No change.

3. Basic Skills.

a. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Attestations by the awarding entity or successor entity constitutes equivalent documentation to qualify for this exception. Student self-attestations or self-certifications, unless allowed by the institution's accrediting agency as defined in section 1005.02, F.S., do not satisfy the evidence requirements of this subparagraph. In the case of a student who is home educated, a

signed and notarized affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of section 1002.41, F.S., constitutes proof of high school completion.

b. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. The institution must verify the student has obtained a qualifying score on an ability to benefit test and maintain evidence of the verification in the student's file.

c. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. No change.

(n) The following instructional program standards apply to occupational associate degrees:

1. through 2. No change.

3. Basic Skills.

a. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Attestations by the awarding entity or successor entity constitutes equivalent documentation to qualify for this exception. Student self-attestations or self-certifications, unless allowed by the institution's accrediting agency as defined in section 1005.02, F.S., do not satisfy the evidence requirements of this subparagraph. In the case of a student who is home educated, a signed and notarized affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of

section 1002.41, F.S., constitutes proof of high school completion.

b. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. The institution must verify the student has obtained a qualifying score on an ability to benefit test and maintain evidence of the verification in the student's file.

c. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. No change.

(o) The following instructional program standards apply to academic associate degrees:

1. through 2. No change.

3. Basic Skills.

a. An institution offering academic associate degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Attestations by the awarding entity or successor entity constitutes equivalent documentation to qualify for this exception. Student self-attestations or self-certifications, unless allowed by the institution's accrediting agency as defined in section 1005.02, F.S., do not satisfy the evidence requirements of this subparagraph. In the case of a student who is home educated, a signed and notarized affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of section 1002.41, F.S., constitutes proof of high school completion.

b. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain

written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. The institution must verify the student has obtained a qualifying score on an ability to benefit test and maintain evidence of the verification in the student's file.

c. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the basic skills instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program

4. No change.

(p) The following instructional program standards apply to bachelor's degrees:

1. through 2. No change.

3. Basic Skills.

a. An institution offering bachelor's degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Attestations by the awarding entity or successor entity constitutes equivalent documentation to qualify for this exception. Student self-attestations or self-certifications, unless allowed by the institution's accrediting agency as defined in section 1005.02, F.S., do not satisfy the evidence requirements of this subparagraph. In the case of a student who is home educated, a signed and notarized affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of section 1002.41, F.S., constitutes proof of high school completion.

b. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a

student's mastery of basic skills. The test must be administered by an independent tester. The institution must verify the student has obtained a qualifying score on an ability to benefit test and maintain evidence of the verification in the student's file.

c. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. No change.

(q) through (r) No change.

(s) All institutions licensed by the Commission must disclose all avocational programs, examination preparation programs, contract training programs, continuing education, or professional development programs offered on CIE Form 303 [Program Disclosure]. This form is incorporated by reference. (DOS link) effective February 2024. CIE Form 303 may be obtained, without cost, from the Commission's website at <https://www.fldoe.org/policy/cie> or by writing to the Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. All institutions applying for annual license or license by means of accreditation after February 2024 by the Agency Clerk must submit CIE Form 303 with the application.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of sections 1005.04 and 1005.34, F.S., and rule 6E-1.0032, F.A.C., and the rule regarding Agents, rule 6E-2.010, F.A.C.

(a) through (b) No change.

(c) Admissions Acceptance Policies. The purpose of this section is to ensure that institutions admit only those students who are capable of successfully completing the training offered. Admission decisions shall be based on fair, effective, and consistently applied criteria that enable the institution to make an informed judgment as to an applicant's ability to achieve the program's objectives.

1. through 2. No change.

3. If an institution enrolls a person who does not have a high school diploma or recognized equivalency certificate, the determination of the applicant's ability to benefit from the training offered must be confirmed as provided in subparagraphs (4)(m)3., (4)(n)3., (4)(o)3., and (4)(p)3. of this rule.

4. through 6. No change.

(6) through (9) No change.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) No change.

(b) All institutions must submit a retention and completion management plan on CIE Form 500, [Retention and Completion Management Plan]. This form is incorporated by reference, (DOS link) effective February 2024. CIE Form 500 may be obtained, without cost, from the Commission's website at <https://www.fldoe.org/policy/cie> or by writing to the Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. All institutions applying for initial licensure or renewal after February 2024 must submit CIE Form 500 with the application.

(c) ~~(b)~~ Placement services. Placement services shall be provided to all graduates without additional charge. No guarantee of placement shall be directly or indirectly implied. Records of initial employment of all graduates shall be maintained. Exceptions to this requirement shall be made for those graduates who attended the institution on a student visa or other temporary immigration status, and who do not seek employment in this country.

(d) All licensed institutions must report by March 15, 2024, and by November 30 of each year thereafter, for the previous academic year ending June 30, the required student data on the CIE forms specified in paragraph (i).

1. The Commission shall assess a fine of \$250, for the first infraction, and \$500 for the second or subsequent infraction, not to exceed \$500 for each reporting period, for failure to submit accountability data required by subsection 6E-2.004(10), F.A.C., within fourteen (14) days of the deadlines specified in paragraph (d). Fines must be paid within thirty (30) days of the date the order imposing the assessment becomes final. Fines collected pursuant to this section shall be reported separately on the Student Protection Fund Report distributed at each Commission meeting. Failure to pay the fine and submit the accountability data to the Commission within thirty (30) days of the final order constitutes a violation of section 1005.11, F.S., for which disciplinary action is authorized under section 1005.38, F.S., and rule 6E-2.0061, F.A.C.

2. Upon request from the Commission, the institution shall provide all documentation relied upon in producing the submitted data, which may include the students' names and contact information, programs of study, dates of enrollment and graduation, professional licensure, places of employment and employer contact information. This documentation shall be communicated to the Commission in a secure manner in compliance with Department of Education's data collection and retention policies and procedures.

(e) Retention, graduation and placement rates shall be calculated for each licensed institution using the following

definitions and formulas. Retention, graduation, and placement rates shall be calculated both programmatically and institutionally and evaluated by the Commission at the time of annual licensure.

1. "Retention Rate" is a percentage determined by the following division ratio: The numerator shall be the total number of students, which includes existing students, new starts, re-entries, transfers, and graduates, enrolled in a program for the reporting period less than the difference between the total number of withdrawals in the reporting period and the number of students who withdrew for excusable reasons as defined in subparagraph 5. The denominator shall be the total number of students enrolled in the program at any point during the reporting period. "Total numbers of students" shall include only students who have completed at least ten (10) percent of any program, term, quarter, or semester, whichever is less, within the reporting period.

2. A "Graduate" is a completer of a program who was awarded a diploma, degree, or other credential for completion of the program and who fulfilled all of the institution's published graduation requirements.

3. "Graduation Rate" is a percentage determined by the following division ratio: The numerator shall be the number of graduates that finished within one and one-half times their initial enrollment period during the reporting period. The denominator shall be the total number of graduates in the reporting period, and total withdrawals in the reporting period less the excused withdrawals as defined in subparagraph 5.

4. "Placement Rate" is a percentage determined by the following division ratio: The numerator shall be the number of graduates of the program in the reporting period who are employed, are in active military service, or are enrolled in another postsecondary program. The denominator shall be the total graduates of the program in the reporting period who are available for placement. All graduates will be considered available for placement except for graduates that the institution can document are unable to work due to a medical condition, death or incarceration and graduates who are exempt from placement services in accordance with paragraph (c).

5. Excused withdrawals shall include death, incarceration, active military service, return to their country of origin due to an expired visa, a documented medical condition which prevents the student from attending the institution even if reasonable accommodations are offered, or a documented job relocation or transfer.

(f) ~~(e)~~ Placement Improvement Plans.

1. An ~~nonaccredited~~ institution holding a provisional or annual license shall report its placement rate, as defined in paragraph (e), by the Commission with each license review. If the institutional placement rate, which is calculated by the aggregation of program placement rates across the total number

of students, falls below sixty five (65) percent 60%, the Commission shall require place the institution to submit on a placement improvement plan. This percentage will be reviewed for revision to reflect high expectations every three (3) years. This plan shall include actions to be taken to improve the placement rate and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

2. In addition to the requirements in subparagraph (f)1. above, aAn institution holding a provisional or annual license and accredited by an agency recognized by the United States Department of Education shall also report its placement rate, as required by its respective accrediting agency, with each annual review. If the placement rate does not meet the accrediting agency's requirements, the Commission shall place the institution on a placement improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the placement rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the placement rate. If the progress report does not show improvement and is not as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

3. An institution licensed by means of accreditation must report its placement rate, as required by its accrediting agency, with each annual review. If the institutional or programmatic placement rate does not meet the accrediting agency's requirements, the institution must submit the placement improvement plan, if any, required by its accrediting agency.

(g) (d) Retention Improvement Plans.

1. An nonaccredited institution holding provisional or annual licensure shall report its retention rate, as defined in paragraph (e), by the Commission with each license review. If the institutional retention rate, which is calculated by the aggregation of program retention rates across the total number of students, falls below sixty (60) percent 50%, the Commission shall require place the institution to submit on a retention improvement plan. This percentage will be reviewed for revision to reflect high expectations every three (3) years. This plan shall include actions to be taken to improve other retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information

documenting the activities taken by the institution to improve the retention rate. If the progress report is not accepted by the Commission, the Commission shall take actions up to and including revocation of license.

2. In addition to the requirements in subparagraph (g)1. above, aAn institution holding a provisional or annual license and accredited by an agency recognized by United States Department of Education shall also report its retention rate, as required by its respective accrediting agency, with each annual review. If the retention rate does not meet the accrediting agency's requirements the Commission shall place the institution on a retention improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the retention rate. If the progress report does not show an improvement and is not as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

3. An institution licensed by means of accreditation must report its retention rate, as required by its accrediting agency, with each annual review. If the institutional or programmatic retention rate does not meet the accrediting agency's requirements, the institution must submit the retention improvement plan, if any, required by its accrediting agency.

(h) Graduation Improvement Plans.

1. An institution holding a provisional or annual license must report its graduation rate, as defined in paragraph (e), with each license review. If the institutional graduation rate, which is calculated by the aggregation of program graduation rates across the total number of students, for an institution holding a provisional or annual license falls below fifty five (55) percent, the institution must submit a graduation improvement plan. This percentage will be reviewed for revision to reflect high expectations every three (3) years. This plan must include actions designed to improve the graduation rate and shall be submitted to the Commission. A progress report must be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the graduation rate. If the progress report does not show an improvement and is not accepted by the Commission, the Commission shall take actions up to and including revocation of license.

2. In addition to the requirements in subparagraph (h)1. above, an institution holding a provisional or annual license and accredited by an agency recognized by United States Department of Education must also report its graduation rate, as required by its respective accrediting agency, with each annual review. If the graduation rate does not meet the

accrediting agency's requirements, the institution must submit a graduation improvement plan. This plan must be developed by the institution and include actions to be taken to improve the graduation rate, and must be submitted to the Commission. A progress report must be filed with the Commission after a period designated by the Commission and must include information documenting the activities taken by the institution to improve the graduation rate. If the progress report does not show an improvement and is not accepted by the Commission, the Commission shall take actions up to and including revocation of license.

3. An institution licensed by means of accreditation must report its graduation rate, as required by its accrediting agency, with each annual review. If the institutional or programmatic graduation rate does not meet the accrediting agency's requirements, the institution must submit to the Commission the graduation improvement plan, if any, required by its accrediting agency.

(i) ~~(e)~~ All licensed institutions shall submit the data required in paragraph (d) above placement and retention information on CIE Form 801, Annual Student Data Collection for Licensed Non-Institutionally Accredited Institutions (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00667>), effective February 2024 ~~January 11, 2012~~ and CIE Form 802, Annual Student Data Collection for Institutionally Accredited Institutions (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00843>), effective January 11, 2012, All institutions licensed by the Commission which are institutionally accredited by an agency recognized by the United States Department of Education also must submit data using CIE Form 803, Placement and Retention Reporting for Institutionally Accredited Institutions – Institutional Reporting (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00844>), effective February 2024 ~~January 11, 2012~~ and CIE Form 804, Placement and Retention Reporting for Institutionally Accredited Institutions – Programmatic Reporting (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03093>), effective February 2024 ~~October 2013~~, as applicable. These forms are incorporated by reference and may be obtained without cost from the Commission's website www.fldoe.org/cie or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(11) through (12) No change.

Rulemaking Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—New 12-5-74, Formerly 6E-3.01(1), Amended 11-11-75, 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00,

1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-18-05, 7-10-06, 7-23-07, 1-11-12, 7-11-13, 10-22-13.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tiffany Hurst, Executive Director, Commission for Independent Education.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Commission for Independent Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 3, 2023

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:

6E-4.001 Fees and Expenses

PURPOSE AND EFFECT: To implement the provisions of House Bill 1537 (Chapter 2023-39, Laws of Florida, sections 10-14), which revises Chapter 1005, Florida Statutes, governing the Commission for Independent Education and will add an administrative fine for failure to submit data needed for accountability reports required by section 1005.11, F.S.

SUMMARY: Modifications to Rule 6E-4.001, Fees and Expenses, F.A.C., include the addition of the administrative fine for failure to submit data needed for accountability reports and the location for which the fines must be deposited as required by section 1005.11, F.S.

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: Requirements found in the proposed rule are based upon or required by section 1005.11, F.S. As a result, if any cost is incurred by the institutions, it is due to the statute and not the rule.

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: 1005.11, 1005.22(1)(e), 1005.35, 1005.37, 1005.38, F.S.

LAW IMPLEMENTED: 1005.11, 1005.22, 1005.35, 1005.37, 1005.38, F.S.

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

DATE AND TIME: January 17, 2024, 9:00 a.m.

PLACE: Tallahassee Community College, Student Union Ballroom, 444 Appleyard Drive, Tallahassee, FL 32304.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tiffany Hurst, Executive Director, Commission for Independent Education, (850)245-3200 or tiffany.hurst1@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-4.001 Fees and Expenses.

(1) through (2) No change.

(3) Workload Fees. Each licensed institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and other duties assigned by the Commission. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action.

Initial Application for License, or Moving from Nondegree to Degree: New Nondegree Institutions. \$2,000 + \$200 per program

New Degree-Granting Institutions. \$3,000 + \$200 per program

Annual Review of Licensure and License by Means of Accreditation Review:

- Level 1 = \$1,500
- Level 2 = \$2,000
- Level 3 = \$5,000
- Level 4 = \$7,000
- Level 5 = \$8,500
- Level 6 = \$10,000

Institutions not Licensed by Means of Accreditation shall pay \$50 per licensed program (not to exceed \$500) as part of the Annual Review of License.

Substantive Review.....\$1,000

Provisional or Annual Licensure Extension (first)..... \$500

Provisional or Annual Licensure Extension (second)..... \$750

Provisional or Annual Licensure Extension (third)..... \$1,500

New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year:

Nondegree Programs for Annually Licensed Licensed Institutions..... \$500

Degree Programs for Annually Licensed Institutions..... \$1,000

Nondegree and Degree Programs for Institutions Licensed by Means of Accreditation:..... \$250

Site Visits:
One Visit per Year.....

..... Included in licensure fee Subsequent Visits directed by Commission..... \$300 per day

Approval to Use “College” or “University”, First Time or Special Review \$500

Annual Licensure of Recruiting Agents(nontransferable)..... \$200

Criminal Justice Information Investigation \$50

(4) Fines and disciplinary oversight:
Fine for Probation Requiring Oversight Up to \$5,000 depending on level and length of oversight required

Continuing Activity after Cease and Desist Letter, Per Day \$1,000

Monitoring Institution under Probable Cause, Per Calendar Quarter..... \$1,000

Fine for Failure to Timely Submit Accountability Data required by paragraph 6E-2.004(10)(d), F.A.C., \$250, for the first infraction, and \$500 for the second or subsequent infraction, not to exceed \$500 for each reporting period.

(5) No change.

(6) Student Protection Fund: Nondegree institutions will be charged a fee for the Student Protection Fund. The fees are specified in Rule 6E-4.005, F.A.C.

(7) through (8) No change.

(9) All fees, and any fines imposed for probation or other violations shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund as established in Section 1010.83, F.S., and identified as a separate revenue account for the authorized expenses of the Commission under the provisions of Section 1010.83, F.S., with the exception that all fines imposed under paragraph 6E-2.004(10)(d), F.A.C., must be deposited into the

Student Protection Fund, established pursuant to section 1005.37, F.S.

Rulemaking Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History—New 1-7-03, Amended 7-27-04, 1-30-08, 7-21-08, 1-11-12,

NAME OF PERSON ORIGINATING PROPOSED RULE: Tiffany Hurst, Executive Director, Commission for Independent Education.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Commission for Independent Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 3, 2023

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-29.002
 RULE TITLE: Temporary License

PURPOSE AND EFFECT: The Board proposes a rule amendment to update and clarify the rule language for a temporary license.

SUMMARY: To update and clarify the rule language for a temporary license.

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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board 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: 473.304, 473.314 FS.

LAW IMPLEMENTED: 473.314, 473.315, 473.3141 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: Roger Scarborough, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607, (850)487-1395 or by email, Roger.Scarborough@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.002 Temporary License.

(1) through (6) No Change.

(7) Notwithstanding the above-stated requirements, a temporary license will not be required for an individual who does not have an office as defined by subsection 61H1-20.001(8), F.A.C., and either:

(a) Holds a valid license as a certified public accountant from a state the Board has determined to have adopted standards that are substantially equivalent to the certificate requirements in s. 5 of the Uniform Accountancy Act in the issuance of licenses (the Board’s list of approved states, effective January 1, 2024~~August 15, 2014~~, is incorporated herein and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05109> or at <http://www.myfloridalicense.com/dbpr/cpa/documents/MobilitySubstantiallyEquivalentrevised.pdf>); or

(b) No Change.

Rulemaking Authority 473.304, 473.314 FS. Law Implemented 473.314, 473.315, 473.3141 FS. History—New 12-4-79, Amended 2-3-81, 10-19-83, Formerly 21A-29.02, Amended 5-3-88, 12-3-89, 6-13-90, 3-29-92, 12-2-92, Formerly 21A-29.002, Amended 6-28-94, 1-11-95, 8-28-06, 12-10-09, 6-21-11, 1-7-13, 3-18-15, 5-3-20, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 28, 2023

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
 69K-8.006 Description of Merchandise on Preneed Contracts

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify and update the rule language regarding merchandise on preneed contracts.

SUMMARY: The proposed rule amendment clarifies the rule language for merchandise on preneed contracts.

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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board 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: 497.103(1) FS.

LAW IMPLEMENTED: 497.282(6)(c) 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: Mary Schwantes, Division Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4984, or by email: mary.schwantes@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-8.006 Description of Merchandise on Preneed Contracts.

(1) through (3) No Change.

~~(4) If subsection (3) applies, then for all contracts written after January 1, 1997, or the effective date of this rule, the preneed licensee shall deliver the specific product (manufacturer and model) which was sold if the product is available at the time of need or fulfillment unless the purchaser or next of kin authorizes the delivery of a different product.~~

(5) renumbered (4) No Change.

~~(5)(6) For the purposes of this rule, merchandise shall be considered available for delivery if the merchandise can be attained from a licensee's regular supply sources at the time of need or fulfillment in the market place within twenty-four hours.~~

(6) This rule shall be reviewed, and if necessary, repealed, modified, or renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 497.103(1) FS. Law Implemented 497.282(6)(c) FS. History—New 4-10-97, Amended 7-5-01, 2-18-03, Formerly 3F-8.006,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 28, 2023

**Section III
 Notice of Changes, Corrections and
 Withdrawals**

NONE

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
 12AER23-17 Florida Farm Tax Exempt Agricultural Materials Card

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 2 of Chapter 2023-154, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of 2023

legislative changes which create a process by which a farmer whose property meets certain requirements may apply to the Department of Revenue for a Florida Farm Tax Exempt Agricultural Materials (TEAM) Card. The TEAM Card is to be presented to selling dealers for purchases of items exempt from sales tax pursuant to applicable sales tax exemptions provided in s. 212.08, F.S. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the application process for a TEAM Card.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules to implement the provisions of Section 1 of Chapter 2023-154, Laws of Florida. Additionally, this emergency rule is the most expedient and appropriate means of notifying taxpayers of the provisions.

SUMMARY: Emergency Rule 12AER23-17, provides the eligibility criteria and application process to obtain a TEAM Card, as well the methods a selling dealer may document an exempt sale to a purchaser who has been issued a TEAM Card. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Brinton Hevey, Technical Assistance and Dispute Resolution, telephone (850)717-7754, email RuleComments@floridarevenue.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER23-17 Florida Farm Tax Exempt Agricultural Materials Card

(1) For purposes of this rule, a “qualified farmer” means a farmer, as defined in section 212.02(28), F.S., whose property has been classified as agricultural pursuant to section 193.461, F.S., or who has implemented agricultural best management practices adopted by the Department of Agriculture and Consumer Services pursuant to section 403.067(7)(c)2., F.S., on property the farmer owns or leases.

(2)(a) Any qualified farmer in Florida desiring to obtain a Florida Farm Tax Exempt Agricultural Materials (TEAM) Card, hereafter referred to as “TEAM Card,” must complete the Application for Florida Farm Tax Exempt Agricultural Materials (TEAM) Card (Form DR-1TEAM, herein incorporated by reference). Form DR-1TEAM is available from the Department of Revenue at floridarevenue.com/forms. The applicant farmer must indicate whether they qualify as a farmer who owns real property classified as agricultural pursuant to section 193.461, F.S., or they qualify as a farmer who has enrolled in and implemented best management practices adopted by the Department of Agriculture and Consumer Services pursuant to section 403.067(7)(c)2., F.S. on land owned or leased by the farmer.

(b) The Department of Agriculture and Consumer Services will issue a TEAM Card to applicants approved by the Department of Revenue.

(c) The TEAM Card will be valid for five years from the date of issuance.

(3)(a) A farmer that holds a valid TEAM card may present the card to a selling dealer to purchase items exempt from sales tax pursuant to applicable sales tax exemptions provided in section 212.08, F.S. A farmer may present the TEAM Card to a selling dealer instead of a certificate or affidavit otherwise required by Chapter 212, F.S.

(b) The selling dealer or lessor is only required to obtain one copy of the farmer’s TEAM Card to make tax exempt sales to the farmer during the effective period indicated on the TEAM Card. A selling dealer or lessor who accepts the TEAM Card in good faith will not be held liable for any tax due on sales made to the farmer during the effective period indicated on the TEAM Card. The selling dealer or lessor must maintain a copy of the TEAM Card in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(c) Instead of maintaining a copy of the TEAM Card as provided in paragraph (b), a selling dealer or lessor may document the exempt sale by requesting a transaction authorization number issued by the Department. A transaction authorization number is valid for a single transaction only.

1. A “transaction authorization number” must be obtained by the selling dealer prior to or at the point-of-sale:

a. By using the Department’s online Certificate Verification System at floridarevenue.com/taxes/certificates; or

b. By calling the Department’s automated nationwide toll-free telephone verification system at 1(877)357-3725.

2. When using the Department’s online Certificate Verification System, the dealer may key up to five (5) purchaser’s TEAM Card numbers into the system. When using the Department’s automated nationwide toll-free verification system, the selling dealer is prompted to key in a single purchaser’s TEAM Card number. Each system will either issue a transaction authorization number or alert the selling dealer that the purchaser does not have a valid TEAM Card. Persons with hearing or speech impairments may call the Florida Relay Service by dialing 7-1-1, 1(800)955-8770 (Voice), and 1(800)955-8771 (TTY).

3. A transaction authorization number is not valid to exempt subsequent purchases or rentals made by the same purchaser. A selling dealer must obtain a new transaction authorization number for each and every transaction.

4. The selling dealer must document the transaction authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer.

(d)1. Vendor authorization number for regular customers – valid for the effective period indicated on the TEAM card. Instead of obtaining a copy of the TEAM Card or a Transaction Authorization Number from the Department for each sale to the farmer, the selling dealer may obtain a Vendor Authorization Number for that farmer. This option is available to selling dealers throughout the calendar year without limitation.

2. The “vendor authorization number” is a customer-specific authorization number that will be valid for all sales made to a qualifying farmer during the effective period indicated on the TEAM Card.

3. The Department’s online Certificate Verification System allows the user to verify up to five TEAM Card numbers and to obtain a transaction authorization number for single sales made to each exempt farmer at once. The system also allows the user to upload a batch file of up to 50,000 accounts or 10 MB for verification of TEAM card numbers and, 24 hours later, retrieve the file containing the vendor authorization numbers for all sales made to a qualifying farmer during the effective period indicated on the TEAM Card.

PROPOSED EFFECTIVE DATE: January 1, 2024
Rulemaking Authority s. 2, Ch. 2023-154, LOF. Law Implemented 95.091(3), 212.02(28), 212.08(19), 212.13(2) FS. s. 1, Ch. 2023-154, LOF. History–New 1-1-24.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
 EFFECTIVE DATE: 01/01/2024

DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:
 12ER23-18 Hurricane Idalia Disaster Relief Application for Refund

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Sections 2 and 3, Chapter 2023-349, L.O.F., provide a refund of sales tax paid on fencing materials and building materials that have been used or will be used to repair or replace fences or nonresidential farm buildings damaged by Hurricane Idalia. Section 4, Chapter 2023-349, L.O.F., provides an exemption from tax paid on fuel purchased and used in Florida for agricultural shipment or hurricane debris removal. The exemptions are only available through a refund of tax paid during the period of August 30, 2023, through June 30, 2024. A refund application must be submitted to the Department by December 31, 2024. This requires the creation of forms to be used by taxpayers seeking a refund.

Sections 2, 3, and 4, Chapter 2023-349, L.O.F., authorize the Department of Revenue, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering the refund provisions.

Given the application period set out in the law, an emergency rule is the most appropriate and expedient means to provide taxpayers with the necessary refund application. This emergency rule incorporates, by reference, Form DR-26S-Idalia, Application for Refund - Materials Used to Repair or Replace Farm Fences or Nonresidential Farm Buildings Damaged by Hurricane Idalia, and Form DR-26-Idalia, Application for Refund - Fuel Used for Agricultural Shipments or Hurricane Debris Removal.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized in Sections 2, 3, and 4, Chapter 2023-349, L.O.F., the promulgation of an emergency rule by the Department to provide forms and instructions to seek a refund of tax paid on qualifying purchases. The promulgation of this emergency rule, incorporating by reference the forms used to apply for the refund, ensures that the public is notified by the most appropriate and expedient means of the available refunds. SUMMARY: Emergency Rule 12ER23-18 incorporates, by reference, Form DR-26S-Idalia, Application for Refund - Materials Used to Repair or Replace Farm Fences or Nonresidential Farm Buildings Damaged by Hurricane Idalia, and Form DR-26-Idalia, Application for Refund - Fuel Used for Agricultural Shipments or Hurricane Debris Removal, to allow taxpayers to seek a refund of tax on qualifying purchases, as provided by law. Forms DR-26 Idalia and DR-26S Idalia, and Emergency Rule 12ER23-18, will remain in effect through December 31, 2024.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Brinton Hevey, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7754.

THE FULL TEXT OF THE EMERGENCY RULE IS:

12ER23-18 Hurricane Idalia Disaster Relief Application for Refund.

(1)(a) Form DR-26, Application for Refund - Fuel Used for Agricultural Shipments or Hurricane Debris Removal (N. 12/23), and Form DR-26S Idalia, Application for Refund - Materials Used to Repair or Replace Farm Fences or Nonresidential Farm Buildings Damaged by Hurricane Idalia (N. 12/23), are hereby adopted and incorporated by reference, effective 12/23.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s website at www.floridarevenue.com/forms; or, 2) calling the Department at (850)488-6800 Monday through Friday (excluding holidays); or, 3) writing the Florida Department of Revenue, Taxpayer

Services, Mail Stop 3-2000, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112. Persons with hearing or speech impairments may call the Florida Relay Service at 1(800)955-8770 (Voice) and 1(800)955-8771 (TTY).

(2) This emergency rule and Forms DR-26 Idalia and DR-26S Idalia remain in effect through December 31, 2024. Rulemaking Authority ss. 2, 3, 4, Ch. 2023-349 LOF. Law Implemented ss. 2, 3, 4, Ch. 2023-349 LOF. History—New 12-12-23.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: 12/12/2023

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice: that on September 12, 2023, an Order was filed on the Petition for Variance or Waiver. The Petition was filed by David Wyatt Carter, Petitioner. Petitioner sought a petition for variance or waiver from subsection 61G4-15.001(1), Florida Administrative Code, which states that an applicant for certification must, as a precondition thereto, submit proof that the applicant meets the eligibility requirements set forth in Section 489.111(2)(c), F.S., for the particular category in which the applicant seeks to qualify. The Board will accept lawfully acquired experience gained under the supervision of a contractor, who, at the time was properly licensed in the category or category which encompasses the scope of practice in which the applicant is seeking licensure.

The Notice of Petition for Variance or Waiver was published in Vol. 49, No. 163, on August 22, 2023, in the Florida Administrative Register. The Board, at its meeting held on August 11, 2023, granted the Petition for Variance or Waiver, finding that Petitioner has established that the application of subsection 61G4-15.001(1), F.A.C., to the Petitioner's circumstances would violate principles of fairness or impose a substantial hardship. Furthermore, the Petitioner has demonstrated that the purpose of the underlying statute will be or has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting: Amanda Ackermann, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395,

or by electronic mail to
Amanda.Ackermann@myfloridalicense.com.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Florida Commission on the Status of Women announces a telephone conference call to which all persons are invited.

DATES AND TIMES: December 18, 2023, 2:00 p.m., Full Commission Meeting; January 5, 2024, 3:00 p.m., Executive Director Selection Committee

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission Meeting; Executive Director Selection Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131.

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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131. 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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131.

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: January 16, 2024, 9:00 a.m.
 PLACE: 600 South Calhoun Street, Tallahassee, Florida 32399
 NOTE: Audio can be accessed by dialing in using your phone to the toll-free number: 1(888)585-9008, Access Code: 963-397-821
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of FY 2024-2025 Call for Statements of Interest and make revisions to 2024 Aquaculture Plan and Research and Development Priorities

A copy of the agenda may be obtained by contacting: Rebekah Woodburn, Biological Scientist IV, (850)617-7600, ARC@FDACS.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: Rebekah Woodburn, Biological Scientist IV, (850)617-7600, ARC@FDACS.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).

DEPARTMENT OF EDUCATION

The Charter School Appeal Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 3, 2024, 10:00 a.m.
 PLACE: Dial-In Number: 1(888)585-9008 and Conference ID: 557-224-161

GENERAL SUBJECT MATTER TO BE CONSIDERED: To vote on the recommendation from the NAL-003, INC. d/b/a Navigator Academy of Leadership High School Davenport vs. The School Board of Polk County appeal.

A copy of the agenda may be obtained by contacting: N/A
 For more information, you may contact: Karen Hines-Henry @ Karen.Hines@fldoe.org.

FISH AND WILDLIFE CONSERVATION COMMISSION
 Marine Fisheries

RULE NO.: RULE TITLE:
 68B-18.005 Seasons

The Florida Fish and Wildlife Conservation Commission announces a workshop to which all persons are invited.

DATE AND TIME: January 9, 2024, 6:00 p.m. - 8:00 p.m., (EDT)

PLACE: Statewide webinar. More information about how to participate in the webinar will be available on FWC website prior to the webinar date: <http://www.myfwc.com/fishing/saltwater/rulemaking/workshops/>. People interested in participating may also contact the Division of Marine Fisheries Management at (850)487-0554 for more information.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a virtual public workshop to gather public input on a bay scallop rule modification that would extend the Pasco County Zone season in rule following the longer 2023 trial season. Staff will provide a brief presentation on bay scallop biology, management history, and what they will be recommending as the proposed final rule. Public feedback gathered during this workshop will be provided to the FWC Commissioners when staff presents a proposed final rule recommendation for the bay scallop season within the Pasco County Zone at an upcoming Commission meeting.

A copy of the agenda may be obtained by contacting: Jessica McCawley, at 620 South Meridian St., Tallahassee, Florida 32399, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. 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).

AREA AGENCY ON AGING OF CENTRAL FLORIDA, INC. DBA SENIOR RESOURCE ALLIANCE

The Area Agency on Aging of Central Florida, Inc. announces a hearing to which all persons are invited.

DATE AND TIME: December 18, 2023, 10:00 a.m.
 PLACE: In person, 3319 Maguire Blvd, Ste 100, Orlando, FL 32803

Virtual, <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1>
 Meeting ID: 217 789 238 519
 Passcode: j6ZPa

GENERAL SUBJECT MATTER TO BE CONSIDERED: Older Americans Act and Additional Services Direct Service Waiver

A copy of the agenda may be obtained by contacting: Deanna Hehmann, deanna.hehmann@sraflorida.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 3 days before the workshop/meeting by contacting: deanna.hehmann@sraflorida.org. 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: deanna.hehmann@sraflorida.org

FLORIDA LIFE & HEALTH INSURANCE GUARANTY ASSOCIATION

The Florida Life & Health Insurance Guaranty Association announces a public meeting to which all persons are invited.

DATE AND TIME: December 20, 2023, 9:30 a.m.

PLACE: Virtual Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters of the Nominating Committee

A copy of the agenda may be obtained by contacting: Brad Taman, (850)523-1870.

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: Brad Taman, (850)523-1870. 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).

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

NOTICE IS HEREBY GIVEN that The Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services (Department) has issued an order disposing of the petition for declaratory statement filed by Dr. Faith Oi and Mr. Steven Murray on October 11, 2023. The following is a summary of the agency's disposition of the petition:

With this Notice of Declaratory Statement, filed on December 12, 2023, The Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services (Department) notifies that it has issued a Declaratory Statement on December 11, 2023, responding to the Petition for Declaratory Statement which was received from Dr. Faith Oi and Mr. Steven Murray, on August 23, and October 9, 2023, and filed on October 11, 2023.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Donald Hockman, Email: Donald.Hockman@fdacs.gov Phone: (850)617-7641.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by David Gilson, on May 22,

2023. The following is a summary of the agency's disposition of the petition:

Petitioner sought a determination from the Board regarding the requirements for licensure by endorsement for Solar Contractor License. The Notice of Petition for Declaratory Statement was published in Vol. 49, No. 106, on June 1, 2023, in the Florida Administrative Register. The Boards Order was filed on July 31, 2023. The Board, at its meeting held on July 14, 2023, denied the Petition for Declaratory Statement, finding that the Petitioner has failed to raise any issues which are properly addressed in a Petition for Declaratory Statement. Furthermore, the Petitioner is requesting the Board waive a statutory requirement to accept his Florida experience as if it were obtained from an out of state license for the purpose of endorsement, which request the Board lacks the authority to grant.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Amanda Ackermann, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Amanda.Ackermann@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Joe Levrault, Esq., on behalf of City of Deland, Florida, on April 11, 2023. The following is a summary of the agency's disposition of the petition:

Petitioner sought a determination from the Board regarding the question: "Does controlling State law, Section 489.103(7)(a), Florida Statutes, allow an owner-builder, who does not possess a pool contractor's license, to obtain a permit to build an in-ground swimming pool on the same lot where such owner-builder resides?" The Notice of Petition for Declaratory Statement was published in Vol. 49, No. 78, on April 21, 2023, in the Florida Administrative Register. The Boards Order was filed on June 30, 2023. The Board, at its meeting held on June 16, 2023, denied the Petition for Declaratory Statement, finding that the Petitioner is attempting to use the Petition to determine the conduct of another person, namely any third-party owner/builder of a residence's ability to build an in-ground swimming pool, as prohibited by Rule 28-105.001, F.A.C.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Amanda Ackermann, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Amanda.Ackermann@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Christopher M. Cobb, Esq., on behalf of Kane Construction Management, Inc., on May 23, 2023. The following is a summary of the agency's disposition of the petition:

Petitioner sought a determination from the Board regarding whether an underground utility and excavation contractor license is permitted to perform the installation of water and sewer service lines within 5 feet of any single or multiple-occupancy commercial structure on an individual lot with the water and sewer connection at the street, as it pertained to the rule and statute. The Notice of Petition for Declaratory Statement was published in Vol. 49, No. 104, on May 30, 2023, in the Florida Administrative Register. The Board's Order was filed on August 24, 2023. The Board, at its meeting held on August 11, 2023, granted the Petition for Declaratory Statement, and answers in the affirmative that the Applicant, who holds a Certified Underground Utility and Excavation Contractor's license, can perform the work identified in Projects 1 through 4 outlined in the order.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Amanda Ackermann, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Amanda.Ackermann@myfloridalicense.com.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has issued an order disposing of the petition for declaratory statement filed by Custodia Bank Inc. on September 22, 2023. The following is a summary of the agency's disposition of the petition:

On December 12, 2023, a Final Order on the Petition was issued. The Petition of Custodia Bank Inc is granted. Under the specific set of facts set forth in the petition, Petitioner is exempt from the provisions of chapter 560, Florida Statutes, for the activities contemplated in Petitioner's proposed business model.****The original petition was published September 28, 2023 in the Florida Administrative Register Volume 49, Number 189.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.gov.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.gov.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF JUVENILE JUSTICE

“ITN 10770 – CINS/FINS & Respite Services”

“ITN 10770 – The Department is seeking proposals throughout the State of Florida to design, create, develop, implement, manage, and ensure coordination of local delivery of residential and non-residential statewide services for CINS/FINS. The Department seeks to procure a lead agency to subcontract, for and provide management and administrative oversight of a statewide network of community-based respite care service providers, that ensure access to respite care and related services for youth between the ages of eight up to 18 years of age, who have been charged with an offense of domestic violence, are

currently on probation, or have been issued a civil citation and need respite services. All public meetings for this ITN are advertised on the Vendor Information Portal at:
<https://vendor.myfloridamarketplace.com/search/bids/detail/7405>

FISH AND WILDLIFE CONSERVATION COMMISSION
 New River Middle School (Living Shoreline) in Broward County.

BID NO: FWC 23/24-53C.

TITLE: New River Middle School (Living Shoreline) in Broward County.

The Florida Fish and Wildlife Conservation Commission is seeking competitive pricing for the construction of seawall enhancements along the waterward side of the existing seawall in accordance with the contract documents and Chapter 255 of the Florida Statutes.

To review the bid details:

Visit <https://vendor.myfloridamarketplace.com/>

Select Search Advertisements.

Enter FWC 23/24-53C into the Agency Advertisement Number box.

Click the Search button.

Select the solicitation to view the advertisement details.

Download files made available in the advertisement details page.

NOTE: The MyFloridaMarketPlace Vendor Information Portal (link provided above) is the posting location for all new and changing information regarding this solicitation. Interested bidders should continue to monitor this site for the entirety of the solicitation process.

Direct all questions to the Procurement Manager: Dale Eastmond, Florida Fish & Wildlife Conservation Commission, 1875 ORANGE AVENUE EAST, Tallahassee, FL 32311-6160, Dale.Eastmond@myfwc.com, (850)617-9602.

FISH AND WILDLIFE CONSERVATION COMMISSION

Triple N Ranch Paving Project

BID NO: FWC 23/24-62C

TITLE: Triple N Ranch Paving Project

The Florida Fish and Wildlife Conservation Commission is seeking competitive pricing for providing all materials, equipment, labor, supervision, and transportation to pave the parking lot and sporting clays course as per the provided plans and specifications in the construction documents, in accordance with the contract documents and Chapter 255 of the Florida Statutes.

To review the bid details:

Visit <https://vendor.myfloridamarketplace.com/>

Select Search Advertisements.

Enter FWC 23/24-62C into the Agency Advertisement Number box.

Click the Search button.

Select the solicitation to view the advertisement details.

Download files made available in the advertisement details page.

NOTE: The MyFloridaMarketPlace Vendor Information Portal (link provided above) is the posting location for all new and changing information regarding this solicitation. Interested bidders should continue to monitor this site for the entirety of the solicitation process.

Direct all questions to the Procurement Manager: Dale Eastmond, Florida Fish & Wildlife Conservation Commission, 1875 ORANGE AVENUE EAST, Tallahassee, FL 32311-6160, Dale.Eastmond@myfwc.com, (850)617-9602.

Section XII Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Wednesday, December 6, 2023 and 3:00 p.m., Tuesday, December 12, 2023.

Rule No.	File Date	Effective Date
12-3.007	12/12/2023	1/1/2024
12-11.002	12/12/2023	1/1/2024
12-22.005	12/12/2023	1/1/2024
12-24.011	12/12/2023	1/1/2024
12-26.008	12/12/2023	1/1/2024
12-28.008	12/12/2023	1/1/2024
12-29.001	12/12/2023	1/1/2024
12-29.002	12/12/2023	1/1/2024
12-29.003	12/12/2023	1/1/2024
12-29.005	12/12/2023	1/1/2024
12-29.006	12/12/2023	1/1/2024
12AER23-17	12/12/2023	1/1/2024
12ER23-18	12/12/2023	12/12/2023
12A-1.001	12/12/2023	1/1/2024
12A-1.0092	12/12/2023	1/1/2024
12A-1.020	12/12/2023	1/1/2024
12A-1.0371	12/12/2023	1/1/2024
12A-1.044	12/12/2023	1/1/2024
12A-1.047	12/12/2023	1/1/2024
12A-1.056	12/12/2023	1/1/2024
12A-1.066	12/12/2023	1/1/2024

12A-1.087	12/12/2023	1/1/2024
12A-1.097	12/12/2023	1/1/2024
12A-1.107	12/12/2023	1/1/2024
12A-16.008	12/12/2023	1/1/2024
12A-19.050	12/12/2023	1/1/2024
12B-5.020	12/12/2023	1/1/2024
12B-5.150	12/12/2023	1/1/2024
12B-8.001	12/12/2023	1/1/2024
12B-8.003	12/12/2023	1/1/2024
12B-8.015	12/12/2023	1/1/2024
12C-1.0188	12/12/2023	1/1/2024
12C-1.0198	12/12/2023	1/1/2024
12C-1.01991	12/12/2023	1/1/2024
12C-1.051	12/12/2023	1/1/2024
12C-3.0015	12/12/2023	1/1/2024
12C-3.008	12/12/2023	1/1/2024
59G-4.002	12/11/2023	12/31/2023
61C-4.0161	12/11/2023	12/31/2023
65D-30.0036	12/12/2023	1/1/2024
65E-5.350	12/8/2023	12/28/2023
69A-3.012	12/6/2023	12/31/2023
69A-60.005	12/6/2023	12/31/2023
69A-60.011	12/6/2023	12/31/2023
69A-71.001	12/12/2023	1/1/2024
69A-71.004	12/12/2023	1/1/2024
69G-20.0011	12/12/2023	1/1/2024

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40C-4.091	3/31/2023	**/**/****
40C-41.043	3/31/2023	**/**/****
40E-4.091	6/26/2023	**/**/****
60FF1-5.009	7/21/2016	**/**/****
62-330.010	4/28/2023	**/**/****
62-330.050	4/28/2023	**/**/****
62-330.055	4/28/2023	**/**/****
62-330.301	4/28/2023	**/**/****
62-330.310	4/28/2023	**/**/****
62-330.311	4/28/2023	**/**/****
62-330.350	4/28/2023	**/**/****
62-330.405	4/28/2023	**/**/****

64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 Board of Pilot Commissioners
 Pilotage Rate Review Committee
 NOTICE OF HEARING
 State of Florida Division of Administrative Hearings
 TAMPA PORT AUTHORITY, TITAN FLORIDA CASE NO.: 23-3937
 LLC, FLORIDA-CARIBBEAN CRUISE ASSOCIATION, PORTS AMERICA FLORIDA INC., DEL MONTE FRESH PRODUCE CO., AND NETWORK SHIPPING LTD, INC.,
 Petitioners
 vs.
 PILOTAGE RATE REVIEW COMMITTEE, TAMPA BAY PILOTS ASSOCIATION AND DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,
 Respondents

A hearing will be held in the above-styled case.
 PLACE: Division of Administrative Hearings (check with the security guard for hearing room assignment), 1230 Apalachee Parkway, Tallahassee, Florida
 DATE AND TIME: April 15, 2024 through April 19, 2024 at 10:00 a.m., Eastern Time or as soon thereafter as can be heard.
 For more information regarding the Notice of Hearing, please refer to the DOAH website.

If you are a person with a disability who needs an accommodation in order to participate in a DOAH proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Judge’s assistant at least seven days before the DOAH hearing by sending an email to AskDOAH@doah.state.fl.us or calling (850)488-9675, via 1(800)955-8771 (TTY), 1(800)955-1339 (ASCII), or 1(800)955-8770 (Voice), or (844)963-9710 (Spanish) Florida Relay Service.

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.