

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-46.0165
RULE TITLE: Submission of the Application for a Water-Based Fire Protection Permit

PURPOSE AND EFFECT: To provide an alternative to holding a NICET certification to qualify for a water-based fire protection permit.

SUBJECT AREA TO BE ADDRESSED: Water-Based Fire Protection Permit.

RULEMAKING AUTHORITY: 633.01, 633.517(1), 633.524(1) FS.

LAW IMPLEMENTED: 633.01, 633.517(1), 633.521(10)(1) FS.

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

DATE AND TIME: Wednesday, April 20, 2011, 10:00 a.m.

PLACE: Lake Mary Fire Department Training Room, 911 Wallace Court, Lake Mary, Florida 32746

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: Casia Sinco, Safety Program Manager, 200 E. Gaines Street, Tallahassee, Florida 32399-0342; Telephone: (850)413-3670; Fax: (850)410-2467; Casia.Sinco@myflorida.cfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Casia Sinco, Safety Program Manager, 200 E. Gaines Street, Tallahassee, Florida 32399-0342; Telephone: (850)413-3670; Fax: (850)410-2467; Casia.Sinco@myfloridacfo.com

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

Section II
Proposed Rules

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-62.005	RULE TITLE: Exemption from 29 Code of Federal Regulations, Section 1910.134(g)(4)
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PURPOSE AND EFFECT: The purpose of the proposed rule repeal is to rid Rule Chapter 69A-62, F.A.C., of outdated language.

SUMMARY: Section 633.821(2), (3), F.S., directs the Department to adopt by rule 29 C.F.R. s. 1910.134(g)(4), the “two-in two-out” rule. Local government is given an implementation day of April 1, 2002. If unable to implement without adding additional personnel to its firefighting staff or expending significant additional funds, an extension of 6 months is provided, as long as the Department is notified of the election. If after that time the local government is still unable to comply, they become exempt from the requirement; however the Department must annually confirm entitlement to the exemption. The Department never received a notification of election to extend and therefore has nothing to confirm. This rule implemented the statute and is no longer required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 633.01, 633.821(2) FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.821(2) FS.

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

DATE AND TIME: Monday, April 25, 2011, 10:30 a.m.

PLACE: Third Floor Conference Room, The Atrium, 325 John Knox Road, Tallahassee, Florida 32303

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: Barry Baker, Chief, Division of Fire Standards and Training, (352)732-1433; Barry.Baker@myfloridacfo.com. If

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barry Baker, Chief, Division of Fire Standards and Training, (352)732-1433; Barry.Baker@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-62.005 Exemption from 29 Code of Federal Regulations, Section 1910.134(g)(4).

Rulemaking Specific Authority 633.01, 633.821(2) FS. Law Implemented 633.45(1)(a), 633.821(2) FS. History—New 9-15-02, Formerly 4A-62.005, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barry Baker

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2011

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0361	Contractual Agreement With Nonpublic Schools and Residential Facilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 2, January 14, 2011 issue of the Florida Administrative Weekly.

Paragraphs (2)(a), (c), (e), (f), (4)(j), and (7)(b), (c) and subsection (3) are amended to read:

6A-6.0361 Contractual ~~Agreements~~ Arrangements With Nonpublic Schools and Residential Facilities.

(2) Placement in a residential facility of a student with a disability by a public agency other than the school district.

(a) In accordance with subsection (3) of Section 1003.57, Florida Statutes, an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For the purposes of this subsection, “placement” means the funding or arrangement of funding by an agency for all or a part of the

cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.

~~(e) Within ten business days after receiving the notification, the receiving school district must review the student’s IEP to determine if it can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district, and notify the residential facility in writing of its decision to:~~

- ~~1. Provide educational instruction to the student;~~
- ~~2. Contract with another provider or facility to provide the educational instruction;~~
- ~~3. Contract with the private residential care facility in which the student has been placed to provide the educational instruction; or~~
- ~~4. Decline to provide or contract for educational instruction.~~

~~(d) If the receiving school district declines to provide or contract for the educational instruction, the school district of legal residence of the student shall provide or contract for the educational instruction to the student.~~

~~(e) The school district that provides the educational instruction shall report the student for funding purposes pursuant to Section 1011.62, Florida Statutes.~~

~~(c)(f)~~ In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility’s request for transmittal of the student’s educational records. If the student’s placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the student receives a free and appropriate public education, special education, and related services, including services comparable to those in the described in the current IEP, until the notification and procedures regarding payment are completed.

(3) Each school district is responsible for assuring the proposed program at the nonpublic school or community facility ~~is~~ are appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This subsection shall not be construed to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided children with disabilities ages birth through twenty-one (21) years old.

(4)(j) The school district has determined that the nonpublic school or community facility is in compliance with the United States Department of Education Office for Civil Rights requirements with respect to nondiscrimination on matters