

### Section I

## Notices of Development of Proposed Rules and Negotiated Rulemaking

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### Section II Proposed Rules

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NOS.:	RULE TITLES:
6A-23.003	Eligibility and Procedure for Bureau Registration
6A-23.004	Standards of Apprenticeship
6A-23.006	Deregistration of Bureau Registered Program
6A-23.008	Complaints
6A-23.010	Preapprenticeship Programs
6A-23.011	Program Performance Standards

#### 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. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

Subsection (1) of 6A-23.003 is amended to read:

6A-23.003 Eligibility and Procedure for Bureau Registration.

(1) No apprenticeship program or agreement shall be eligible for Department of Education registration unless it is in conformity with the applicable provisions of Chapter 446, F.S., and the training is in an apprenticeable occupation under Section 446.092, Florida Statutes, and is included on the U.S. Department of Labor's apprenticeable occupation list as of the effective date of this rule, which is incorporated by reference herein which is accessed at: [http://www.doleta.gov/oa/bul10/Bulletin\\_2010\\_30\\_List\\_Apprenticeable\\_Occupations.pdf](http://www.doleta.gov/oa/bul10/Bulletin_2010_30_List_Apprenticeable_Occupations.pdf).

A hard copy may be obtained by contacting the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section, 325 West Gaines Street, Room 754, Tallahassee, FL 32399.

Rulemaking Authority 446.032, 446.041 FS. Law Implemented 446.032, 446.041, 446.051, ~~446.052~~, 446.071, 446.075, 446.092 FS. History—New 6-9-81, Formerly 38C-16.03, Amended 5-29-90, Formerly 38C-16.003, 38H-16.003, Amended \_\_\_\_\_.

Subparagraph (2)(n)1. and paragraph (2)(z) of 6A-23.004 are amended to read:

6A-23.004 Standards of Apprenticeship.

(2)(n)1. Meet the Florida Department of Education's requirements for a career-technical instructor per Section 1012.55, Florida Statutes, or be a subject matter expert, which is an individual ~~such as a journeyworker~~, who is recognized within an industry as having expertise in a specific occupation, as demonstrated by being a journeyworker, or by holding the licensure or certification required in the given occupation; and

(z) All apprenticeship standards must contain articles necessary to comply with 29 C.F.R. part 29, effective December 29, 2008, and 29 C.F.R. part 30, effective May 12, 1978, which are incorporated by reference herein. A hard copy may be obtained by contacting the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section, 325 West Gaines Street, Room 754, Tallahassee, FL 32399. Federal laws, regulations, and rules pertaining to apprenticeship;

Subsection (2) and paragraph (2)(c) of 6A-23.006 are amended to read:

6A-23.006 Deregistration of Bureau Registered Program.

(2) Deregistration by the Department. Deregistration proceedings shall be conducted in conformity with Title 29 C.F.R., §§ 29.8 and 29.10, effective December 29, 2008, which are incorporated by reference herein and may be obtained by

contacting the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section, 325 West Gaines Street, Room 754, Tallahassee, FL 32399, as follows:

(c) The notice shall be sent by registered or certified mail, return receipt requested, shall state the deficiency(ies) and remedy(ies) required and shall state that the program will be deregistered for cause unless corrective action is taken within thirty (30) calendar days. Upon request by the sponsor and for good cause, the Department may grant an extension for another thirty (30) calendar days. Good cause shall include any circumstance under which the sponsor is making a good faith effort to resolve the claimed deficiency.

Rulemaking Authority 446.032, 446.041(12), ~~446.075~~ FS. Law Implemented 446.032, 446.041, 446.051, ~~446.052, 446.071, 446.075, 443.041(2)~~ FS. History—New 6-9-81, Formerly 38C-16.06, 38C-16.006, 38H-16.006, Amended \_\_\_\_\_.

Subsection (6) of 6A-23.008 is amended to read:

6A-23.008 Complaints.

(6) This section is not applicable to any complaint concerning discrimination or other equal opportunity matters; all such complaints must be submitted, processed and resolved in accordance with applicable provisions of Title 29 C.F.R., Part 30-, effective May 12, 1978, which is incorporated by reference herein. A hard copy may be obtained by contacting the Florida Department of Education, Division of Career and Adult Education, Apprenticeship Section, 325 West Gaines Street, Room 754, Tallahassee, FL 32399.

Rulemaking Authority 446.032, 446.041 FS. Law Implemented 446.041(2), ~~(4)~~ FS. History—New 6-9-81, Formerly 38C-16.08, 38C-16.008, 38H-16.008, Amended \_\_\_\_\_.

Paragraph (3)(h), Subparagraphs (4)(c)1., a.-d., paragraph (4)(k), subsection (6), subparagraphs (6)(b)1.-2., and subsection (7) of 6A-23.010 are amended to read:

6A-23.010 Preapprenticeship Program.

(3)(h) Approved preapprenticeship programs shall be evidenced by a certificate of registration issued in the name of the affiliated apprenticeship program sponsor which has administrative responsibility. Program registrations shall be renewed not less than every five years as needed.

(4)(c) Required Safety Practices.

1. All preapprenticeship programs must comply with Section 450.061, Florida Statutes, and the following federal and state laws and regulations:

a. Subpart C of Part 570 of Title 29 of the Code of Federal Regulations (C.F.R.), effective July 19, 2010.

~~b. Florida Statutes, Section 450.061.~~

~~b.e. Rule 61L-2.003, F.A.C., effective October 7, 1993.~~

~~c.d. Rule 61L-2.004, F.A.C., effective October 7, 1993.~~

~~d.e. Rule 61L-2.005, F.A.C., effective October 7, 1993.~~

(k) Instructing the preapprentice in safety and health related work practices, including assurance that the preapprentice will be trained in facilities and other environments that are in compliance with the Occupational Safety and Health Act ~~as described in Public Law 91-596, dated December 29, 1970.~~

(6) Deregistration of Registered Preapprenticeship Programs.

Deregistration of a program may be effected either upon the voluntary action of the sponsor by a request for cancellation of the registration or upon notice by the Department to the sponsor stating cause; and instituting formal deregistration proceedings in accordance with the following provisions provisions of Sections 446.011 and 446.052, Florida Statutes.

(b)1. Deregistration proceedings may be undertaken when the preapprenticeship program is not conducted, operated, or administered in accordance with the registered standards or the requirements of Chapter 6A-23, F.A.C. Sections 446.011 and 446.052, Florida Statutes; and

2. Where it appears the program is not being operated in accordance with the registered standards or with the requirements of Chapter 6A-23, F.A.C. Sections 446.011 and 446.052, Florida Statutes, the Apprenticeship Representative shall notify the Department, and the Registration Officer shall so notify the program sponsor in writing.

(7) Reinstatement of Program Registration. Any preapprenticeship program deregistered pursuant to this rule Sections 446.011 and 446.052, Florida Statutes; may be reinstated upon presentation of adequate evidence that the preapprenticeship program is operating in accordance with the requirements of Chapter, 6A-23, F.A.C. Sections 446.011 and 446.052, Florida Statutes. Such evidence shall be presented to the Registration Officer if the sponsor has not requested a hearing or to the Department if an order of deregistration was entered pursuant to a hearing.

Paragraph (2)(e) of 6A-23.011 is amended to read:

6A-23.011 Program Performance Standards.

(2)(e) Compliance with rules relating to apprenticeship programs established in Chapter, 6A-23, F.A.C. applicable rules of the Department, state statutes and federal regulations.

Rulemaking Authority 446.032, 446.041(12) FS. Law Implemented 446.032, 446.041 ~~446.052~~ FS. History—New \_\_\_\_\_.

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**DEPARTMENT OF JUVENILE JUSTICE**

**Staff Training**

<p>RULE NOS.:</p> <p>63H-2.001</p> <p>63H-2.002</p> <p>63H-2.0075</p> <p>63H-2.008</p>	<p>RULE TITLES:</p> <p>Purpose and Scope</p> <p>Definitions</p> <p>County Operated Detention</p> <p>Instructor Qualifications</p>
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**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. 36, No. 46, November 19, 2010 issue of the Florida Administrative Weekly.

63H-2.001 Purpose and Scope.

(1) This rule establishes a statewide framework for the department to implement procedures governing the certification, pre-service, and in-service training of direct care staff. The provisions of this rule are applicable to all direct care staff, as defined in this rule, within all state and contracted department programs, facilities, probation units, and county or municipally operated detention centers.

(2) No change.

Rulemaking Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New 6-11-07, Amended \_\_\_\_\_.

63H-2.002 Definitions.

(1) through (17) No change.

(18) Pre-Service Training – The initial training for newly hired contracted, ~~or~~ county or municipally operated direct care staff that is conducted after hire but before they become direct care staff.

(19) through (21) No change.

Rulemaking Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New 6-11-07, Amended \_\_\_\_\_.

63H-2.0075 County Operated Detention.

(1) Pre-service training requirements are as follows:

(a) through (b) No change.

(c) All county and municipally operated detention facilities/programs will submit, in writing, a list of all pre-service training to Staff Development and Training that includes course names, descriptions, objectives, and training hours for any training based on the above topics.

(d) No change.

(2) County and municipally operated detention employees are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

(a) through (f) No change.

(3) Upon request by a county or municipally operated detention administrator, the Director of Staff Development and Training will grant a 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) through (g) No change.

(4) No change.

(5) County and municipally operated detention staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed pre-service training.

(6) No change.

(7) All county and municipally operated detention facilities/programs will submit to Staff Development and Training a written list of in-service training that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(8) through (10) No change.

~~(11) County operated detention staff who cross over from non-residential to residential shall complete all training requirements set forth in Rule 63H-2.0075, F.A.C.~~

~~(11)~~(12) Procedures for documentation of training are as follows:

(a) No change.

(b) Completion of all training requirements shall be documented on the Department's computer-based tracking system or a county or municipally operated tracking system.

(c) No change.

Rulemaking Authority 20.316(1), 985.601(8) FS. Law Implemented 985.601(8) FS. History--New \_\_\_\_\_.

63H-2.008 Instructor Qualifications.

(1) through (3) No change.

Rulemaking Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New 6-11-07, Amended \_\_\_\_\_.