

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NOS.:	RULE TITLES:
5F-11.001	Definitions
5F-11.004	Bureau of Liquefied Petroleum Gas Inspection Forms
5F-11.012	Installer Licenses
5F-11.013	Minimum Storage as Relates to Liquefied Petroleum Gas
5F-11.022	Marking of Containers
5F-11.026	Unsafe Container or System
5F-11.029	Inspection of DOT Cylinders
5F-11.044	Out-of-gas, Leak Call, and Interrupted Service Procedure
5F-11.045	Dispensing Units
5F-11.047	Connecting or Disconnecting Cylinders, Tanks, or Systems; Notice to Owner; Transportation
5F-11.048	Cylinder Exchange Units
5F-11.061	Master Qualifier Examinations; Applicant Qualifications
5F-11.062	Approved Courses of Continuing Education
5F-11.064	Renewal of Qualifier and Master Qualifier Certificates
5F-11.066	Reporting of Qualifier and Master Qualifier Vacancies
5F-11.072	Payment of Assessments; Penalties
5F-11.080	Administrative Penalties and Enforcements – Purpose
5F-11.082	Default Final Orders.
5F-11.084	Notice of Noncompliance; Failure to Correct

**PURPOSE AND EFFECT:** The proposed rule will adopt national definitions and clarify terms used throughout Rule Chapter 5F-11, F.A.C.; provide notice of the incorporation of materials by reference and the entities from which copies of the materials may be obtained; clarify submission requirements for licensure applicants; establish a new specialty installer license type; clarify requirements for posting of owner information at dealer sites; clarify documentation requirements; correct references to codes, statutes, or rules; clarify “working days” for purposes of notice of disconnect and establish that disconnect notices will expire after thirty working days; clarify experience requirements for qualifiers; clarify term “immediately” for purposes of reporting qualifier vacancies; specify penalties to be assessed for violations of laws, rules,

and regulations to ensure uniformity in the application of such penalties; and clarify use of Facility Inspection Reports and procedure for requesting extensions to correct code violations.  
**SUBJECT AREA TO BE ADDRESSED:** Liquefied Petroleum Gas Inspection rule provisions as outlined above.

**RULEMAKING AUTHORITY:** 527.06 FS.

**LAW IMPLEMENTED:** 527.02, 527.0201, 527.03, 527.04, 527.055, 527.06, 527.0605, 527.061, 527.11, 527.12, 527.13, 527.23 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lisa M. Bassett, Chief, Bureau of LP Gas Inspection, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001. 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:** Lisa M. Bassett, Chief, Bureau of LP Gas Inspection, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.0454	Implementation of Class Size Accountability and Funding Calculations for Public Schools Including Charter Schools

**PURPOSE AND EFFECT:** The purpose of this rule development is to implement the Department duties regarding determining compliance with class size requirements, calculating funding reductions and reallocations, and withholding class size reduction funding.

**SUBJECT AREA TO BE ADDRESSED:** Class size compliance, funding calculations, and withholding class size reduction funds for public schools including charter schools.

**RULEMAKING AUTHORITY:** 1001.02(2), 1002.33(26) FS.

**LAW IMPLEMENTED:** 1002.33(16)(b)3., 1003.03, 1011.685 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:  
 DATES AND TIMES: March 8, 2011, 1:00 p.m. – 3:00 p.m.; March 9, 2011, 12:00 Noon – 2:00 p.m.; March 11, 2011, 2:00 p.m. – 4:00 p.m.

PLACES: March 8th, Miami-Dade County Public Schools Auditorium, 1450 Northeast Second Avenue, Miami, Florida; March 9th, Orange County Public Schools District Office, 445 West Amelia Street, Orlando, Florida; and March 11th, Florida Department of Education, Room 1721/25, 325 West Gaines Street, Tallahassee Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Eggers, Bureau of School Business Services, Suite 814, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9105. To comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0251  
 RULE TITLE: Use of Epinephrine Auto-Injectors  
 PURPOSE AND EFFECT: The purpose and effect of this rule development is to address self-administration of medication by students with certain health conditions enrolled in the public school system.

SUBJECT AREA TO BE ADDRESSED: Management of Student Health Conditions.

RULEMAKING AUTHORITY: 1002.20(3)(h)-(k) FS.  
 LAW IMPLEMENTED: 1002.20(3)(h)-(k) 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: March 29, 2011, 9:00 a.m.  
 PLACE: 4202 East Fowler Avenue, MSC 4200, University of South Florida, Marshall Student Center, Tampa, Florida 33620; 1(888)808-6959, Code: 5863745134.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399, (850)245-0475. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**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.”

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-34.002	Definitions
68B-34.003	Bonefish Size Limit; Bag and Possession Limits; Exception, Gear Restriction
68B-34.004	Temporary Possession of Bonefish
68B-34.005	Bonefish Tournaments, Exemptions

PURPOSE AND EFFECT: The purpose of these rule amendments is to make bonefish a catch-and release-only fishery and allow temporary possession of bonefish for photographs, measuring, and weighing. The rule amendments would also create a tournament exemption permit that would allow bonefish to be temporarily possessed and transported to a weigh station for tournament purposes.

The effect of these rule amendments would be to provide additional protection for bonefish by prohibiting harvest of bonefish, while still allowing temporary possession of bonefish for record purposes and for tournament weigh-in purposes.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include a harvest prohibition for bonefish, allowance for temporary possession of bonefish, and creation of a tournament exemption permit.

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark

Robson, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-0554

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

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE NO.:	RULE TITLE:
6A-1.094221	Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

**PURPOSE AND EFFECT:** The purpose and effect of this proposed amendment is to provide guidance relating to the statewide public school student progression law eliminating social promotion by reducing the number of examples per benchmark required for the third grade portfolio, aligning the criteria for the portfolio to the new FCAT Item Specifications, and eliminating the reference to SAT-9 as it is no longer provided by the publishing company. Most recently, the Florida Comprehensive Assessment Test (FCAT) was revised to align with the current Sunshine State Standards. Due to this revision, Rule 6A-1.094221, F.A.C., will need revisions to align to the new FCAT 2.0. The grade 3 FCAT Item Specifications document was used to revise the existing State Board Rule to properly align to FCAT 2.0. The revisions include the following: An increase in the average passage length from 350 to 500 words and a change in the score for demonstrating proficiency for each benchmark from a grade of C or better to a grade of 70% or better. Due to the number of benchmarks that are now assessed on FCAT 2.0, the rule as it exists would require 5 examples per benchmark for completion of the portfolio, equaling 70 samples of student work from one student to demonstrate proficiency of third grade benchmarks. This is a drastic increase, from 40 to 70 samples, and an unrealistic expectation for students. This will cause loss of instructional time for the most struggling students. Therefore, a reduction of the number of examples required for the third grade student portfolio is proposed.

**SUMMARY:** The proposed amendment reduces the number of examples per benchmark required for the third grade portfolio, aligns the criteria for the portfolio to the new FCAT Item Specifications, and eliminates the reference to the Stanford Achievement Test, 9th Edition.

**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:** 1008.25(9) FS.

**LAW IMPLEMENTED:** 1008.25(6)(b) FS.

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

**DATE AND TIME:** March 15, 2011, 8:30 a.m.

**PLACE:** Tallahassee, Florida. For exact location please go to our website at <http://www.fldoe.org/board/meetings/>, 7 days prior to the meeting.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Stuart Greenberg, Executive Director, Just Read, Florida! and the Office of Early Learning, Department of Education, Suite 514, 325 West Gaines Street, Tallahassee, Florida 32399, (850)245-0445

**THE FULL TEXT OF THE PROPOSED RULE IS:**

6A-1.094221 Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion.

(1) Pursuant to Section 1008.25(6), F.S., relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the Grade 3 Florida Comprehensive Assessment Test (FCAT) Reading may be promoted to grade four if the student:

(a) Scores at ~~or above the 51st percentile on the Reading SAT-9~~ or at or above the 45th percentile on the Reading SAT-10;

(b) Demonstrates an acceptable level of performance on an alternative standardized reading assessment approved pursuant to subsection (2) of this rule;

(c) Demonstrates reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the Grade 3 FCAT Reading.

(2) No change.

(3) To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student's mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the Grade 3 FCAT Reading. Such evidence shall be an organized collection of the student's mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the Grade 3 FCAT Reading. The student portfolio must meet the following criteria:

(a) Be selected by the student's teacher,

(b) Be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom,