

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09961
RULE TITLE: Graduation Requirements for Certain Students with Disabilities

PURPOSE AND EFFECT: The purpose of this rule development is to update the rule that addresses special diploma requirements for certain students with disabilities. The effect will be a rule that aligns with the Next Generation Sunshine State Standards Access Points for Students with Significant Cognitive Disabilities and deletes terminology that became obsolete with the passage of legislation amending Section 1003.01(3), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Requirements for a special diploma in alignment with the Next Generation Sunshine State Standards Access Points for Students with Significant Cognitive Disabilities; eligibility categories to reflect changes resulting from legislation amending Section 1003.01(3), Florida Statutes.

RULEMAKING AUTHORITY: 1001.02(1), 1003.438 FS.

LAW IMPLEMENTED: 1003.438 FS.

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

DATE AND TIME: August 30, 2011, 1:00 p.m.

PLACE: Via Conference Call: (866)372-5781; Conference ID #81802981; Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 605, Tallahassee Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 W. Gaines Street, Suite 614, Tallahassee, FL 32399. To submit a comment for this rule development 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>

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03024
RULE TITLE: Special Programs for Exceptional Students who Require Physical Therapy

PURPOSE AND EFFECT: The purpose of this rule development is to modify the rule to address requirements related to both occupational therapy and physical therapy. The effect will be a rule that updates the title to reflect that occupational therapy and physical therapy are related services and not special programs. It will also update definitions and change language to clarify the provision of occupational therapy and physical therapy related to assessment, determination of educational need, and plans of care/treatment.
SUBJECT AREA TO BE ADDRESSED: Provision of Occupational and Physical Therapy to Exceptional Students as a Related Service.

RULEMAKING AUTHORITY: 1001.02, 1003.01(3), 1003.57, 1003.571 FS.

LAW IMPLEMENTED: 1001.02, 1003.01(3), 1003.57, 1003.571 FS.

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

DATE AND TIME: August 30, 2011, 3:00 p.m.

PLACE: Via Conference Call: (866)372-5781; Conference ID #81805183; Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 605, Tallahassee, Florida

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 submit a comment on this rule development 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>.

DEPARTMENT OF REVENUE

RULE NO.: 12-22.007
RULE TITLE: Registration Information Sharing and Exchange Program

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-22.007, F.A.C. (Registration Information Sharing and Exchange Program), is to: (1) amend the agreements used by the Department to administer the Program, requiring an indication of which locally-imposed tax the participating Government Entity is requesting an exchange of tax information; (2) create a separate form for Program participants to make the required annual certification regarding the confidentiality of the information exchanged under the Program; and (3) clarify that each authorized employee of a Program participant must execute the certification regarding confidentiality requirements by January 31 of each year.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to the rule and agreements used by the Department in the administration of Registration Information Sharing and Exchange Program.

RULEMAKING AUTHORITY: 213.0535(4), 213.06(1) FS.

LAW IMPLEMENTED: 213.053(8)(j), 213.0535 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: August 29, 2011, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 2503, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8346. 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET site at: myflorida.com/dor/rules.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.:	RULE TITLE:
64D-3.046	Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

PURPOSE AND EFFECT: The sole purpose of this rule amendment is to revise DH 150-615, July 2010 (Immunization Guidelines, Florida Schools, Childcare Facilities and Family Daycare Homes) incorporated by reference to reflect an effective date of July 2011. The DH 150-615 changes include updates to the tetanus-diphtheria-acellular pertussis vaccination documentation requirements for entry and attendance in seventh grade and an update to the effective date for pneumococcal conjugate vaccination requirements for children age 2 to 59 months attending licensed childcare facilities and family daycare homes.

SUBJECT AREA TO BE ADDRESSED: Implementation of immunization recommendations of the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

RULEMAKING AUTHORITY: 381.003, 381.005, 1003.22 FS.

LAW IMPLEMENTED: 381.005, 1003.22 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: Monday, August 29, 2011, 10:00 a.m.

PLACE: 2585 Merchants Row Boulevard, Room 135Q, Tallahassee, Florida

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: Susan Lincicome, Program Administrator, susan_lincicome@doh.state.fl.us, (850)245-4444, Ext. 2381. 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 IS: Susan Lincicome, Program Administrator, susan_lincicome@doh.state.fl.us, (850)245-4444, Ext. 2381

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

(1) Immunization and Documentation Requirements for School Entry/Attendance:

(a) A student may attend a public or non-public school, grades preschool through 12 or an adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680, Florida Certification of Immunization (July 2010), incorporated by reference, available from Department of Health (DOH) county health departments (CHDs), or physicians' offices; or

2. DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be signed by the local county health department medical director or designee.

(b) Specific immunization requirements by grade which must be documented prior to admittance, attendance or any other initial entrance are detailed in the Immunization Guidelines-Florida Schools, Childcare Facilities and Family Daycare Homes DH Form 150-615 (July 2011) (~~July 2010~~), incorporated by reference, available online at: www.doh.state.fl.us/disease_ctr/immune/schoolguide.pdf.

1. Temporary or permanent medical exemption DH Form 680 must be signed by a practitioner licensed under Chapter 458 or 459, F.S., or their authorized representative. For temporary or permanent medical exemption the signing practitioner must possess medical records documenting the medical basis for each such exemption.

2. A DH Form 680 that does not include a temporary or permanent medical exemption must be signed by a practitioner licensed under Chapter 458, 459, 460, or 464, F.S.

3. Florida SHOTS (State Health Online Tracking System) Electronically Certified DH Form 680 accessed directly by the school is considered certified in writing and signed by the Florida SHOTS private provider.

(2) Documentation Requirements for Schools:

(a) The original or a copy of a valid original of the form(s) required under this rule shall remain in the student's cumulative health record unless verified in Florida SHOTS.

(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).

(c) Compliance Reporting:

1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (July 2010), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (July 2010), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the Department of Health shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the CHD director/administrator within a specified period, as determined by the DOH.

(3) Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection (1) above not to exceed 30 days may be issued by an authorized school official for any of the following, consistent with the definitions in Section 1003.01, F.S.:

(a) A homeless child.

(b) A transfer student.

(c) A student who enters a juvenile justice education program or school.

(d) Children of military families as defined under Section 1000.36, F.S.

(4) Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous, according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school officials until such time as, in the DOH's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

(5) Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English) (January 2007) or DH Form 1478S (Spanish) (September 2003) or DH Form 1478H (Haitian-Creole) (January 2006), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the children's immunization record via authorized access to Florida SHOTS.

(6) Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapter 458, 459 or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

(7) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user’s license or registration has expired or has been suspended or revoked.

Rulemaking Authority 381.0011(13), 381.003(1), (2), 381.005(3), ~~381.005(2)~~, 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New 11-20-06, Amended 7-15-07, 7-28-08, 12-29-10, _____.

Editorial Note: Formerly 10D-3.88, 10D-3.088 and 64D-3.011.

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

RULE NOS.:	RULE TITLES:
9-11.001	Scope
9-11.002	Policy
9-11.003	Definitions
9-11.005	Progressive Discipline
9-11.006	Types of Disciplinary Action
9-11.007	Procedure for Oral Reprimand
9-11.008	Procedure for Written Reprimand
9-11.009	Procedure for Reduction in Pay or Demotion
9-11.010	Procedure for Suspension
9-11.011	Procedure for Dismissal
9-11.012	Extraordinary Situations
9-11.013	Authority for Implementing Disciplinary Action
9-11.015	Standard Ranges of Disciplinary Action

PURPOSE AND EFFECT: These rules are being repealed.

SUMMARY: These rules were identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary. In addition, the statutory authority for these rules has been eliminated.

OTHER RULES INCORPORATING THIS RULE: No other rule incorporates any portion of Chapter 9-11, F.A.C.

EFFECT ON THOSE OTHER RULES: N/A
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. Pursuant to the Department’s economic analysis of the rule, as required by the Office of Fiscal Accountability and Regulatory Reform, it has been determined that legislative ratification is not required.

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

RULEMAKING AUTHORITY: 110.201(2) FS.

LAW IMPLEMENTED: 110.201(2), 110.227(1), (5)(a), (b), 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: September 14, 2011, 2:00 p.m.

PLACE: Randall Kelley Training Room, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

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: Paula P. Ford, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682. 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 RULES IS: Jim Richmond, Deputy General Counsel, Department of Community Affairs, (850)922-1675, e-mail address: jim.richmond@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9-11.001 Scope.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS. History–New 6-14-83, Formerly 9-11.01, Repealed _____.

9-11.002 Policy.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2) FS., 22A-10.002, 22A-10.003 F.A.C. History–New 6-14-83, Formerly 9-11.02, Repealed _____.