

Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.001      RULE TITLE: General Information

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish guidelines for the monitor’s review of AIT quarterly reports.

SUBJECT AREA TO BE ADDRESSED: General Information.

RULEMAKING AUTHORITY: 468.1685(1), 468.1695(2) FS.  
 LAW IMPLEMENTED: 468.1695(2) 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**FINANCIAL SERVICES COMMISSION**

**FSC – Financial Institution Regulation**

RULE NO.: 69U-100.1000      RULE TITLE: Transactions Relating to Iran or Terrorism

PURPOSE AND EFFECT: The proposed rule establishes minimum standards for due diligence policies, procedures, and controls for financial institutions chartered in Florida that maintain certain accounts with foreign financial institutions, to reasonably detect whether the foreign financial institution engages in certain activities facilitating the development of mass destruction by the Government of Iran, provides support for certain foreign terrorist organizations, or participates in other related activities.

SUBJECT AREA TO BE ADDRESSED: Regulation of Financial Institutions.

RULEMAKING AUTHORITY: 655.012, 120.54(1)(f) FS., SB 792 (enrolled)

LAW IMPLEMENTED: SB 792 (enrolled)

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: Jeffrey Jones, Office of Financial Regulation, jeffrey.jones@flofr.com  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.0015      RULE TITLE: K-20 Data Warehouse

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise existing requirements of the statewide database manuals, which guide the K-20 Data Warehouse data collection and data quality. The effect of the rule will be to incorporate revisions to the database manuals used by the K-20 Data Warehouse.

SUMMARY: All education data collected by the Florida Department of Education and the Board of Governors will be evaluated for inclusion in the K-20 data warehouse. This includes data collected by the Department relating to PK-12, technical centers, and Florida colleges as well as by the Board of Governors related to state universities. This rule outlines the format and timelines for data collected by the Department relating to the PK-12, technical centers, and Florida colleges as well as by the Board of Governors related to the state university system.

**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: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with database manuals and rules of this nature, the

adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 120.53(1)(b), 1008.31, 1008.41 FS.

LAW IMPLEMENTED: 1008.31 FS.

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

DATE AND TIME: May 10, 2012, 7:30 a.m.

PLACE: Tampa Airport Marriott, Hillsborough Grand Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kit Goodner, Assistant Deputy Commissioner, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0015 K-20 Data Warehouse.

(1) All education data collected by the Florida Department of Education and the Board of Governors shall be evaluated for inclusion in the K-20 data warehouse. This includes data collected by the Department related to prekindergarten through grade 12 schools, technical centers, and Florida colleges, as well as data collected by the Board of Governors related to state universities.

(2) By July 30 of each year the Department shall review data elements collected from the public education institutions to determine inclusion in the K-20 data warehouse.

(3) K-12 data shall be provided in the same format and within the same timelines as prescribed in Rule 6A-1.0014, F.A.C. Data for the Florida College System shall be provided in the same format as prescribed in the ~~2011-12~~ ~~2010-11~~ Student Data Base (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01160>), ~~2011-12~~ ~~2010-11~~ Personnel Data Base (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01159>), and ~~2011-12~~ ~~2010-11~~ Facilities/Capital Outlay Data Base (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01158>), which are hereby incorporated by reference and may be obtained from the Department's website at <http://www.fldoehub.org/CCTCMIS/c/Pages/default.aspx>. Data for Workforce Development shall be in the format prescribed in the ~~2011-12~~ ~~2010-11~~ District WDIS (Workforce Development Information System) Data Base Handbook (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01162>), which is hereby incorporated by reference and may be obtained from the Department's website at <http://www.fldoehub.org/CCTCMIS/wdis/Pages/WDIS.aspx> ~~<http://www.fldoehub.org/CCTCMIS/wdis/Pages/1011whbk.aspx>~~. Data for the Board of

Governors shall be in the format prescribed in the SUDS Data Dictionary, January 2011, which is hereby incorporated by reference and may be obtained from the Board of Governor's website at [https://prod.flbog.net:4445/pls/apex/f?p=112:7:2784797115792819](https://prod.flbog.net:4445/pls/apex/f?p=112:7:2784797115792819:::NO) ~~<https://www.boghome.net:4443/pls/apex/f?p=112:7:1615225899807065:::NO>~~.

(4) The standards for determining the required data for the K-20 data warehouse are prescribed in the publication entitled "PK20 Education Data Warehouse, January 2011." This publication is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained from PK-20 Education Data Warehouse, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Rulemaking Authority ~~1008.41~~, 1008.31(4), 1008.41(2) FS. Law Implemented 1008.31 FS. History--New 2-22-11, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kris Ellington, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-2.0010 RULE TITLE: Educational Facilities

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the State Requirements for Educational Facilities as incorporated by reference, to implement recent statutory revisions related to fire safety inspections and transfer of responsibility for establishing minimum requirements and standards of sanitation and safety for schools to the Department of Education. The effect is a rule which sets standards for planning, financing, constructing, and operating public educational facilities consistent with governing law.

SUMMARY: The rule is amended to correctly identify community colleges as Florida colleges, clarify responsibilities of the State Board of Education, Commissioner of Education, and the Office of Educational Facilities, update references to the discretionary capital improvement millage rate cap from 2 mills to 1.5 mills, and to require forms where practical to be submitted electronically through the Educational Facilities Information System. Other changes include but are not limited to the clarification that the location of educational facilities must be consistent with the comprehensive plan and with the land development regulations of the appropriate local

governing body; clarification that a 5-year District Facilities Work Plan must be completed and financially feasible for 5, 10 and 20-year periods and be consistent with the approved recommendations in the 5-year educational plant survey, update provisions related to interlocal agreements for school planning coordination to clarify content requirements, update educational facilities specifications consistent with new statutory requirements for energy-efficiency standards and a classroom minimum lighting standards; require Phase III construction documents to include fire sprinkler system drawings and calculations; and to update threshold limits to \$300,000 consistent with statutory provisions regarding the current cost index.

**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 been prepared by the agency.

The Department estimates that there will be no or minimal cost impact associated with compliance with proposed revisions as the rule is being amended to conform to current statutory requirements, updated to remove obsolete provisions or make technical corrections. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Cost.

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:** 1(a) Article IX, State Constitution; 1001.02(1), 1013.02(2), 1013.37 FS.

**LAW IMPLEMENTED:** 1(a) Article IX, State Constitution; 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1013.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

**DATE AND TIME:** May 10, 2012, 7:30 a.m.

**PLACE:** Tampa Airport Marriott, Hillsborough Grand Ballroom, Tampa, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-0406

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

**6A-2.0010 Educational Facilities.**

State Board of Education requirements adopted pursuant to Chapter 120, F.S., to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, F.S., are contained in Section 423 of the Florida Building Code and the Department of Education publication, titled “State Requirements for Educational Facilities 2012” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01164>) ~~2007 and the 2009 Supplement to the State Requirements for Educational Facilities~~, which ~~is~~ **are** hereby incorporated by reference ~~and made a part of this rule to become effective with the effective date of the amended rule~~. All educational and ancillary facilities constructed by a school board or ~~Florida community~~ college board shall comply with “State Requirements for Educational Facilities 2012 ~~2007 and the 2009 Supplement to the State Requirements for Educational Facilities~~”. Copies of “State Requirements for Educational Facilities 2012 ~~2007 and the 2009 Supplement to the State Requirements for Educational Facilities~~” are available from the Office of Educational Facilities, Florida Department of Education, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400, at a cost to be determined by Commissioner, but which shall not exceed actual cost, or from the Department of Education’s website at: <http://www.fldoe.org/edfacil> in PDF format.

Rulemaking Authority Section 1(a) Article IX, State Constitution; 1001.02(1), ~~1001.02(2)~~, 1013.37 FS. Law Implemented 1(a) Article IX, State Constitution; 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, ~~1013.01~~, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History—New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06, 2-12-08, 12-15-09, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Linda Champion, Deputy Commissioner for Finance and Operations

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Gerard Robinson, Commissioner, Department of Education

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 4, 2012

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 28, 2011

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-5.056 **RULE TITLE:** Criteria for Suspension and Dismissal

**PURPOSE AND EFFECT:** This rule was originally created in April 5, 1983, and provides the criteria for suspension and dismissal of school district instructional staff, supervisors and principals. In 2011, Senate Bill 736 called for a definition of

just cause and other criteria for which a district may suspend or dismiss instructional personnel. School districts, and district instructional staff, supervisors and school principals will be affected as the rule defines the reasons a district may suspend or dismiss district instructional staff, supervisors, and school principals.

SUMMARY: The rule is being substantially re-structured. The statute requires six areas be included in the definition of Just Cause. The new rule updates the definitions for each of the six areas and changes their order to mirror the statute.

**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: Upon review of the proposed changes to the rule, and based upon its experience, the Department has determined that the rule does not meet the requirements for ratification by the legislature. The changes to the rule do not have an adverse impact on small business and do not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within one year of implementation.

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 FS.

LAW IMPLEMENTED: 1012.33, 1012.335 FS.

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

DATE AND TIME: May 10, 2012, 7:30 a.m.

PLACE: Tampa Airport Marriott, Hillsborough Grand Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marian W. Lambeth, Chief, Professional Practices Services, Florida Department of Education, 325 W. Gaines St., Room 203, Tallahassee, FL 32399, (850)245-0438

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-5.056 follows. See Florida Administrative Code for present text.)

**6A-5.056 Criteria for Suspension and Dismissal.**

The bases for charges upon which dismissal action against specified school personnel may be pursued are set forth in Sections 1012.33 and 1012.335, Florida Statutes. The basis for each of such charges is hereby defined:

(1) "Immorality" means conduct that is inconsistent with the standards of public conscience and good morals. It is conduct that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual's service in the community.

(2) "Misconduct in Office" means one or more of the following:

(a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;

(b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;

(c) A violation of the adopted school board rules;

(d) Behavior that disrupts the student's learning environment; or

(e) Behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

(3) "Incompetency" means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

(a) "Inefficiency" means one or more of the following:

1. Failure to perform duties prescribed by law;

2. Failure to communicate appropriately with and relate to students;

3. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;

4. Disorganization of his or her classroom to such an extent that the health, safety or welfare of the students is diminished; or

5. Excessive absences or tardiness.

(b) "Incapacity" means one or more of the following:

1. Lack of emotional stability;

2. Lack of adequate physical ability;

3. Lack of general educational background; or

4. Lack of adequate command of his or her area of specialization.

(4) "Gross insubordination" means the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.

(5) "Willful neglect of duty" means intentional or reckless failure to carry out required duties.

(6) "Drunkenness" applies only to persons who hold a contract issued on or before July 1, 1984, and means:

(a) That condition which exists when an individual publicly is under the influence of alcoholic beverages or drugs to such an extent that his or her normal faculties are impaired; or

(b) Conviction on the charge related to drunkenness by a court of law.

(7) Unsatisfactory or ineffective performance evaluation ratings as defined in Section 1012.33(1)(a), Florida Statutes.

(8) "Crimes involving moral turpitude" means offenses listed in Section 1012.315, Florida Statutes, and the following crimes:

(a) Section 775.085, Florida Statutes, relating to evidencing prejudice while committing offense, if reclassified as a felony.

(b) Section 782.051, Florida Statutes, relating to attempted felony murder.

(c) Section 782.09(1), Florida Statutes, relating to killing of unborn quick child by injury to mother.

(d) Section 787.06, Florida Statutes, relating to human trafficking.

(e) Section 790.166, Florida Statutes, relating to weapons of mass destruction.

(f) Section 838.015, Florida Statutes, relating to bribery.

(g) Section 847.0135, Florida Statutes, relating to computer pornography and/or traveling to meet a minor.

(h) Section 859.01, Florida Statutes, relating to poisoning of food or water.

(i) Section 876.32, Florida Statutes, relating to treason.

(j) An out-of-state offense, federal offense or an offense in another nation, which, if committed in this state, constitutes an offense prohibited under Section 1012.315(6), Florida Statutes.

Rulemaking Specific Authority 1001.02, 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 1012.33, 1012.335, 231.36(4)(e), 231.546(2) FS. History--New 12-25-66, Amended 9-8-68, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-4.09, Formerly 6B-4.009, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pam Stewart, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2011

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.021  
RULE TITLE: State of Florida High School Diplomas

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement a computer based version of the GED Test® series in approved Florida testing centers. This GED Test® series is used by the Florida Department of Education to award high school equivalency diplomas. A computer-based version of the test will be available through GED Testing Service® beginning in 2012.

SUMMARY: The rule is amended to include authority and procedures for the administration of a computer-based version of the GED Test® series. In addition, the testing fee for the computer-based version of the test will be established and amendments to the fees for duplicate transcript and diplomas will be established.

**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 experiences with rules amending testing format, fee schedules and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1003.435 FS.

LAW IMPLEMENTED: 1003.435 FS.

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

DATE AND TIME: May 10, 2012, 7:30 a.m.

PLACE: Tampa Airport Marriott, Hillsborough Grand Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rod Duckworth, Chancellor, Division of Career and Adult Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, Rod.Duckworth@fldoe.org, (850)245-0446

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.021 State of Florida High School Diplomas.

The Commissioner shall award a State of Florida high school diploma pursuant to Section 1003.435, F.S., to a candidate who meets all of the requirements prescribed herein and has attained on each of the five (5) GED® tests ~~General Education Development Tests~~ a minimum score of 410 or above on a scale of “0” to “800”, with an average score of 450.

(1) The Department shall designate official testing centers in the state which are authorized to act as agents of the state in administering the GED® tests ~~Tests~~. For paper-based administrations of the 2002 GED® test series, the ~~The~~ Department shall provide tests and test materials annually to the official testing centers, provide test scoring and reporting services, maintain a perpetual record of individual test results, and issue state of Florida high school diplomas to successful candidates. For computer-based administrations of the 2002 GED® test series, the Department shall maintain a perpetual record of individual test results and issue state of Florida high school diplomas to successful candidates.

(2) Each official testing center shall establish a schedule for testing which adequately meets the needs of the candidates within its service area.

(3) For paper-based administrations of the 2002 GED® test series, each testing center ~~Each district~~ shall establish a fee of not less than the total national and state required fees nor more than seventy (70) dollars for each candidate taking the entire test battery consisting of the five (5) GED® tests ~~Tests~~. This fee shall be paid at the time the application is filed. A fee of not less than the total national and state required fees nor more than the fourteen (14) dollars shall be paid by each candidate for each retake of the Social Studies, Science, Reading, and Mathematics tests. A fee of not less than the total national and state required fees nor more than sixteen (16) dollars shall be paid by the candidate for each retake of the Writing Skills Test. However, the school board, community college, or agency administering the testing center may authorize the waiver, on a uniform or, on an individual basis, of all or any portion of the fees prescribed in this subsection.

(4) For computer-based administrations of the 2002 GED® test series, each testing center shall establish a fee of twenty-six (26) dollars for each of the following sub-tests: Social Studies, Science, Reading, Mathematics, and Writing Skills. This fee shall be paid at the time of registration for the test.

(5)(4) In order to defray state costs for the testing program, each school board, community college, or agency administering the GED® tests ~~Tests~~ shall remit to the Department the following fees:

(a) For paper-based test administrations, entire ~~Entire~~ battery of five (5) tests: twenty-eight (28) dollars.

(b) For paper-based test administrations, retake ~~Retake~~ of the Social Studies, Science, Reading, and Mathematics tests: seven (7) dollars.

(c) For paper-based test administrations, retake ~~Retake~~ of the Writing Skills test: eight (8) dollars.

(d) Duplication of diploma: eight (8) ~~six (6)~~ dollars.

(e) Duplication of transcript: eight (8) ~~six (6)~~ dollars.

(f) Conversion of scores from applicants who have taken the GED® tests series in the military or other states: ten (10) dollars.

(6)(5) The Chief Examiner of each official testing center shall inform all candidates of testing opportunity and retesting limitations.

(7)(6) Each candidate taking the GED® tests ~~Tests~~ will be issued an official transcript of scores. For a paper-based administration a ~~A~~ candidate who fails to attain the required minimum scores on the initial GED® tests ~~Tests~~ may test a maximum of three (3) times in each subject area during the GED contract year. For computer-based administrations, a candidate who fails to attain the required minimum scores on the initial GED® tests may test the maximum number of administrations allowed by GED Testing Service® within a calendar year.

(a) Each request directed to the Department for duplication of diploma shall be charged at a rate of eight (8) ~~six (6)~~ dollars.

(b) Each request directed to the Department for duplication of transcript shall be charged at a rate of eight (8) ~~six (6)~~ dollars.

Rulemaking Specific Authority 1001.02(1), 1003.435(1), (5) FS. Law Implemented 1003.435 FS. History—Amended 2-20-64, 4-11-70, 6-7-70, 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 6-7-77, 1-1-79, 9-1-79, 12-7-82, 7-10-85, Formerly 6A-6.21, Amended 12-21-87, 3-1-98, 5-19-08, 9-22-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rod Duckworth, Chancellor, Division of Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0571  
RULE TITLE: Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to adopt the secondary and postsecondary career education programs prescribed in Section 1011.80, Florida Statutes, and listed as follows: “Agriculture, Food & Natural Resources,” “Architecture & Construction,” “Arts, A/V

Technology & Communication,” “Business, Management & Administration,” “Education & Training,” “Energy,” “Finance,” “Government & Public Administration,” “Health Science,” “Hospitality & Tourism,” “Human Services,” “Information Technology,” “Law, Public Safety & Security,” “Manufacturing,” “Marketing, Sales & Service,” “Science, Technology, Engineering & Mathematics (STEM),” “Transportation, Distribution & Logistics,” and “Additional CTE Programs/Courses,” all of which fall under the umbrella of the “Career and Technical Education Programs, Academic Year 2012/2013.” In addition, to adopt the “Adult General Education Standards and Curriculum Frameworks 2012/2013.”

SUMMARY: The Department is responsible for developing program standards and industry-driven benchmarks for career and technical education and adult general education programs. The criteria for qualification of individual courses for inclusion in secondary and postsecondary career education programs and adult general education programs prescribed in Workforce Education programs are annually adopted by the State Board and are published by the Commissioner on the Department’s website. These criteria are hereby incorporated by this rule and made a part of the rules of the State Board.

**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 experiences with rules updating standards and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1004.92 FS.

LAW IMPLEMENTED: 1004.92 FS.

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

DATE AND TIME: May 10, 2012, 7:30 a.m.

PLACE: Tampa Airport Marriott, Hillsborough Grand Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rod Duckworth, Chancellor, Division of Career and Adult Education, 325 West Gaines Street, Tallahassee, Florida, 32399-0400, Rod.Duckworth@fldoe.org, (850)245-0446

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0571 Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks.

Section 1004.92, F.S., requires the Department of Education to develop program standards and industry-driven benchmarks for career and technical education and adult and community education programs. The criteria for qualification of individual courses for inclusion in the classification of secondary career education programs prescribed in Section 1011.80, F.S., or Workforce Development Education programs as prescribed in Section 1011.62, F.S., are annually adopted by the State Board and shall be published by the Commissioner in the documents titled, as follows:

“Agriculture, Food & Natural Resources (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01135> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00223>),”

“Architecture & Construction (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01136> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00224>),”

“Arts, A/V Technology & Communication (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01137> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00225>),”

“Business, Management & Administration (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01138> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00226>),”

“Education & Training (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01139> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00227>),”

“Energy (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01142> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00228>),”

“Finance (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01143> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00229>),”

“Government & Public Administration (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01145> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00230>),”

“Health Science (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01146> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00231>),”

“Hospitality & Tourism (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01147> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00232>),”

“Human Services (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01148> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00233>),”

“Information Technology (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01150> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00234>),”

“Law, Public Safety & Security (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01151> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00235>),”

“Manufacturing (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01152> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00236>),”

“Marketing, Sales & Service (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01153> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00622>),”

“Science, Technology, Engineering & Mathematics (STEM) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01154> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00238>),”

“Transportation, Distribution & Logistics (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01155> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00239>),” and

“Additional CTE Programs/Courses (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01156> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00240>),” all of

which fall under the umbrella of the “Career and Technical Education Programs, Academic Year 2012/2013 ~~2011/2012~~ Curriculum Frameworks by Career Cluster,” or in the document “Adult General Education Standards and Curriculum Frameworks 2012/2013 ~~2011/2012~~. (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01157> <http://www.flrules.org/Gateway/reference.asp?No=Ref-000241>)” These criteria are hereby incorporated by reference in this rule. Copies of these publications may be obtained from the Division of Career and Adult Education, Department of Education, The Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399 or from the Department’s website at <http://www.fldoe.org/workforce/dwdframe> and [http://www.fldoe.org/workforce/dwdframe/ad\\_frame.asp](http://www.fldoe.org/workforce/dwdframe/ad_frame.asp).

(1) Commissioner of Education waiver authority. The Commissioner of Education may approve a school’s waiver request submitted by a district school board to allow the school to substitute locally approved intended outcomes for State Board approved outcomes included in the documents titled as follows: “Agriculture, Food & Natural Resources,” “Architecture & Construction,” “Arts, A/V Technology & Communication,” “Business, Management & Administration,” “Education & Training,” “Energy,” “Finance,” “Government & Public Administration,” “Health Science,” “Hospitality & Tourism,” “Human Services,” “Information Technology,” “Law, Public Safety & Security,” “Manufacturing,” “Marketing, Sales & Service,” “Science, Technology, Engineering & Mathematics (STEM),” “Transportation, Distribution & Logistics,” and “Additional CTE Programs/Courses,” all of which fall under the umbrella of the “Career and Technical Education Programs, Academic Year 2012/2013 ~~2011/2012~~ Curriculum Frameworks by Career

Cluster” and “Adult General Education Standards and Curriculum Frameworks 2012/2013 ~~2011/2012~~,” provided that:

(a) The framework does not identify occupations requiring state or federal licensure, certification or registration;

(b) Locally approved outcomes specified for the state approved program adequately address the major concepts/content contained in the curriculum framework; and

(c) The waiver request fulfills the provisions of Section 1001.10, F.S.

Rulemaking Authority 1004.92(2)(b)3. FS. Law Implemented 1004.92(2)(b)4. FS. History—New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, 1-23-00, 7-21-08, 4-21-09, 5-3-10, 10-25-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rod Duckworth, Chancellor, Division of Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.: 6A-6.0573                      RULE TITLE: Industry Certification Process

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate changes made by Workforce Florida, Inc., to the list of industry certifications which are eligible for inclusion on the “2011-2012 Comprehensive Industry Certification List.” The 2011-2012 Industry Certification List is updated to include two additional certifications (Certified Agriculture Biotechnician and Florida Automobile Dealers Association Certified Technician).

SUMMARY: The Department is adopting by reference the “Comprehensive Industry Certification List, 2011-12” as approved and published March 1, 2011, by Workforce Florida, Inc., and updated on November 11, 2011.

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 Agency's past experience with rules of this nature that provide updated lists of certifications do not meet the criteria that require 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: 1003.492(2) FS.

LAW IMPLEMENTED: 1003.491, 1003.492, 1003.493, 1003.4935, 1011.62 FS.

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

DATE AND TIME: May 10, 2012, 7:30 a.m.

PLACE: Tampa Airport Marriott, Hillsborough Grand Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, Suite 744, Tallahassee, Florida 32399-0400, (850)245-9001, Tara.Goodman@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0573 Industry Certification Process.

(1) Pursuant to Section 1003.492(2), F.S., Workforce Florida, Inc.'s approved list of industry certifications, which has been named the "Workforce Florida, Inc. Comprehensive Industry Certification List for the Career and Professional Education Act, 2011-2012, Updated" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01140> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-00558>~~) is adopted by the State Board of Education and incorporated by reference in this rule. The "Workforce Florida, Inc. Comprehensive Industry Certification List for the Career and Professional Education Act, 2011-2012, Updated" may be obtained from the Department of Education's web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(2) The "Comprehensive Industry Certification List" shall be published by March 1 of each calendar year.

(3) "Industry Certification Funding List." The Department of Education shall review the approved "Comprehensive Industry Certification List" to identify certifications deemed sufficiently rigorous academically and, thus, eligible for additional full-time equivalent (FTE) membership funding, pursuant to Section 1011.62(1), F.S.

(a) This list will be known as the "2011-2012 Industry Certification Funding List, Updated" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01144> ~~<http://www.flrules.com/Gateway/reference.asp?No=Ref-00557>~~)

to be published by the Department of Education and is incorporated by reference in this rule. The "2011-2012 Industry Certification Funding List, Updated" may be obtained from the Department of Education's web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(b) To be considered for additional full-time equivalent membership funding and included on the "~~2011-2012~~ 2010-2011 Industry Certification Funding List, Updated" in this paragraph, a certification shall:

1. Be on the "Comprehensive Industry Certification List;"
2. Be achievable by secondary students;
3. Require a minimum of one hundred fifty (150) hours of instruction; and
4. Have been offered for at least one year in a school district.

(c) The Commissioner of Education may waive the one-year requirement when failure to do so would inhibit preparation of students for emerging workforce opportunities.

(4) through (5)(a) No change.

(b) Employment value shall be determined by the State Board of Education, in consultation with Workforce Florida, Inc., using the entry wage, growth rate, and average annual openings for the Standard Occupational Classification (SOC) code linked to the industry certification, based on occupational linkages assigned by the Department of Economic Opportunity.

1. The maximum employment value of the industry certification is three points. The State Board of Education shall assign one point to each certification for the three indicators: entry wage, growth rate, and average annual openings. Points shall be assigned to each certification based on the percentile ranking of the occupation to which it is linked among all occupations linked to certifications on the "Industry Certification Funding List." The source for the employment information is data from Department of Economic Opportunity, Labor Market Statistics Center, Occupational Employment Statistics Program and Employment Projections Program, in the document {2007-11 Comprehensive Industry Certification List with Employment Data, Updated" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01149> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-00559>~~) which is hereby incorporated by reference. The document can be accessed from the Department's web site at [http://www.fldoe.org/workforce/careeracademies/ca\\_home.asp](http://www.fldoe.org/workforce/careeracademies/ca_home.asp).

2. The points for entry wage, growth rate, and average annual openings shall be assigned as follows:

- a. A value at or below the 25th percentile equals 0.25 point.
- b. A value greater than the 25th percentile and below or equal to 50th percentile equals 0.50 point.
- c. A value greater than the 50th percentile and below or equal to the 75th percentile equals 0.75 point.
- d. A value above the 75th percentile equals 1.0 point.

3. For each certification, the State Board of Education shall sum the points for entry wage, growth rate, and average annual openings. The sum of this calculation is the employment value point total for the certification.

(c) through (9)(d) No change.

Rulemaking Authority 1003.492(2), 1011.62(1)(o) FS. Law Implemented 1003.491, 1003.492, 1003.493, 1003.4935, 1011.62(1)(o) FS. History—New 10-20-08, Amended 8-18-09, 6-22-10, 6-21-11, 10-25-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rod Duckworth, Chancellor, Division of Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0786  
RULE TITLE: Model Forms for Charter School Applicants and Sponsors

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt forms to align with statutory changes in the 2011 Legislation Session relating to virtual charter schools and the replication of high-performing charter schools. The effect is a rule consistent with governing law.

SUMMARY: This amendment will result in the creation of a Model Virtual Charter School Application, a Model Virtual Charter School Application Evaluation Instrument, a Model Charter School Application for High-Performing Replications, a Model Charter School Application Evaluation Instrument, changes to the Model Charter School Application, the Model Charter School Application Evaluation Instrument, and the Model Charter School Contract.

**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 Agency’s past experience with rules of this nature that incorporate forms do not meet the criteria for requiring 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: 1002.33(27) FS.

LAW IMPLEMENTED: 1002.33 FS.

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

DATE AND TIME: May 10, 2012, 7:30 a.m.

PLACE: Tampa Airport Marriott, Hillsborough Grand Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0502

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

6A-6.0786 Model Forms for Charter School Applicants and Sponsors.

(1) Persons or entities submitting a charter school application must use Form IEPC-M1, Model Florida Charter School Application, effective June 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01163>) ~~October 2010~~, pursuant to Section 1002.33, F.S. Form IEPC-M1 is hereby incorporated by reference ~~and to become effective on October 25, 2010. Copies of the form~~ may be obtained electronically on the Department’s website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Sponsors shall evaluate Model Florida Charter School Applications using Form IEPC-M2, Florida Charter School Application Evaluation Instrument, effective June 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01163>) ~~October 2010~~. Form IEPC-M2 is hereby incorporated by reference ~~and to become effective on October 25, 2010. Copies of the form~~ may be obtained electronically on the Department’s website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(3) Upon approval of a charter school application, the sponsor shall have sixty (60) days to propose an initial proposed charter contract to the charter school. The sponsor shall use Form IEPC-M3, Florida Model Charter Contract Format, effective June 2012, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01163>) ~~October 2010~~, as the

basis for the initial contract. Charter school contracts must address, at a minimum, the components included in Form IEPC-M3. Additional components may be included in a charter school contract if mutually agreed upon by both parties. Form IEPC-M3 is hereby incorporated by reference ~~and to become effective on October 25, 2010. Copies of the form~~ may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(4) Persons or entities submitting a virtual charter school application must use Form IEPC-VI, Model Florida Virtual Charter School Application, effective June 2012, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01163>) pursuant to Section 1002.33, Florida Statutes. Form IEPC-VI is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(5) Sponsors shall evaluate Model Florida Virtual Charter School Applications using Form IEPC-V2, Florida Virtual Charter School Application Evaluation Instrument, effective June 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01163>). Form IEPC-V2 is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(6) Persons or entities submitting a charter school application to replicate a high-performing charter school, pursuant to Section 1002.331, Florida Statutes, must use Form IEPC-HP1, Model Florida Charter School Application for High-Performing Replications, effective June 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01163>). Form IEPC-HP1 is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(7) Sponsors shall evaluate Model Florida Charter School Applications for High-Performing Replications using Form IEPC-HP2, Florida Charter School Application for High-Performing Replications Evaluation Instrument, effective June 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01163>). Form IEPC-HP2 is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or

from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

Rulemaking Authority 1002.33(27)(26) FS. Law Implemented 1002.33(6), 1002.33(21) FS. History--New 10-25-10, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0950  
 RULE TITLE: Notice Requirements for Opportunity Scholarship Program

PURPOSE AND EFFECT: The purpose of this new rule is to establish provisions necessary to administer the notification requirements of the Opportunity Scholarship Program. The effect will be a rule that is consistent with the governing statute.

SUMMARY: The proposed rule provides guidelines related to notification requirements for the Opportunity Scholarship Program. Deadlines and reporting requirements for district compliance with parental and Department of Education notification are established. Actions resulting from failure to comply with notification requirements are established.

**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 been prepared by the agency.

The anticipated regulatory costs are minimal. The rule imposes a penalty of withholding funding from districts who are noncompliant; however, funding is restored when districts show compliance.

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: 1002.38 FS.

LAW IMPLEMENTED: 1002.38 FS.

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

DATE AND TIME: May 10, 2012, 7:30 a.m.

PLACE: Tampa Airport Marriott, Hillsborough Grand Ballroom, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0950 Notice Requirements for Opportunity Scholarship Program.

The following provisions have been established to administer the requirements of Section 1002.38(3)(a), Florida Statutes.

(1) Definitions related to this rule:

(a) School grade: the school grade designated under Section 1008.34, Florida Statutes.

(b) Opportunity Scholarship Program eligible school: a public school that meets the criteria in Section 1002.38(2), Florida Statutes.

(c) Higher-performing school: a public school that has received a school grade of "C" or higher pursuant to Section 1008.34, Florida Statutes.

(2) The Department shall notify the superintendent of the school district of a public school designated as an Opportunity Scholarship Program eligible school in accordance with Section 1002.38, Florida Statutes.

(3) The school district shall notify the parent of each student enrolled in or assigned to an Opportunity Scholarship Program eligible school of the opportunity to enroll the student in a higher-performing school in the district and of the opportunity to enroll the student in a higher-performing school that has available space in any other school district in the state.

(a) For Opportunity Scholarship Program eligible schools that receive their school grade at the end of the school year and prior to the start of the following school year, the school district shall notify parents of the opportunity to transfer to a higher performing school no later than fifteen (15) calendar days after the district receives notification by the Department of Opportunity Scholarship Program eligible schools.

(b) For Opportunity Scholarship Program eligible schools that receive their school grade pursuant to Section 1008.34(3)(b)3., Florida Statutes., the students assigned to that school are eligible to transfer to a higher performing school for the school year following that in which they receive the school grade. After receiving notification by the Department of the Opportunity Scholarship Program eligible schools under this paragraph, the school district shall notify parents of the

opportunity to transfer to a higher performing school no later than (30) calendar days prior to the start of the next school year.

(4) The school district shall report to the Department data related to parental notifications, transfer requests, and student placements as specified in Form IEPC OSP-1, OSP Notification Verification Form, June 2012, no later than thirty (30) days after notification of parents as required under subsection (3) of this rule. Form IEPC OSP-1 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01161>) is hereby incorporated by reference and may be obtained from the Department's website at <http://www.floridaschoolchoice.org>.

(5) Failure by the district to meet the deadline requirements in subsections (3) and (4) of this rule will result in a withholding of FEFP funds as follows:

(a) The Department will withhold FEFP funds based on the total FTE of the eligible school from the next available FEFP distribution to the district.

(b) Subsequent distributions of the FEFP will continue to be withheld, until the district has fulfilled the requirements of subsections (3) and (4) of this rule.

Rulemaking Authority 1002.38(4) FS. Law Implemented 1002.38 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

**DEPARTMENT OF CITRUS**

RULE NO.: 20-9.002                      RULE TITLE: Processed Form

PURPOSE AND EFFECT: Revising conversion units for a standard equivalent 1 3/5 bushel box used in computing citrus advertising assessments in order to ensure a fair and correct number is available to industry for figuring conversion.

SUMMARY: Revising conversion units used in computing citrus advertising assessments.

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: Every 3 to 5 years the equivalency of processed citrus converted to 1 3/5 bushel boxes of citrus fruit for the payment of assessments is reworked in order to ensure a fair and correct number for figuring that payment for those companies who do not keep complete records showing the number of boxes for which an assessment is payable. This tax is payable on a per box basis, therefore there is no increased regulatory costs involved to small businesses and no need for 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: 601.10(1), 601.15(1), (10)(a), 601.155(3), (7) FS.

LAW IMPLEMENTED: 601.15(5), (6), 601.155 FS.

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

DATE AND TIME: May 16, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, FL 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or (863)537-3956 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-9.002 Processed Form.

(1) No change.

(2) All persons or entities required to file excise tax returns pursuant to Section 601.155, Florida Statutes, shall file, each week, an excise tax return on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.).

(a) All persons liable for the excise tax imposed by this section shall file with the Department of Citrus equalizing excise tax returns, certified as true and correct. The return, as furnished by the Department of Citrus, shall report information as to the number of units of processed orange or grapefruit products subject to this section upon which any taxable privilege was exercised during the period of time covered by the return, in addition to the status of inventoried product. Each handler shall maintain records and documentation supporting

declarations made on the excise tax return filed with the Department of Citrus. Unless the actual number of boxes is known to the processor and can be substantiated by appropriate records in his possession, the following table shall be used in determining the equivalent number of boxes:

Conversion Unit			
Product	Oranges	Grapefruit	Number of Equivalent 1-3/5 Bushel Boxes
Concentrate	6.56 6.20 solids	4.91 4.60 solids	1
Single Strength Sections, canned	6.22 6.12 gallons	5.64 5.26 gallons	1
	4.93 gallons	4.27 gallons	1

Rulemaking Authority 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS. Law Implemented 601.15(5),(6), 601.155 FS. History—Formerly 105-1.15(2), Revised 1-1-75, § (2), Amended 11-21-77, 8-1-80, § (3), 2-1-81, 8-1-83, Formerly 20-9.02, Amended 7-21-86, 8-30-89, 8-27-91, 7-13-94, 10-22-95, 8-1-97,8-3-00, 11-27-01, 7-23-03, 7-25-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas R. Ackerman, Executive Director, Florida Department of Citrus

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission, agency head of the Florida Department of Citrus

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

**DEPARTMENT OF ELDER AFFAIRS**

**Long-Term Care Ombudsman Program**

RULE NO.: 58L-1.008  
 RULE TITLE: Administrative Assessment

PURPOSE AND EFFECT: The Department proposes the creation of this rule to effectuate the mandatory rule promulgation as required by statute.

SUMMARY: The rule sets out the procedures to follow in conducting an administrative assessment of long-term care facilities by ombudsmen.

**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 Department conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 400.0071 FS.

LAW IMPLEMENTED: 400.0060(1), 400.0071, 400.0074 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rice, Assistant General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113, rices@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58L-1.008 Administrative Assessment.

(1) An onsite administrative assessment must be conducted on long-term care facilities annually. The annual period for conducting an assessment is the federal reporting year, which is October 1 through September 30.

(2) By October 1 of each year, the district ombudsman manager (DOM), or designee, must identify all facilities within the local council's jurisdiction and develop a plan to conduct assessments by September 30 of the following year.

(3) The assessment must focus on factors affecting residents' rights, health, safety, and welfare as seen from the residents' perspectives.

(4) At the conclusion of the assessment visit, the ombudsman should:

(a) Identify the issues and concerns perceived by the residents or noted by the ombudsman;

(b) Identify those issues and concerns that were addressed or corrected by facility staff during the assessment visit;

(c) Identify those issues and concerns that remain to be addressed or corrected;

(d) Conduct an exit consultation with the facility administrator, or administrator designee, to discuss the issues and concerns and make recommendations for improvement, if any; and,

(e) Submit the assessment to the DOM, or designee, after completing the exit consultation.

(5) After review of the assessment, the DOM, or designee, must submit a summary report to the facility administrator, or administrator designee.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0060(1), 400.0071, 400.0074 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Rice, Assistant General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113, rices@elderaffairs.org

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Corley, Secretary, Department of Elder Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 6, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

RULE NO.: 61G2-2.002                      RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete unnecessary language.

SUMMARY: This rule amendment will delete unnecessary language.

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, based upon the expertise and experience of its members, 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: 468.384(2) FS.

LAW IMPLEMENTED: 120.60(1), 455.217(1)(b), 455.213(1), 468.385 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, FL 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-2.002 Examination for Licensure.

(1) through (3) No change.

(4) Any person seeking to take the examination must have submitted a completed application and the application and examination fees provided for in Rules 61G2-3.002 and 61G2-3.003, F.A.C., at least 60 days prior to the scheduled examination date.

(a) Each prospective auctioneer shall complete an application on a form prescribed by the department ~~including an Applicant Profile Data as set forth in Department form DPR/AUC/001/Rev. 12-91 and a Personal History as set forth in Department form DPR-1002 Rev. 9/90, both of which are incorporated in this rule by reference.~~

(b) Each prospective apprentice auctioneer shall complete an application on a form prescribed by the department ~~as set forth in Department form DPR/AUC/008 which is incorporated in this rule by reference.~~

(c) Each prospective auction business shall complete an application on a form prescribed by the department ~~as set forth in Department form DPR/AUC/004 which is incorporated in this rule by reference.~~

(d) If, within 30 days after receipt of an executed application form ~~DPR/AUC/004~~, the department notifies the ~~auction business~~ applicant of any error or omission therein or requests the applicant to furnish any additional information the department is permitted by law to require, the applicant shall correct such errors, supply such omissions and furnish such additional information within 180 days of the date of such notice otherwise the form ~~DPR/AUC/004~~ will be considered never to have been submitted.

(5) through (6) No change.

Rulemaking Specific Authority 468.384(2) FS. Law Implemented 120.60(2), 455.217(1)(b), 468.385 FS. History—New 5-10-87, Amended 10-20-87, 6-5-88, 5-11-89, Formerly 21BB-2.002, Amended 9-27-93, 8-20-96, 11-1-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Auctioneers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

RULE NO.: 61G2-5.001  
 RULE TITLE: Requirements for Conducting an Auction

PURPOSE AND EFFECT: The Board proposes this rule amendment to amend the statute number referenced and delete unnecessary language.

SUMMARY: This rule amendment will amend the statute number referenced and delete unnecessary language.

**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, based upon the expertise and experience of its members, 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: 468.384(2) FS.

LAW IMPLEMENTED: 468.388, 468.389 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, FL 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-5.001 Requirements for Conducting an Auction.

(1) through (2) No change.

(3) The auction business under which the auction is conducted is responsible for all other aspects of the auction to include contract negotiations, advertising, auction organization and layout, merchandise distribution and final settlement with the seller. The auction business may delegate in whole, or in

part, different aspects of the auction only to the extent that such delegation is permitted by law and that such delegation will not impede the principal auctioneer's ability to assure the proper conduct of his independent responsibility for the auction. The auction business under whose auspices the auction is conducted is responsible for assuring compliance with the following requirements:

(a) through (c) No change;

(d) Comply with Section 468.338(10), Florida Statutes ~~the provisions of Rule 61G2-5.003, F.A.C.~~, regarding clients' funds and auction proceeds.

(e) No change.

Rulemaking Specific Authority 468.384(2) FS. Law Implemented 468.388, 468.389 FS. History--New 10-19-87, Amended 7-4-88, 12-11-88, 12-3-90, 1-28-92, Formerly 21BB-5.001, Amended 10-12-93,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Auctioneers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-19.008  
RULE TITLE: Confidentiality of Investigations

PURPOSE AND EFFECT: The Board reviewed the rule pursuant to Executive Order 11-01, Section 5, and proposes the rule amendment to delete unnecessary language and renumber the rule accordingly, and to correct reference to "subsection 61G15-19.001(6), F.A.C." to "subsection 61G15-19.001(7), F.A.C."

SUMMARY: The rule amendment will delete unnecessary language and renumber the rule accordingly and correct reference to "subsection 61G15-19.001(6), F.A.C." to "subsection 61G15-19.001(7), 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, 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: 471.038(6) FS.

LAW IMPLEMENTED: 471.038(6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-19.008 Confidentiality of Investigations.

~~(1) In accordance with Section 455.225, F.S., investigation records are confidential until an investigation ceases to be active. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the board has not exercised its option to pursue the case, or ten (10) days after the Board makes a determination regarding probable cause. However, in accordance with Section 471.038(6), F.S., in response to an inquiry about the licensure status of an individual, the management corporation shall disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public.~~

~~(2) The following violations have been deemed to involve the potential for substantial physical or financial harm to the public:~~

~~Negligence, as defined in subsection 61G15-19.001(4), F.A.C., or misconduct, as defined in subsection 61G15-19.001(7)(6), F.A.C., involving threshold buildings as defined in Section 553.71(7), F.S.~~

Rulemaking Specific Authority 471.038(6) FS. Law Implemented 471.038(6) FS. History--New 5-20-02, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2012



DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: March 30, 2012

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-16.0075  
 RULE TITLE: Dental Charting by Dental Hygienists

PURPOSE AND EFFECT: The Board proposes the rule amendment to add health access settings.

SUMMARY: The proposed changes will add health access settings.

**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, based upon the expertise and experience of its members, 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: 466.004(4), 466.0235 FS.

LAW IMPLEMENTED: 466.0235 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.0075 Dental Charting by Dental Hygienists.

(1) Pursuant to Section 466.0235, F.S., a Florida licensed dental hygienist is permitted to, without supervision and within the lawful scope of ~~their~~ ~~his or her~~ duties as authorized by law, perform dental charting of hard and soft tissues in public and private educational institutions of the state and Federal

Government, nursing homes, assisted living and long-term care facilities, community health centers, county health departments, mobile dental or health units, health access settings as defined in Section 466.003, F.S. and epidemiological surveys for public health. A Florida licensed dental hygienist is permitted to perform dental charting on a volunteer basis at health fairs.

(2) Each person who receives a dental charting, or the parent or legal guardian of the person receiving dental charting, by a dental hygienist pursuant to Section 466.0235, F.S., and this rule shall receive a dental charting form that contains the following information and the patient shall acknowledge the following information before receiving the dental charting procedure:

(a) through (i) No change.

(j) Before performing periodontal probing as part of a dental charting, dental hygienists shall include a written statement on the dental charting form that the patient has received medical clearance from a physician or dentist, before performing the periodontal probe as part of the dental charting.

(3) through (5) No change.

Rulemaking Specific Authority 466.004(4), 466.0235 FS. Law Implemented 466.0235 FS. History–New 12-26-06, Amended 6-11-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council of Dental Hygiene

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-28.001  
 RULE TITLE: Biennial Renewal of Massage Therapist’s License

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete duplicative rule provisions and to reference the Department of Health biennial renewal schedule.

SUMMARY: This rule amendment will delete duplicative rule provisions and reference the Department of Health biennial renewal schedule.

**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, based upon the expertise and experience of its members, 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: 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS.

LAW IMPLEMENTED: 456.013(7), 456.034, 480.0415, 480.044(1)(f), (m) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.001 Biennial Renewal of Massage Therapist’s License.

(1) All license renewals for massage therapists shall meet the requirements as set forth in Chapters 456 and 480, F.S., these rules, and the rules of the Department of Health. All massage therapists shall renew their licenses on or before the biennial renewal schedule in Rule 64B-9.001, F.A.C. August 31, of each biennial year, according to the fee schedule as set forth in Chapter 64B7-27, F.A.C.

~~(2) No license shall be renewed unless the licensee submits confirmation on a department form that the licensee has completed an education course on HIV/AIDS which meets the requirements of Section 456.034, F.S. If the licensee has not submitted confirmation which has been received and recorded by the Board, the department shall not renew the license. The Board approves courses that have been approved by regulatory Boards or Councils under the Division of Medical Quality Assurance, the Agency for Health Care Administration, the Department of Health, the American Red Cross, or directly by the Board, and courses sponsored or presented by Board approved Massage Schools.~~

~~(3) No license shall be renewed unless the licensee submits confirmation in writing to the Florida Board of Massage Therapy that the licensee has completed an education course of at least 2 hours relating to prevention of medical~~

~~errors as part of the licensure and renewal process. The course must include a study of root cause analysis, error reduction and prevention, and patient safety. The 2-hour course shall count toward the total number of continuing education hours required for renewal.~~

Rulemaking Specific Authority 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS. Law Implemented 456.013(7), 456.034, 480.0415, 480.044(1)(f), (m) FS. History--New 11-27-79, Amended 12-18-84, Formerly 21L-28.01, Amended 3-12-90, 1-3-91, Formerly 21L-28.001, Amended 9-30-93, 6-12-95, 9-25-95, 7-17-97, Formerly 61G11-28.001, Amended 4-28-99, 7-30-02\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2012

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-28.009                      RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the substantial rewrite of this rule to modify the language for the requirements for continuing education.

SUMMARY: The board proposes the substantial rewrite of this rule to modify the language for the requirements for continuing education.

**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, based upon the expertise and experience of its members, 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: 456.013(7), (8), (9), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7), (8), (9), 480.0415 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch., Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B7-28.009 follows. See Florida Administrative Code for present text).

64B7-28.009 Continuing Education.

(1) For each full biennium during which a massage therapist is licensed, pursuant to Chapter 480, F.S., the licensee shall complete one contact hour of board-approved continuing education, up to the maximum of 24 hours, for each month or part thereof during which the licensee holds an active license, plus the course on HIV/AIDS that meets the requirements of Section 456.034(1), F.S., which shall, in the aggregate, meet the following requirements.

(a) At least 12 contact hours relevant to and focus on human massage therapy techniques, which may include history of massage therapy or human anatomy, physiology, kinesiology, or pathology, taught via live classroom instruction including hands-on instruction and/or demonstration. Up to 6 contact hours may be met by performing pro bono services pursuant to Rule 65B7-28.0095, F.A.C.

(b) A 2 hour course in prevention of medical errors that meets the requirements of Section 456.013(7), F.S.

(c) Two hours of instruction in professional ethics and two hours on the laws and rules regulating the practice of massage therapy, which includes instruction on Chapters 480 and 456, F.S. and Rule Chapter 64B7, F.A.C. The requirements of this subsection can be met by attending four continuous hours of a meeting of the Board of Massage Therapy, if the licensee does not have a discipline or licensure matter on the agenda for the same meeting day. The licensee must sign in and out of the meeting to demonstrate compliance with this requirement.

(d) The six remaining required contact hours may include courses on communications with clients and other professionals, insurance relating to third party payment or reimbursement for services, psychological dynamics of the client-therapist relationship, risk management, including charting, documentation, record keeping, or infection control (other than the HIV/AIDS course required by Section 456.034, F.S., or massage practice management. The remaining hours may also include up to 4 hours credit for adult cardio-pulmonary resuscitation (CPR), provided the course is sponsored by the American Red Cross, the American Heart

Association or the American Safety and Health Institute, or is instructed by persons certified to instruct courses for those organizations. These continuing education requirements may be met through live classroom instruction and/or correspondence/home study courses. Correspondence/home study courses must include a test graded by the provider. Video cassette courses shall not exceed 5 hours per subject. A certificate of attendance/completion shall be issued and shall indicate the course is a correspondence/home study course, and shall indicate that the attendee has passed the course.

(2) For massage therapists licensed during the renewal biennium in which they completed their massage therapy program, and who are licensed for fewer than 24 months, shall complete the course on HIV/AIDS that meets the requirements of Section 456.034(1), F.S., and a 2 hour course in prevention of medical errors that meets the requirements of Section 456.013(7), F.S. The courses completed in their massage therapy program shall meet the remaining continuing education requirements of this rule.

(3) The licensee shall retain, for not less than four years, such receipts, vouchers or certificates as are necessary to document completion of the continuing education requirements of this rule.

(4) At the end of each biennium, the Board will audit a number of randomly selected licensees to assure that the continuing education requirements have been met. Within 21 days of a request from the Board or Department, the licensee must provide written documentation that the continuing education requirements have been met.

Rulemaking Specific Authority 456.013(7), (8), (9), 480.035(7), 480.0415 FS. Law Implemented 456.013(7), (8), (9), 480.0415 FS. History--New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99, 11-28-02, 2-13-05, 3-1-07, 5-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-28.0095  
RULE TITLE: Continuing Education for Pro Bono Services

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate by reference form DH-MQA 1244, update the revision date and where the form may be obtained.

SUMMARY: This rule amendment will incorporate by reference form DH-MQA 1244, update the revision date and where the form may be obtained.

**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, based upon the expertise and experience of its members, 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: 456.013, 480.0415 FS.

LAW IMPLEMENTED: 480.0415 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.0095 Continuing Education for Pro Bono Services.

(1) through (4) No change.

(5) A statement of completion of preapproved services performed must be submitted on form "Statement Completing Pro Bono Services for the Biennial Renewal Period of \_\_\_\_\_" form DH-MQA 1244 (rev. 1/12), to the Board office in order to receive continuing education credit.

(6) The forms and any instructions, incorporated herein by reference, may be obtained from the Board of Massage Therapy, ATTN: Pro Bono Services, 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399-3256 or from the website located at <http://www.doh.state.fl.us/MQA/massage>.

Rulemaking Authority 456.013, 480.0415 FS. Law Implemented 456.013, 480.0415 FS. History—New 5-5-04, Amended 12-6-06, 2-28-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-15.007

RULE TITLE: Approval and Renewal of New Certified Nursing Assistant Training Programs

PURPOSE AND EFFECT: The purpose of this amendment is to delete unnecessary language and adopt and incorporate by reference licensure forms and add the Board's website where the forms may be obtained.

SUMMARY: The Board proposes this rule amendment to delete unnecessary language and adopt and incorporate by reference licensure forms and add the Boar's website where the forms may be obtained.

**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, based upon the expertise and experience of its members, 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: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.007 Approval and Renewal of New Certified Nursing Assistant Training Programs.

(1) No change.

(2) A program seeking approval shall submit and complete a New Nursing Assistant Program Application, form number DH-MQA 1256 (8/11), available from the Board office or on the Board’s website: [www.doh.state.fl.us/mqa/nursing](http://www.doh.state.fl.us/mqa/nursing). The application for initial program approval shall include:

~~(a) Program name, sponsoring organization, address and campus location;~~

~~(b) Name and qualifications of program coordinator;~~

~~(c) Name and qualifications of program instructors;~~

~~(d) Evidence of current academic accreditation, if any;~~

~~(e) Program outline with objectives/outcomes, curriculum content divided into number and sequence of didactic and clinical hours, teaching methodology, textbooks, clinical skills checklist, copy of certificate of completion, and tentative calendar schedule for the program;~~

~~(f) Medicare certification status, if any;~~

~~(g) Evidence of sufficient financial and other resources to provide the required elements of the training program;~~

~~(h) Information on the availability of clinical facilities; and~~

~~(i) Evidence of compliance with Rule 64B9-15.005, F.A.C.~~

(3) Approval of a certified nursing assistant training program is valid for a two-year period.

(4) Each program must renew every two-years by completing the Nursing Assistant Training Program Renewal Application, form number DH-MQA 1257 (8/11), available from the Board office or on the Board’s website: [www.doh.state.fl.us/mqa/nursing](http://www.doh.state.fl.us/mqa/nursing), and submitting it to the Board within sixty (60) days of the program renewal date. If a program fails to timely file a renewal application, the Board shall rescind the approval.

~~(5)~~ (3) A training program shall not enroll students prior to receiving program approval.

Rulemaking Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History–New 8-31-03, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2012

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:

RULE TITLE:

68A-4.009

Florida Black Bear Conservation

PURPOSE AND EFFECT: As required by paragraph 68A-27.0012(3)(a), Florida Administrative Code, the Florida black bear (*Ursus americanus floridanus*) has been evaluated under the listing criteria. The Commission has decided to remove the Florida black bear from the State-designated Threatened species list. This rule would provide for prohibitions, permitting, and agency activities concerning the Florida black bear subsequent to its removal from the State-designated Threatened species list.

The effect of the action would be to affirm that unauthorized take of bears is prohibited, require that permits authorizing intentional take of bears must be for a scientific or conservation purpose, and establish that in providing technical assistance to others, the Commission will base its recommendation on goals and objectives of its approved bear management plan. The proposed rule makes it unlawful to take, possess, injure, shoot, wound, trap, collect, or sell bears or their parts except as specifically provided by FWC’s rules. ‘Take,’ for the purposes of any FWC rule unless it is otherwise defined, and for the purposes of this rule, is defined in 68A-1 and includes “attempting to take, pursuing, hunting, molesting, capturing, or killing” by any means. Given the potential for illegal trade in bear parts and bear hides, the level of specificity and detail in this rule are considered necessary to aid in successful enforcement and prosecution. The proposed rule provides criteria that FWC considers in the authorization of intentional take that will allow the continuation of local governments and other partners assisting FWC in bear management. The rule also affirms that FWC will continue to engage with private landowners and regulating agencies to guide future land use so that it is compatible with the goal and objectives of this plan. Additional information is available at: <http://myfwc.com/bear>. Look under Read the Draft Bear Management Plan; a description of the rule is located in the Regulations and Enforcement Chapter.

SUMMARY: The proposed action would: [1] affirm the prohibition on unauthorized take of bears, [2] describe when the Commission may issue intentional take permits, and [3] establish that the Commission will provide technical assistance to land owners and comments to permitting agencies to minimize and avoid potential negative human-bear interactions or impacts of land modifications on the conservation and management of black bears based on the goals and objectives of its approved bear management plan.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was 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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV., Sec. 9, Fla. Const., 379.1025 FS.

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

DATES AND TIME: During the Commission’s regular meeting June 27-28, 2012, 8:30 a.m. start each day

PLACE: PGA National Resort & Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418

Another notice will be published in the F.A.W. if the date or location of the final hearing changes.

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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. David Telesco, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, 620 South Meridian Street 6A, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-4.009 Florida Black Bear Conservation.

(1) No person shall take (as that term is defined in Rule 68A-1.004), possess, injure, shoot, wound, trap, collect, or sell Florida black bears (*Ursus americanus floridanus*) or their parts or to attempt to engage in such conduct except as authorized by Commission rule or by permit from the Commission.

(2) The Commission may issue permits authorizing intentional take of bears for scientific or conservation purposes which will benefit the survival potential of the species. For purposes of this rule, a scientific or conservation purpose shall mean activities that further the conservation or survival of the species, including:

(a) Collection of scientific data needed for conservation or management of the species; and

(b) Removing bears from situations that constitute a human safety risk or a risk to the well being of the bear.

(3) The Commission will provide technical assistance to land owners and comments to permitting agencies in order to minimize and avoid potential negative human-bear interactions or impacts of land modifications on the conservation and management of black bears. The Commission will base its comments and recommendations on the goals and objectives of the approved bear management plan.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV., Sec. 9, Fla. Const., 379.1025 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Eric Sutton, Director of the Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-27.003	Designation of Endangered Species; Prohibitions

PURPOSE AND EFFECT: The purpose and effect of this rule change is to remove the Florida black bear from State-designated Threatened species list.

SUMMARY: The Florida black bear was evaluated for listing pursuant to paragraph 68A-27.0012(3)(a), F.A.C. and the Commission proposes to remove the bear from the State-designated Threatened list. This rule removes Florida black bear from the rule and renumbers the list as appropriate.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution, 379.1025, 379.2291(2) FS.

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

DATES AND TIME: During the Commission’s regular meeting June 27-28, 2012, 8:30 a.m. start each day

PLACE: PGA National Resort & Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418

Another notice will be published in the F.A.W. if the date or location of the final hearing changes. The Commission’s agenda for this meeting will indicate the specific day when this item is scheduled to be addressed.

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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Eric Sutton, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Designation of Endangered Species; Prohibitions.

- (1) No change.
- (2) State-designated Threatened species:
  - (a) through (e) No change.
  - (f) Mammals:
    - 1. Big Cypress fox squirrel (*Sciurus niger avicennia*),
    - 2. Everglades mink (*Neovison vison evergladensis*),

~~3. Florida black bear (*Ursus americanus floridanus*); other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit;~~

3.4. Florida mastiff bat (*Eumops glaucinus floridanus*).

(g) through (h) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003. Amended 12-16-03, 7-20-09, 11-8-10, 11-14-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Eric Sutton, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.: 69J-10.001 RULE TITLE: Governmental Efficiency Program

PURPOSE AND EFFECT: Chapter 2010-102, Laws of Florida, amended Section 17.325, F.S., to delete the requirement that the Chief Financial Officer (CFO) provide monthly reports to the appropriations committee of the House and Senate with the information or suggestions received through the Get Lean hotline or website.

SUMMARY: The proposed amendment will delete the requirement that the CFO provide monthly reports to the Legislature regarding the information or suggestions from the Get Lean hotline or website.

**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 Department conducted an economic analysis of the

proposed rule’s potential impact and determined that it did not exceed any of the criteria set forth in Section 120.541(2)(a), F.S.

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: 17.29, 17.325(5) FS.

LAW IMPLEMENTED: 17.001, 17.30, 17.325 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:

DATE AND TIME: May 9, 2012, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

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: Tasha Carter at (850)413-5800 or Tasha.Carter@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: Tasha Carter, Director, Division of Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5800 or Tasha.Carter@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-10.001 Governmental Efficiency Program.

(1)(a) through (c) No change.

(d) “Get Lean Florida Website” means the Chief Financial Officer’s secured website to provide residents ~~citizens~~ with information about the Get Lean hotline and to provide an alternative contact method for initiating a Get Lean hotline suggestion.

(e) through (g) No change.

(2) through (3) No change.

(4) The Get Lean hotline number shall be 1(800)Get-Lean (1(800)438-5326). The phone line shall operate during the regular business hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday. After hours, residents ~~citizens~~ may leave a message on the Get Lean hotline confidential call recording system or be directed to the Get Lean Florida website at www.GetLeanFlorida.com. Pursuant to Section 17.325(3), F.S., a caller on the Get Lean hotline may remain anonymous, and if the caller provides his or her name, the name shall be confidential. If a state employee voluntarily discloses his or her name on the Get Lean hotline for referral to a state award program, the name of the state employee shall not be

considered confidential. Suggestions submitted on the Get Lean Florida website can be anonymous and are subject to the public records law pursuant to Chapter 119, F.S.

(5) through (8) No change.

~~(9) Each month, the Chief Financial Officer shall submit a written report to the appropriations committee of the Senate and the House of Representatives that contains:~~

~~(a) The information or suggestions received through the Get Lean hotline and website; and~~

~~(b) The evaluations and determinations provided to the Chief Financial Officer by the affected agency with respect to such information or suggestions.~~

Rulemaking Authority 17.29, 17.325(5) FS. Law Implemented 17.001, 17.30, 17.325 FS. History—New 11-9-09, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Tasha Carter, Director, Division of Consumer Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.:

6A-6.0781

RULE TITLE:

Procedures for Appealing a District School Board Decision Denying Application for Charter School or High-Performing Charter School

#### 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. 38, No. 7, February 17, 2012 issue of the Florida Administrative Weekly.

6A-6.0781 Procedures for Appealing a District School Board Decision Denying Application for Charter School or High-Performing Charter School.

The procedures for filing and reviewing all appeals to the State Board of Education under provisions of Section 1002.33(6), Florida Statutes, shall be as follows:

(1) Appealing a Charter School Application Denial. The district school board letter of denial required by Section 1002.33(6)(b)3.a., Florida Statutes, shall be provided to the