

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.001 Examination Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule to establish portions of the National Board of Examiners in Optometry (NBEO) Examination as the Florida Licensure Examination.

SUBJECT AREA TO BE ADDRESSED: Licensure as a certified optometrist.

RULEMAKING AUTHORITY: 456.017(1), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(1), 463.006(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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Miller, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.002 Reexamination

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language to clarify the requirements and time limitations for retaking the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Licensure as a certified optometrist.

RULEMAKING AUTHORITY: 456.017(2), 463.005 FS.

LAW IMPLEMENTED: 456.017(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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Miller, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.003 Examination Review Procedure

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language to clarify the procedures and time limitations for reviewing the examination questions, answers, papers, grade and grading keys.

SUBJECT AREA TO BE ADDRESSED: Examination review procedures.

RULEMAKING AUTHORITY: 456.017(2) FS.

LAW IMPLEMENTED: 456.017(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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Miller, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.004 Manner of Application

PURPOSE AND EFFECT: The Board proposes to amend the rule to modify the language to clarify qualifications and procedures for licensure of an applicant as a certified optometrist.

SUBJECT AREA TO BE ADDRESSED: Qualification and procedures for an applicant to be licensed as a certified optometrist.

RULEMAKING AUTHORITY: 456.005, 463.006(2), 463.013(7) FS.

LAW IMPLEMENTED: 456.013(7), 463.006(1)(b), (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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Miller, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.005 RULE TITLE: Criteria for Selection of Examiners and Consultants

PURPOSE AND EFFECT: The Board proposes to review the rule to determine if the rule remains necessary or to modify language as required.

SUBJECT AREA TO BE ADDRESSED: Criteria for selection of examiners and consultants.

RULEMAKING AUTHORITY: 456.017(1)(b) FS.

LAW IMPLEMENTED: 456.017(1)(a), (b) 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Miller, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.006 RULE TITLE: Security and Monitoring Procedures for Licensure Examination

PURPOSE AND EFFECT: The Board proposes to review the rule to determine if the rule remains necessary or to modify language as required.

SUBJECT AREA TO BE ADDRESSED: Security and monitoring procedures for licensure examination.

RULEMAKING AUTHORITY: 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Miller, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Trauma Center Apportionment

RULE NO.: 64J-2.010 RULE TITLE: Apportionment of Level I and Level II Trauma Centers Within Trauma Service Areas

PURPOSE AND EFFECT: The Department of Health announces the convening of a negotiated rulemaking proceeding addressing the apportionment of trauma centers within trauma service areas. The purpose of the negotiated rulemaking is to draft a mutually acceptable proposed rule addressing the appropriate distribution of trauma centers in the State of Florida.

SUBJECT TO BE ADDRESSED: The subject and scope of the rule to be developed through negotiated rulemaking will address apportionment of trauma centers within trauma service areas.

RULEMAKING AUTHORITY: 395.405 FS.

LAW IMPLEMENTED: 395.402 FS.

NEGOTIATED RULEMAKING COMMITTEE: The negotiated rulemaking committee members have been selected from various representative groups invited to participate in the negotiated rulemaking process. The rulemaking committee members are:

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| 1. Karen Putnal, Esq. | 2. Dr. Fred Moore, MD |
| 3. Steve Ecenia, Esq. | 4. Dr. Darwin Ang, MD, PhD, FACS |
| 5. Dr. Patricia M. Byers, MD | 6. Dr. Ernest F. Block, MD |
| 7. Jennifer Tschetter, General Counsel | |

If you believe that your interests are not adequately represented by the committee members listed above, you may apply to participate within 30 days of the date of publication of this notice. Your application must contain the following information: your name, business address, and telephone number; the name of any organization you are representing; a description of the organization or the members of the organization; a description of how the proposed rulemaking proceedings will affect parties that you represent; a statement identifying the reasons why you believe the committee members listed above will not adequately represent your interests; and a statement that you are willing to negotiate in good faith and can attend the scheduled meeting. Please submit your application to Sophia Flowers, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399, email address: Sophia.Flowers@flhealth.gov.

NEGOTIATED RULEMAKING COMMITTEE MEETING:

The committee will meet at the following date, time, and place to discuss rule development: January 23, 2014, 9:00 a.m., Department of Health, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 72 hours before the meeting by contacting Sophia Flowers, Dept. of Health, (850)245-4005, Sophia.Flowers@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1 (800)955-8771 (TDD) or 1 (800)955-9770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Sophia Flowers, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399, Email address: Sophia.Flowers@flhealth.gov

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-137.010
 RULE TITLE: Holocaust Victims Assistance Report and Standards of Proof

PURPOSE AND EFFECT: Rule 69O-137.010, F.A.C., will be transferred from the Office of Insurance Regulation to the Department of Financial Services as Rule 69J-137.010, F.A.C. The proposed amendments will implement the changes made by Chapter 2013-149, Laws of Florida, to Section 626.9543, F.S., known as the Holocaust Victims Assistance Act.

SUBJECT AREA TO BE ADDRESSED: Holocaust Victims Assistance Act.

RULEMAKING AUTHORITY: 624.308(1), 626.9543(11) FS.

LAW IMPLEMENTED: 624.307(1), 626.9543 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE

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

DATE AND TIME: January 10, 2014, 10:00 a.m.

PLACE: Room 143, 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: Lynn Grossman at (850)413-4160 or Lynn.Grossman@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lynn Grossman, Division of Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399-0322, (850)413-4160 or Lynn.Grossman@myfloridacfo.com. The text of the proposed rule is also available on the Department's website: <http://www.myfloridacfo.com/Division/LegalServices/RuleWorkshopMeetings/default.asp>

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

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:
 RULE TITLE:

6A-1.09422 Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish scale scores for each Achievement Level for reporting student proficiency levels for the U.S. History End-of-Course (EOC) Assessment. These performance standards may be used for placement, promotion, retention, and accountability purposes. In addition, pursuant to revisions to Section 1008.22, F.S., passed during the 2013 legislative session, the rule must be amended to designate passing scores for each Florida Comprehensive Assessment Test® 2.0 (FCAT 2.0) assessment and each Florida EOC Assessment. By establishing passing scores for EOC assessments, students will be able to use passing scores from the Biology 1 EOC Assessment and U.S. History EOC

Assessment to achieve a high school diploma Scholar designation pursuant to Section 1003.4285, F.S. The revisions also clarify that the passing scores may be used to earn course credit under the Credit Acceleration Program (CAP) pursuant to Section 1003.4295, F.S.

SUMMARY: The purpose of the proposed rule amendment is to include U.S. History EOC Assessment scale scores for each Achievement Level for reporting student proficiency levels for the assessment and to establish passing scores for each assessment that is part of the student achievement testing programs known as the FCAT 2.0 and Florida EOC 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: The rule revisions relate only to establishing achievement levels for statewide K-12 assessments; therefore, there is no direct or immediate impact on economic growth, private sector job creation, or employment, or private sector investment. If there is any impact on such economic growth and private sector job creation, the impact would be positive because the establishment of rigorous, yet attainable assessment standards positively impacts student outcomes, which, in turn, positively impacts economic growth, private sector job creation, and employment. For the same reasons, no impact or positive impact on business competitiveness would be anticipated. Because the proposed rule relates only to the establishment of achievement levels for statutorily required statewide assessments, it is not likely to increase regulatory costs.

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, 1008.22, 1008.25 FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25 FS.

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

DATE AND TIME: January 21, 2014, 9:00 a.m.

PLACE: Miami Lakes Educational Center, 5780 NW 158th Street, Miami Lakes, Florida 33014

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vince Verges, Director of Assessment, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements.

(1) The statewide program of educational assessment required by Section 1008.22(3)(e), F.S., shall be developed under the direction and supervision of the Commissioner of Education and shall be:

(a) through (2) No change.

(3) The statewide assessment program shall be administered as follows:

(a) Before the 2010-2011 school year, all eligible students in grades three through ten shall take the FCAT Reading and Mathematics. Beginning with the 2010-2011 school year, all eligible students in grades three through ten shall take the FCAT 2.0 Reading, and all eligible students in grades three through eight shall take the FCAT 2.0 Mathematics. All eligible students in grades four, eight, and ten shall take the FCAT Writing. Eligible students are those who are not exempted from the assessment pursuant to Section 1008.212 ~~1008.22(3)(e)~~, F.S., and Rule 6A-6.0909, F.A.C.

(b) Before the 2011-2012 school year, all eligible students in grades five, eight, and eleven shall take the FCAT Science. Beginning with the 2011-2012 school year, all eligible students in grades five and eight shall take the FCAT 2.0 Science. Eligible students are those who are not exempted from the assessment pursuant to Section 1008.212 ~~1008.22(3)(e)~~, F.S.

(c) through (h) No change.

(i) In accordance with the requirements of Sections 1008.22(3)(a) and (b) ~~1008.25(4)(e)~~, F.S., provisions shall be made by the Commissioner to retest students ~~the following year~~ if they do not attain passing scores on the assessments required for graduation ~~minimum performance expectations and are retained.~~

(j) The assessments shall be administered to students not less than one (1) time per year on a schedule approved by the Commissioner; however, for assessments required for graduation with a standard high school diploma, students must participate in each retake of the assessment until achieving a passing score on the required assessment or a concordant or comparative score on an alternative assessment.

(4) through (6)(e) No change.

(f) The achievement levels for the United States History EOC Assessment shall be as shown in the following table.

United States History EOC Assessment scale scores (325 to 475) for each achievement level:

Level 1	Level 2	Level 3	Level 4	Level 5
<u>325-377</u>	<u>378-396</u>	<u>397-416</u>	<u>417-431</u>	<u>432-475</u>

(7) through (8) No change.

(9) Beginning with ~~For~~ students entering grade nine during the 2010-2011 school year ~~and beyond~~, the passing score for all assessments required for high school graduation, a high school diploma scholar designation, or for course credit under the Credit Acceleration Program (CAP) under Section 1003.4295, F.S., shall be the minimum scale score in achievement level 3. Since a level 3 score is a satisfactory performance level pursuant to Section 1008.22(3)(e)1, ~~(e)5,~~ F.S., a level 3 score on an assessment that is a graduation requirement indicates that the student is on a pathway to college and career readiness.

(10) Beginning with the 2013-14 school year, passing scores shall be designated for each FCAT 2.0 and EOC assessment pursuant to Section 1008.22(3)(e)2., F.S. For FCAT 2.0 Reading, Mathematics, and Science, the passing score shall be the minimum scale score in achievement level 3. For FCAT 2.0 Writing, the passing score shall be a score of 3.5. For Algebra 1, Biology 1, Geometry, and United States History EOC Assessments, the passing score shall be the minimum scale score in achievement level 3.

~~(11)(10)~~ The Commissioner of Education shall review student performance levels annually and recommend to the State Board of Education whether to maintain the existing passing scores and achievement levels or to increase one or more of the requirements.

~~(12)(11)~~ The assessments shall be administered according to a schedule approved by the Commissioner.

~~(13)(12)~~ Students with disabilities may be provided test modifications or accommodations in accordance with the provisions of Rule 6A-1.0943, FAC.

~~(14)(13)~~ Invalidity of a section of this rule shall not invalidate the remainder of the rule.

Rulemaking Authority 1001.02, 1008.22, 1008.25 FS. Law Implemented 1001.02, 1001.11, 1008.22, 1008.25, ~~1008.33~~ FS. History--New 1-24-99, Amended 10-7-01, 1-22-02, 12-23-03, 3-27-06, 3-1-07, 2-25-09, 7-19-10, 2-12-12, 2-3-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Juan Copa, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 16, 2013

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.004
RULE TITLE: Florida Educator's Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to adopt specific requirements to be eligible for a special temporary certificate in educational leadership. In addition, the existing rule is revised to clarify that an endorsement may be added only to a three-year nonrenewable temporary or renewable professional certificate. The rule also clarifies that subjects may only be added to a renewable professional certificate.

SUMMARY: This rule will adopt the specific requirements and implementation of the application process for an individual to be eligible for a special temporary Florida Educator's Certificate in educational leadership. Procedures for addition of endorsements and subjects are clarified as stated above.

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 proposed rule provides an opportunity for a temporary Florida Educator's Certificate and does not contain any revisions imposing costs on any stakeholder.

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: 1012.55 FS.

LAW IMPLEMENTED: 1012.55 FS.

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

DATE AND TIME: January 21, 2014, 9:00 a.m.

PLACE: Miami Lakes Educational Center, 5780 NW 158th Street, Miami Lakes, Florida 33014

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David C. LaJeunesse, Chief, Educator Certification, Florida Department of Education, 325 West Gaines Street, Suite 201, Tallahassee, Florida, 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.004 Florida Educator’s Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages.

A Florida educator’s certificate is issued to an applicant with academic, administrative, degreed vocational, and specialty class coverages as specified below.

(1) through (4) No change.

(5) Special temporary certificate covering only educational leadership.

(a) A special temporary certificate valid for three (3) school fiscal years reflecting educational leadership may be issued to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,

2. Submits official documentation of a bachelor’s degree granted from an accredited or approved institution as specified in Rule 6A-4.003, F.A.C.,

3. Submits acceptable verification approved by the school employer of three (3) years of successful employment experience in a full-time executive management or leadership position,

4. Earns a passing score on the Florida Educational Leadership Examination (FELE), as specified in Rule 6A-4.00821, F.A.C., administered on or after January 1, 2014,

5. Obtains full-time employment as specified in subparagraph (1)(a)2., of this rule, and

6. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(b) A person operating under a special temporary certificate covering educational leadership must be under the mentorship of a school administrator with certification under the Florida School Leaders Certification program as specified in Rule 6A-4.0081, F.A.C. A request for issuance of the special temporary certificate covering educational leadership shall be submitted to the Department on which the employer must attest to provide a state-certified school administrator, designated as the applicant’s mentor during the term of the special temporary certificate.

(c) An applicant who holds a special temporary certificate covering only educational leadership, or held the same which has expired, may be issued a professional certificate provided all requirements for the professional certificate in effect at the time the application is filed have been completed, as specified in subsection (2) of this rule, which includes satisfying the specialization requirements for Educational Leadership as specified in Rule 6A-4.0082, F.A.C.

~~(6)~~(5) Addition of subjects to a professional certificate. A subject may be added to a valid renewable professional certificate when an applicant meets the following requirements:

(a) Completes application requirements as specified in Rule 6A-4.0012, F.A.C., and

(b) Demonstrates mastery of the subject matter as specified in Section 1012.56(5), F.S., for each subject to be added to a professional certificate.

~~(7)~~(6) Addition of endorsements. An endorsement may be added to a valid three-year nonrenewable temporary or renewable professional certificate when an applicant meets the following requirements:

(a) Completes the application requirements as specified in Rule 6A-4.0012, F.A.C., and

(b) Satisfies the specialization requirements specified in the rules of the Florida State Board of Education for each endorsement to be added to the certificate.

~~(8)~~(7) Expired certificates.

(a) through (c) No change.

(d) An applicant whose professional certificate has been expired may reinstate the professional certificate if requirements are completed as specified in subsection 6A-4.0051~~(7)~~(6), F.A.C.

Rulemaking Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, ~~1012.54~~, 1012.55, 1012.56 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 4-11-70, 9-17-72, 8-17-74, Repromulgated 12-5-74, Amended 11-9-76, 7-1-79, 8-27-80, 1-3-82, 4-26-84, 11-18-84, 6-18-85, Formerly 6A-4.04, Amended 12-25-86, 10-18-88, 9-12-89, 12-4-89, 4-15-91, 10-10-91, 5-3-94, 10-15-01, 12-27-04, 11-26-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brian Dassler, Deputy Chancellor for Educator Quality

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 5, 2013

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: RULE TITLE:

6A-4.0021 Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt new competencies and skills for the Florida Teacher Certification Examinations (FTCE) Computer Science K-12 and Technology Education 6-12 subject areas, effective April 1, 2014. In addition, new passing scores for the Professional Education, English for Speakers of Other Languages (ESOL) K-12, Mathematics 6-12, Middle Grades Mathematics 5-9, and the new Prekindergarten/Primary PK-3 examinations will be adopted. These newly adopted passing scores will take effect March 1, 2014. The effect of these changes will be updated competencies and skills for the FTCE and modification of existing passing score requirements for the affected examinations.

SUMMARY: The rule is proposed for amendment to adopt the "Competencies and Skills Required for Teacher Certification in Florida, Twentieth Edition." In addition, new passing scores for four FTCE subject area examinations and the Professional Education examination will be adopted.

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), F.S., and; 2) no new fees are imposed in the proposed rule. Although an indeterminate increase in the number of examinees who are required to retake the examination(s) is predicted, the expected number of examinees and the resulting fees for the examinations will not approach the threshold for legislative ratification. The proposed rule is not expected to require legislative ratification pursuant to Section 120.541(3), 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: 1012.56(9) FS.

LAW IMPLEMENTED: 1012.56 FS.

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

DATE AND TIME: January 21, 2014, 9:00 a.m.

PLACE: Miami Lakes Educational Center, 5780 NW 158th Street, Miami Lakes, Florida 33014

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of English language skills, reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple-choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Before January 1, 2013, the general knowledge competencies and skills as contained in the publication "~~Competencies and Skills Required for Teacher Certification in Florida, Sixteenth Edition,~~" (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-00247>~~), which is hereby incorporated by reference and made a part of this rule effective July 1, 2012. Beginning July 1, 2013, the general knowledge competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Eighteenth Edition," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01498>), which is incorporated by reference and made part of this rule effective July 1, 2013. Beginning March 1, 2014, the general knowledge competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Nineteenth Edition," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02390>), which is incorporated by reference and made part of this rule effective March 1, 2014. Beginning April 1, 2014, the general knowledge competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twentieth Edition," (INSERT LINK), which is incorporated by reference and made part of this rule

effective April 1, 2014. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

2. Before January 1, 2013, the professional education test competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Sixteenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00247>), which is hereby incorporated by reference and made a part of this rule. Beginning July 1, 2013, the professional education competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eighteenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01498>), which is incorporated by reference and made part of this rule. Beginning March 1, 2014, the professional education competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Nineteenth Edition,” (5-21-13), which is incorporated by reference and made part of this rule. Beginning April 1, 2014, the professional education competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Twentieth Edition,” (INSERT LINK), which is incorporated by reference and made part of this rule effective April 1, 2014. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

3. Before January 1, 2013, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Sixteenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00247>) which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2013, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Seventeenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00716>), which is incorporated by reference and made part of this rule effective January 1, 2013. Beginning July 1, 2013, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eighteenth Edition,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01498>), which is incorporated by reference and made part of this rule. Beginning March 1, 2014, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher

Certification in Florida, Nineteenth Edition,” (5-21-13), which is incorporated by reference and made part of this rule. Beginning April 1, 2014, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Twentieth Edition,” (INSERT LINK), which is incorporated by reference and made part of this rule effective April 1, 2014. These publications may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(3) through (7) No change.

(8) Scoring the professional education test.

(a) Effective July 2003, the passing score for the professional education test shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to an examination raw score that results in an examinee passing rate of ninety-one (91) percent, which was the passing rate of teacher candidates who took the professional education test for the first time during the 2001-2002 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2003 administration, the passing score shall be sixty (60) percent of the items.

(b) Effective July 1, 2005, the passing score for the professional education test shall be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to eighty (80) correct items on the July and October 2003 test administrations.

(c) Effective March 1, 2014, the passing score for the Professional Education examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-five (85) correct items on the test form used for standard setting and administered in May 2013.

(9) Scoring of the subject area specialty examinations.

(a) through (t) No change.

(u) Effective September 1, 2012, the passing score for the Biology 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-three (83) correct items on the test form used for standard setting and administered between January 2011 and April 2012.

(v)(y) Effective September 1, 2012, the passing score for the Chemistry 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of seventy-one (71) correct items on the test form used for standard setting and administered between January 2011 and April 2012.

(w) Effective September 1, 2012, the passing score for the Middle Grades General Science 5-9 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-four (84) correct items on the test form used for standard setting and administered between January 2011 and April 2012.

(x) Effective September 1, 2012, the passing score for the Earth-Space Science 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-three (83) correct items on the test form used for standard setting and administered between January 2011 and April 2012.

(y) Effective September 1, 2012, the passing score for the Physics 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of sixty (60) correct items on the test form used for standard setting and administered between January 2011 and April 2012.

(z) Effective September 1, 2012, the passing score for the Physical Education K-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-five (85) correct items on the test form used for standard setting and administered in January and February 2012.

(aa) Effective September 1, 2012, the passing score for the Health K-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-three (83) correct items on the test form used for standard setting and administered between January and March 2012.

(bb) Effective March 1, 2014, the passing score for the English for Speakers of Other Languages K-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-one (81) correct items on the test form used for standard setting and administered in May and June 2013.

(cc) Effective March 1, 2014, the passing score for the Mathematics 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of forty-eight (48) correct items on the test form used for standard setting and administered in July and August 2013.

(dd) Effective March 1, 2014, the passing score for the Middle Grades Mathematics 5-9 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of fifty-two (52) correct items on the test form used for standard setting and administered in July and August 2013.

(ee) Effective March 1, 2014, the passing score for the new Prekindergarten/Primary PK-3 subtests listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the following raw scores on the test forms used for standard setting and administered in July and August 2013:

1. Prekindergarten/Primary PK-3 Subtest 1: Developmental Knowledge: thirty-eight (38) correct items.

2. Prekindergarten/Primary PK-3 Subtest 2: Language Arts and Reading: forty-one (41) correct items.

3. Prekindergarten/Primary PK-3 Subtest 3: Mathematics: thirty-two (32) correct items.

4. Prekindergarten/Primary PK-3 Subtest 4: Science: thirty (30) correct items.

(ff)(bb) The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the professional education test not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(10) through (11) No change.

Rulemaking Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.55, 1012.56, 1012.59 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, 5-21-07, 5-19-08, 7-21-08, 7-9-09, 6-22-10, 6-21-11, 11-22-11, 8-23-12, 5-21-13, 10-22-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Juan Copa, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 26, 2013

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0051 RULE TITLE: Renewal and Reinstatement of a Professional Certificate

PURPOSE AND EFFECT: The purpose of this rule amendment is to insert provisions due to statutory changes, propose changes to streamline regulatory implementation, and

update language for clarity. Proposed changes include: update of the requirements specified for renewal of the professional certificate; update of the requirements for retention of certification coverages; update of the general requirements for renewal of a professional certificate; and, update of the requirements specified for reinstatement of the professional certificate.

SUMMARY: This rule provides the requirements and implementation provisions for renewal and reinstatement of a Florida Professional Educator's Certificate. Changes are proposed to update language to simplify and clarify the general requirement for use of college credits, inservice training, and subject area tests for renewal, and to insert the requirement to earn one college credit in the instruction of students with disabilities for applications submitted on or after July 1, 2014, for professional certificate renewal or for reinstatement of an expired professional certificate.

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 revised rule continues to require an appropriate fee to accompany an application for renewal. However, the amount of the required fee remains unchanged. Additional operational or compliance monitoring costs may be incurred by the agency or by others impacted, but these aggregate costs are not anticipated to reach the threshold to necessitate 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: 1012.585 FS.

LAW IMPLEMENTED: 1012.585 FS.

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

DATE AND TIME: January 21, 2014, 9:00 a.m.

PLACE: Miami Lakes Educational Center, 5780 NW 158th Street, Miami Lakes, Florida 33014

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David C. LaJeunesse, Chief, Educator Certification, Florida Department of Education, 325 West

Gaines Street, Suite 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0051 Renewal and Reinstatement of a Professional Certificate.

A professional certificate is renewed or reinstated and certification coverages retained on the certificate in accordance with the following provisions:

(1) through (2) No change.

(3) General requirements.

(a) All requirements necessary for the renewal of a certificate shall be completed during the last validity period of the certificate to be renewed and prior to the expiration date of the certificate. College credits, inservice training and subject area tests used to satisfy requirements for issuance of the initial professional certificate shall not be used for renewal of the professional certificate. Requirements for the first renewal shall be completed subsequent to the date that the application for the certificate was received in the Bureau of Educator Certification, Florida Department of Education, or subsequent to the beginning validity date shown on the certificate, or subsequent to the date eligibility was established for the first professional certificate, whichever is later.

(b) through (d) No change.

(e) A certification coverage which has been deleted from a professional certificate shall be added to the certificate when requirements specified in subsection 6A-4.004(6)(5), F.A.C., have been completed.

(f) through (5) No change.

(6) Special provisions for training in the instruction of students with disabilities.

(a) As a component of the credit requirements specified under paragraph (1)(a) of this rule, an educator whose application for renewal is received on or after July 1, 2014, must have earned at least one (1) college credit, twenty (20) inservice points, or a combination thereof, in the instruction of students with disabilities during the last validity period of the certificate to be renewed and prior to the expiration date of the certificate.

(b) As specified in paragraph (1)(b) of this rule, a passing score earned on a subject area test during the validity period of the professional certificate to be renewed on the Exceptional Student Education (Grades K-12), Hearing Impaired (Grades K-12), Visually Impaired (Grades K-12), or Speech-Language Impaired (Grades K-12) subject area exam may be used to satisfy the requirement for credit in the instruction of students with disabilities when certification coverage for the instruction of students with disabilities is shown on the professional certificate.

(c) An educator may earn acceptable credit for training in any certification subject area related to the instruction of students with disabilities, including, but not limited to, hearing impaired, speech-language impaired, and visually impaired, to satisfy the requirement for credit in the instruction of student with disabilities. Acceptable credit in the instruction of students with disabilities may be applied to retain any specialization area on the professional certificate to be renewed.

(d) In accordance with paragraph (1)(c) of this rule, national board certification in an Exceptional Needs Specialist subject area satisfies the requirement for the instruction of students with disabilities.

(7)(6) Reinstatement of a professional certificate. The Department may reinstate an expired professional certificate if the certificate holder:

(a) Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,

(b) Satisfies the fingerprint requirement as specified in subparagraph 6A-4.004(1)(a)3., F.A.C.,

(c) Documents completion of six (6) semester hours of college credit during the five (5) years immediately preceding reinstatement of the expired certificate, completion of one hundred twenty (120) inservice points, or a combination thereof, as specified in paragraph (1)(a) of this rule, ~~and~~

(d) During the five (5) years immediately preceding reinstatement of the certificate, achieves a passing score on the subject area examination for each subject to be shown on the reinstated certificate. Only subjects currently issued by the Department may be shown on a reinstated certificate, ~~and~~

(e) An educator whose application for reinstatement is received on or after July 1, 2014, must have earned at least one (1) college credit or the equivalent inservice points in the instruction of students with disabilities during the five (5) years immediately preceding reinstatement of the expired certificate.

Rulemaking Authority 1001.02, 1012.55, 1012.585 FS. Law Implemented 1001.02, ~~1012.54~~, 1012.55, 1012.585 FS. History—New 12-25-86, Amended 4-23-91, 2-12-92, 10-15-01, 12-27-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brian Dassler, Deputy Chancellor for Educator Quality

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 5, 2013

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-14.099 Penalties for Failure to Report Child Abuse

PURPOSE AND EFFECT: The purpose and effect of this new rule is to establish procedures for the State Board of Education (SBOE) to assess a penalty against Florida College System (FCS) institutions that fail to report child abuse.

SUMMARY: This rule establishes procedures for the SBOE to assess a penalty against FCS institutions that fail to report child abuse as required by Section 39.205(10), F.S. This rule also defines the terms “FCS administrator” and “Law Enforcement Agency.” The effect is that Florida College System Institutions and Law Enforcement Agencies will be fined \$1,000,000 if they fail to report certain child abuse taking place on campus or at an event or function sponsored by the college.

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 only cost will be if the FCS institution fails to report. There are no regulatory costs in implementing this rule. 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: 39.205(10), 1001.02(1) FS.

LAW IMPLEMENTED: 39.205 FS.

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

DATE AND TIME: January 21, 2014, 9:00 a.m.

PLACE: Miami Lakes Educational Center, 5780 NW 158th Street, Miami Lakes, Florida 33014

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kasongo Butler, Assistant Chancellor, Division of Florida Colleges, 325 W. Gaines Street, Suite 1544C, Tallahassee, FL 32399, (850)245-9455

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.099 Failure of Florida College System Administrator or Law Enforcement Agency to Report Child Abuse, Abandonment or Neglect.

(1) Definitions. For purposes of this section:

(a) The terms “abuse,” “abandonment,” and “neglect” shall have the same meaning as in Section 39.01, Florida Statutes.

(b) The term “Administrator” means high level personnel who have been assigned the responsibilities of college-wide or campus-wide academic or administrative functions, such as: college presidents, campus presidents, provosts, senior/executive vice presidents, vice presidents, associate vice presidents, associate/vice provosts, chief human resource officer, deans, chief of police, equal opportunity programs director, intercollegiate athletics director, internal auditor, Title IX coordinator and college compliance officer.

(c) The term “college” means a Florida College System institution.

(d) The term “Law Enforcement Agency” means the campus police/security department established by each college.

(e) The term “State Board” means the State Board of Education.

(2) Investigation of an Allegation of a Failure to Report.

(a) Upon receipt of a credible allegation that a college Administrator or Law Enforcement Agency knowingly and willfully failed to report information of known or suspected child abuse, abandonment, or neglect as required by Section 39.205, Florida Statutes, the Florida Department of Education’s Office of Inspector General shall conduct an investigation to determine if sufficient evidence exists to support the allegation and the assessment of the \$1 million fine pursuant to Section 39.205, Florida Statutes.

(b) The Inspector General shall submit the investigatory findings to the Chair of the college’s District Board of Trustees or the Chair’s designee, and the college shall have twenty (20) business days after receipt to submit a written response to the Inspector General. The Inspector General shall provide a rebuttal, if any, to the college within twenty (20) business days after receipt of the college’s response. The college’s response and the Inspector General’s rebuttal to the response, if any, shall be included in the final investigative report presented to the State Board and the Chair of the college’s District Board of Trustees.

(3) Action by the State Board. The State Board shall issue a written order determining whether or not to assess the \$1 million fine against the college pursuant to Section 39.205, Florida Statutes.

(4) Additional Proceedings. Within twenty-one (21) business days after receipt of the State Board’s written order, the college may file a petition challenging the State Board of

Education’s determination in an administrative proceeding conducted pursuant to Sections 120.569 and 120.57, Florida Statutes.

Rulemaking Authority 39.205(10), 1001.02(1) FS. Law Implemented 39.205 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Randy Hanna, Chancellor, Florida College System

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 8, 2013

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-6.001
 RULE TITLE: Failure of Nonpublic College, University, or School Administrator or Law Enforcement Agency to Report Child Abuse, Abandonment or Neglect

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish procedures for receiving complaints and imposing fines for the failure to report child abuse, abandonment or neglect that occurs on the campus of a nonpublic college, university or school or during an event sponsored by these entities.

SUMMARY: In addition to setting forth definitions, the proposed rule provides an address where complaints may be submitted to the Commission and provides for an investigation of complaints alleging a failure to report child abuse, abandonment or neglect. The proposed rule also requires the Commission to consider the complaint, investigation and response at a public meeting before imposing a fine and requires the fine to be deposited in the Institutional Assessment Trust Fund.

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 a SERC was triggered under Section 120.541(1), F.S. and (2) because the proposed rule

sets forth procedures for the agency, the proposed changes does not impose any new or additional costs and is not expected to have any economic impact.

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: 39.205(10) FS.

LAW IMPLEMENTED: 39.205 FS.

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

DATE AND TIME: January 21, 2014, 9:00 a.m.

PLACE: Miami Lakes Educational Center, 5780 NW 158th Street, Miami Lakes, Florida 33014

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-6.001 Failure of Nonpublic College, University or School Administrator or Law Enforcement Agency to Report Child Abuse, Abandonment or Neglect.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) The term “administrator” means the personnel who have been assigned the responsibilities of institution-wide or campus-wide academic or administrative functions.

(b) The term “Commission” means the Commission for Independent Education.

(c) The term “law enforcement agency” means any unit of the nonpublic college, university, or school, as defined in Section 1002.21 or Section 1005.02, Florida Statutes, which is vested with the authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

(2) Failure to Report.

(a) Any person who has knowledge that a nonpublic college, university or school administrator knowingly and willfully failed to report information of known or suspected child abuse, abandonment or neglect, or knowingly and willfully prevented another person from doing so, as required by Section 39.205, Florida Statutes, to the Department of Children and Families, may file a complaint with the Commission at www.fldoe.org/cie, by fax at (850) 245-3238, or by writing to the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, FL 32399-0400.

(b) Any person who has knowledge that a law enforcement agency failed to report information of known or suspected child abuse, abandonment or neglect, as required by Section 39.205, Florida Statutes, to the Department of Children and Families, may file a complaint with the Commission at www.fldoe.org/cie, by fax at (850)245-3238, or by writing to the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(c) Upon receipt of a complaint, the Commission shall investigate it within thirty (30) days.

(d) The institution shall be provided with the complaint, the Commission’s investigation, and a copy of Section 39.205, Florida Statutes, and shall have twenty (20) working days after receipt to submit a written response to the Commission.

(3) Action by the Commission. Prior to imposing a fine, the Commission shall consider the complaint, the investigation, and the institution’s response at a publically noticed meeting. Any order imposing a fine shall be reduced to writing and a copy provided to the institution or agency.

(4) Fines. Fines assessed under this section shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund in accordance with subsection 6E-4.001(9), F.A.C.

Rulemaking Authority 39.205(10) FS. Law Implemented 39.205 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samuel Ferguson, Executive Director, Commission for Independent Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 6, 2013

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-13.004 License Procedure

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise licensure periods and application fees for prescribed pediatric extended care centers.

SUMMARY: The Agency proposes to amend Rule 59A-13.004, F.A.C., to include revisions to conform the rule to requirements of the streamlined and consistent set of basic licensing requirements in Chapter 408, Part II. Other revisions are made to correct technical errors and update references.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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.

Statement of estimated regulatory costs has been prepared for proposed amendments to Rule 59A-13.004, F.A.C. and is available from the person to be contacted regarding this rule listed below. The following is a summary of the SERC:

For proposed paragraph 59A-13.004(2)(a), F.A.C., license fees are increased by the Consumer Price Index pursuant to Section 408.805(2), F.S. The biennial license fee will increase by \$212.35. Based on the number of currently licensed facilities and projected growth, the total regulatory impact for a 5 year period is \$25,906.70.

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: A SERC has been prepared by the Agency.

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

RULEMAKING AUTHORITY: 400.905, 400.914, 408.819 FS.

LAW IMPLEMENTED: 400.905, 400.914, 408.805 FS.

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

DATE AND TIME: January 30, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, Fort Knox Building 3, Conference Room B, 2727 Mahan Drive, Tallahassee, FL 32308-5407

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jacqueline Williams, Division of Health Quality Assurance, 2727 Mahan Drive, MS#33, Tallahassee, Florida 32308, Phone: (850)412-4303, Email: LTCStaff@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-13.004 License Procedure.

(1) Except as provided in Sections 400.903 and 400.905, F.S., no person, firm, association, partnership, or corporation shall either directly or indirectly operate a PPEC center in this

state without first applying for and receiving a license from the Agency.

(2) Application for a license to operate a PPEC center must be made on AHCA Form 3110-8002, September 2013 ~~July 2005~~, “Licensure Application: Prescribed Pediatric Extended Care Center,” hereby incorporated by reference, which must be submitted by the owner or administrator to the Agency. This form is available from the Agency for Health Care Administration, 2727 Mahan Drive, MS-33, Tallahassee, Florida 32308, or at the web address at: <http://ahca.myflorida.com/MCHQ/Corebill/index.shtml> ~~http://ahca.myflorida.com/MCHQ/Long_Term_Care/LTC/index.shtml~~. In addition to a completed application, applicants for initial, renewal and change of ownership must submit the following:

(a) Biennial ~~License~~ fees in the amount of \$1,512.35 ~~650.00~~ payable to the Agency for Health Care Administration. A license for an initial or change of ownership application will not be issued until the application fee has been received by the Agency and all associated checks have cleared. If a check for the renewal licensure fee is dishonored and returned to the Agency, the license holder will have ten (10) calendar days to pay the full amount plus any applicable fees as provided by law. Such payment must be made by ~~cash~~, cashier’s check, or money order. Failure to pay the licensure and processing fee may ~~will~~ result in suspension of the license until all fees are paid in full.

(b) Documentation of compliance with subsection 59A-13.022(1), F.A.C., regarding fire safety conducted within the previous three months.

(3) Separate licenses are required for buildings located on separate premises.

(4) Licensees must not operate a PPEC center with a census greater than the number of children indicated on the face of the license.

(5) Licenses issued for the operation of a PPEC center are limited as provided in Section 400.905, F.S., and unless revoked, will expire two ~~one~~ years from the date of issuance.

(6) No other licensed or certified health care or business entity may be located within a PPEC center.

(7) Whenever the licensee of a PPEC center seeks to increase the licensed capacity, the licensee must submit an application to the Agency 60 days prior to the requested effective date ~~date of the change~~. Upon successful completion of a health and life safety survey, the license will be modified accordingly.

Rulemaking Specific Authority 400.905, 400.914(1), 408.819 FS. Law Implemented 400.905, 400.914, 408.805 FS. History—New 3-8-89, Formerly 10D-102.004, Amended 2-27-94, 5-24-98, 6-22-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jacqueline M. Williams
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Elizabeth Dudek
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 19, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: June 7, 3013

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: RULE TITLES:
 67-49.001 Definitions
 67-49.002 Procurement of Commodities or Contractual
 Services
 67-49.003 Withdrawal of Invitation to Bid, Invitation
 to Negotiate, Request for Proposals or
 Request for Qualifications
 67-49.0031 Emergency Purchases
 67-49.004 Modification of Terms of Invitation to Bid,
 Invitation to Negotiate, Request for
 Proposals or Request for Qualifications
 67-49.005 Responsibility of Bidders and Offerors
 67-49.007 Evaluation of Responses
 67-49.008 Identical (Tie) Responses
 67-49.009 Right to Waive Minor Irregularities
 67-49.011 Nonresponsive Bids
 67-49.012 Contract Administrator
 67-49.013 Contracts; Terms, Amendments, Renewals

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall procure commodities and contractual services.

SUMMARY: The proposed rule makes the following changes to Rule Chapter 67-49, F.A.C.: Amend definitions to include “Competitive Solicitations;” change references from the “Florida Administrative Weekly” to the “Florida Administrative Register;” clarifies that rights to protest attach when a solicitation is posted on the Corporation website; includes statutory requirements regarding the public records law and other mandatory terms in all contracts; increases the threshold amount requirement for competitive solicitation from \$25,000 to \$35,000 and increases the threshold requirement for obtaining at least two quotes from \$3,000 to \$5,000;

Clarify and increase the requirements for single source purchases; amend the list of exemptions from competitive solicitation; sets forth the responsibilities of the Contracts Manager; and makes technical and conforming changes.

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 rule is not likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. The rule is not likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. In addition, the rule is not likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

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: 420.507(12) FS.

LAW IMPLEMENTED: 420.507(13), (27) 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: January 16, 2014, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Della Harrell, Contracts Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-49.001 Definitions.

As used in this rule, the term:

(1) “Act” means the Florida Housing Finance Corporation Act, Sections 420.501 through 420.517, F.S., as amended.

(2) “Bidder,” ~~or~~ “Offeror,” or “Respondent” means a person who represents that he or she has the capability in all respects to perform fully the requirements contained in a competitive solicitation ~~the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.~~

(3) No change.

(4) No change.

(5) “Competitive Solicitation,” or “Solicitation,” means any Request for Proposals, Request for Qualifications, Invitation to Bid, Invitation to Negotiate, or other process of requesting and receiving two or more sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement, including any publication or transmission by electronic means.

(6)(5) “Contractor” means a person or entity who enters into a written contract to sell commodities or provide contractual services to the Corporation.

(7)(6) “Contractual Service” means the rendering by a contractor of its time, skill and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged there under; and professional, technical, and social services.

(8)(7) “Corporation” means the Florida Housing Finance Corporation.

(8) “~~Corporation Mailing Date~~” means the date on which the Corporation mails the Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications to prospective Bidders and Offerors as referenced in subsection 67-49.002(3), F.A.C., hereof.

(9) No change.

(10) “FAR FAW” means the Florida Administrative Register Weekly. All references to FAR in this rule chapter shall also be read to include any other written or electronic publication or information delivery system designated by Florida Statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of publication.

(11) “Good Purchasing Practices” means obtaining at least two (2) written quotations or making a written record of at least two quotes obtained verbally, including the name and address of the company and amount quoted, for contractual services or Commodities that exceed five thousand (\$5,000) ~~3,000~~ and are not available through a vendor under a contract

negotiated by the Florida Department of Management Services. ~~If an employee of the Corporation receives verbal quotations, they will include the name and address of the company and amount quoted in the required written record.~~ If the Corporation does not obtain at least two (2) quotations, the Corporation shall document as to why they were not obtained.

(12) “Invitation to Bid” means a written solicitation, ~~which includes a solicitation published or transmitted by electronic means,~~ requesting competitive sealed bids specifically defining the commodity, service, group of commodities or group of services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be available to all prospective bidders simultaneously. ~~A written solicitation includes a solicitation published or transmitted by electronic means.~~

(13) “Invitation to Negotiate” means a written solicitation, ~~which includes a solicitation published or transmitted by electronic means,~~ requesting competitive sealed responses to select one or more persons or business entities with which to commence negotiations for the procurement of commodities or contractual services.

(14) “Minority Business Enterprise” has the same definition as in Section 288.703, F.S.

(15) “Minor Irregularity” means a variation from ~~in~~ a mandatory term or condition of a competitive solicitation ~~an Invitation to Bid, Invitation to Negotiate, Request for Proposal or Request for Qualifications~~ that does not materially affect the price of the commodity or service, or give the bidder or offeror an advantage or benefit not enjoyed by other bidders or offerors, and does not adversely impact the interests of the corporation or the public.

(16) “Publication,” means the publishing or posting of notice regarding solicitations, decisions or intended decisions, or other matters relating to procurement under this rule, on the Corporation website section designated for this purpose.

(17)(16) “Publication Date” means the date on which the Corporation publishes the notice of the availability of the ~~Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications~~ competitive solicitation on the Corporation Website and in the ~~FAR FAW~~. For purposes of Section 120.57(3), F.S., publication occurs at the time and on the date the notice is posted on the Corporation website or by such other means designated by Florida Statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of publication. ~~All references to the FAW in this rule chapter shall also be read to include any other written or electronic publication or information delivery system~~

~~designated by Florida Statute or by rule of the Florida Department of State or Florida Department of Management Services as an acceptable alternative means of publication.~~

~~(18)(17)~~ “Request for Proposals” means a written solicitation, ~~which includes a solicitation published or transmitted by electronic means,~~ requesting competitive sealed proposals. The Request for Proposals is used when the Corporation is incapable of specifically defining the scope of work for which the commodity, group of commodities or contractual service is required and when the corporation is requesting that a qualified offeror propose a commodity, group of commodities or contractual service to meet the specifications of the solicitation document. The Request for Proposals includes general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions and evaluation criteria.

~~(19)(18)~~ “Request for Qualifications” means a written solicitation, ~~which includes a solicitation published or transmitted by electronic means,~~ requesting competitive sealed qualifications. The Request for Qualifications is utilized when the Corporation does not have a specific immediate need for a particular service, but desires to have qualified individuals or firms under contract which can be assigned duties as the need arises over a period of time. The Request for Qualifications includes general information, applicable laws and rules, functional or general specifications, statement of work, instructions and evaluation criteria.

~~(20)(19)~~ “Response” means the written submission by a bidder or offeror ~~addressing a competitive solicitation to an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.~~

~~(21)(20)~~ “Valid Emergency” means a circumstance caused by an unexpected turn of events beyond the control of the Corporation involving the security, integrity or the financial status of the Corporation, or involving public health, welfare, safety, injury or loss.

~~(22)(21)~~ “Website” means the Florida Housing Finance Corporation website, the Universal Resource Locator (URL) of which is www.floridahousing.org.

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History—New 1-31-99, Amended 3-12-02, 9-14-03, _____.

67-49.002 Procurement of Commodities or Contractual Services.

(1)(a) When the purchase price of a commodity or contractual service does not exceed thirty-five ~~twenty five~~ thousand dollars (\$35,000 ~~\$25,000~~) in any fiscal year, including all delivery costs and administrative costs, then the

Corporation may proceed with the procurement of commodities or contractual services without a competitive solicitation, bid or competitive proposal, but the Corporation must use good purchasing practices.

(b) When the purchase price of commodities or contractual services exceeds or is estimated to exceed thirty-five ~~twenty five~~ thousand dollars (\$35,000 ~~\$25,000~~), in any twelve (12) month period, purchases of these commodities or contractual services, except as otherwise provided in subsections 67-49.002(4) and (5), ~~and (6)~~, F.A.C., must be made pursuant to a competitive solicitation ~~an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.~~

(2) Public notice of any competitive solicitation, ~~an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications~~ shall be given in advance of the due date of the Responses as provided herein to permit Bidders and Offerors to prepare and submit responses in a timely fashion. Notice shall include, at a minimum, publication in the FAR FAW.

(3)(a) The Corporation shall post any competitive solicitation ~~an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications~~ on its Website not later than ~~on or prior to~~ the publication of the FAR FAW notice. There will be a minimum of fourteen (14) days between the publication date of the notice in FAR FAW and the due date of the responses. The competitive solicitation ~~Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications~~ shall describe the commodities or services and require prices, fees, or both to be stated and include the contract period(s).

(b) For those contracts that are subject to renewal, the contract award shall include an evaluation of offers or bids for the entire contract period, including the renewal(s).

~~(4) Commodities or contractual services which exceed or are estimated to exceed twenty five thousand dollars (\$25,000), in any twelve (12) month period, are exempt from competitive solicitation upon a written determination by the Executive Director of the Corporation that such commodities or services are most readily available from a single source or that the best interests of the Corporation or the public are served by obtaining such commodities or services from a single source.~~

~~(4)(5)~~ The purchase of commodities or contractual services are exempt from competitive solicitation if the Corporation purchases such services or commodities from a vendor under a contract negotiated and executed by the Florida Department of Management Services.

~~(5)(6)~~ The following contractual services and commodities are not subject to the competitive sealed bid requirements of paragraph (1)(b):

(a) No change.

(b) No change.

~~(c) Auditing services, except for annual audit of the Corporation's financial statements.~~

~~(c)(d)~~ Legal services, including attorney, paralegal, expert witness, appraisal, or mediation services.

(d) Printing and binding of Corporation publications.

(e) Services or commodities provided by governmental entities agencies, including, but not limited to, Florida State Universities and State Community Colleges, or by any independent, nonprofit college or university which is accredited by the Southern Association of Colleges and Schools and is located within the state.

(f) Contracts where the contractor is prescribed by state or federal law, or where payment is established during the appropriations process.

(6) This rule does not apply to any competitive solicitation issued through any corporation program to allocate or award funding for the construction, rehabilitation, preservation, or purchase of affordable housing.

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New 1-31-99, Amended 3-12-02, 9-14-03,_____.

67-49.003 ~~Withdrawal of a Competitive Solicitation an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.~~

(1) The Corporation may withdraw any competitive solicitation an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications at any time prior to the due date of the Responses when the withdrawal is determined by the Executive Director to be in the best interest of the Corporation or the public. Notice of such determination shall be posted on the Corporation's website and published in the next available FAR FAW.

(2) Any bidder or offeror may request to withdraw its response, in writing, at any time prior to a vote by the Corporation's Board of Directors regarding any Responses received.

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New 1-31-99, Amended 3-12-02, 9-14-03,_____.

67-49.0031 Emergency Purchases; Single Source.

(1) The Corporation's Executive Director may waive any requirement of this rule and permit emergency purchases of commodities and contractual services where a Valid Emergency exists and is documented in writing.

(2) The Board may exempt commodities or contractual services from competitive solicitation requirements upon a determination by the executive director that such commodities or services are most readily available from a single source or that the best interests of the Corporation or the public are served by obtaining such commodities or services from a single source. Upon such determination, the Corporation shall electronically post a description of such commodities or services for at least seven (7) business days, including a request that prospective vendors provide information regarding their ability to supply the described commodities or contractual services sought. If the executive director, after reviewing any information received from prospective vendors, determines that the commodities or contractual services are practically available only from a single source, the Corporation shall provide notice of its intended decision to enter a single-source purchase contract in the manner specified in Section 120.57(3), F.S.

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New 3-12-02, Repromulgated 9-14-03, Amended_____.

67-49.004 Modification of Terms of a Competitive Solicitation an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.

(1) The Corporation may modify the terms of a competitive solicitation an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications at any point prior to the due date of the responses. A notice of modification will be posted on the Corporation's website and sent to all bidders and offerors by facsimile or e-mail. Any bidder or offeror shall have at least seven (7) days from the date of the posting of the notice of the modification to submit or modify its response.

(2) Any bidder or offeror may modify its response at any time prior to the response deadline.

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New 1-31-99, Amended 3-12-02, 9-14-03,_____.

67-49.005 Responsibility of Bidders and Offerors.

The failure of a bidder or offeror to supply required information in connection with a competitive solicitation an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications shall be grounds for a determination of nonresponsiveness with respect to its response. If a determination of nonresponsiveness is made by the Corporation, the response will not be considered.

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New 1-31-99, Amended 3-12-02, Repromulgated 9-14-03, Amended_____.

67-49.007 Evaluation of Responses.

The Corporation shall establish a review committee composed only of employees of the Corporation to evaluate responses to a competitive solicitation, and shall ~~an Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications~~ which committee shall provide findings, recommendations, or both to the Board of Directors of the Corporation.

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New 1-31-99, Amended 3-12-02, Repromulgated 9-14-03, Amended _____.

67-49.011 Nonresponsive Bids.

If not more than one responsive bid, proposal, or response to any competitive solicitation ~~Invitation to Negotiate, and Request for Qualifications~~ is received, the Corporation shall negotiate for the commodities or services sought, on the best terms and conditions. The Corporation shall document the reasons that such action is in the best interest of the Corporation ~~state~~ in lieu of resoliciting. ~~Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications.~~

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New 9-14-03, Amended _____.

67-49.012 Contract ~~Manager Administrator.~~

~~The For each contract, the Corporation shall designate an employee to function as contract manager administrator who shall be responsible for preparing solicitations for publication, for publishing notice of solicitations, review committee meetings, and board awards, preparing drafts of contracts, maintaining contract files, financial information, and tracking system on all contractual services contracts, posting notice of maintaining a file system to track containing all financial information concerning the contract, and enforcing performance of the contract terms and conditions, and serving as liaison with the contractor for solicitations and contracts under this rule.~~

Rulemaking Specific Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New 9-14-03, Amended _____.

67-49.013 Contracts; Terms, Amendments, Renewals.

(1) Each contract shall embody all provisions and conditions of the procurement including at a minimum:

(a) Requirements that bills or fees for services or expenses be submitted in detail sufficient for audit;

(b) Requirements that travel expense bills or reimbursements not exceed the maximums provided in Section 112.061, F.S.;

(c) A clear statement of the scope of services and deliverables required by the contractor;

(d) Criteria for, and schedules of, payments owed by the Corporation; and

(e) Provision for termination, including termination by the Corporation for failure to comply with Section 119.0701, F.S.

(2) Each contract may provide for amendment agreed in writing by the parties.

(3) Each contract may provide for renewal periods not to exceed three years or the original term of the contract, whichever is longer.

(a) Fees may be renegotiated as part of the renewal.

(b) Renewals shall be contingent upon satisfactory performance evaluation by the Corporation and subject to the availability of funds.

(4) Contracts shall be executed by the executive director or a designee.

Rulemaking Authority 420.507(12) FS. Law Implemented 420.507(13), (27) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wellington H. Meffert II, General Counsel, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bernard E. Smith, Chair of the Board, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 13, 2013

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.: RULE TITLES:

5C-31.001 Definitions

5C-31.002 Application of Official Individual Identification

5C-31.003 Approved Tagging Site Requirements

5C-31.004 USDA Approved Livestock Facilities

- 5C-31.005 Required Identification for Intrastate Movement
- 5C-31.006 Documents Incorporated By Reference
- 5C-31.007 Penalties

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. 39, No. 214, November 1, 2013 issue of the Florida Administrative Register.

Specific changes in the rule text are as follows:

5C-31.001 Definitions.

No change.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New_____.

5C-31.002 Application of Official Individual Identification.

No changes.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New_____.

5C-31.003 Approved Tagging Site Requirements.

(1) No change.

(2) Official individual identification may be obtained:

(a) No change.

(b) From Florida Department of Agriculture and Consumer Services, Division of Animal Industry at no charge. Official individual identification tags may be requested using the form entitled Request For Official Identification Devices, FDACS-09246, Rev. ~~12/13 05/13~~, as incorporated in Rule 5C-31.006, F.A.C. In order to obtain official identification devices from the department, a premises identification number is required. The premises identification number can be applied for using the form the Application for Premises Registration, FDACS-09215, Rev. 05/13, as incorporated in Rule 5C-31.006, F.A.C. The department shall provide written notification containing a premises identification number to the applicant upon approval.

(3) No changes.

(4) An approved tagging site manager shall:

(a) Maintain records of official individual identification tags applied using the form entitled Record of Official Individual ID Applied to Cattle in Florida, FDACS-09255, 03/13, as incorporated in Rule 5C-31.006, F.A.C., unless official individual identification tags are provided by the

owner. If official individual identification tags are provided by the owner to be applied at the approved tagging site, then the tagging site manager is not required to maintain records as provided by ~~paragraph (2)(a)~~ above.

(b) through (d) No change.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New_____.

5C-31.004 USDA Approved Livestock Facilities.

No change.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New_____.

5C-31.005 Required Identification for Intrastate Movement.

No Changes.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New_____.

5C-31.006 Documents Incorporated By Reference.

The following documents are hereby incorporated by reference. Copies of these documents may be obtained from the Division of Animal Industry, 407 South Calhoun Street, Tallahassee, Florida 32399-0800 or online as indicated.

(1) No change.

(2) Request For Official Identification Devices, FDACS-09246, Rev. ~~12/13 05/13~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03477>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-03295>.

(3) through (6) No change.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New_____.

5C-31.007 Penalties.

No change.

Rulemaking Authority 534.071, 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 585.08(2)(a), 585.11, 585.145 FS. History–New_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.09401 Student Performance Standards
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 181, September 17, 2013 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.09412 Course Requirements – Grades K-12 Basic
and Adult Secondary Programs
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 181, September 17, 2013 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.09414 Course Requirements – Grades PK-12
Exceptional Student Education
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 181, September 17, 2013 issue of the Florida Administrative Register has been withdrawn.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-2.023 Animal Welfare

The Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation (the Division), hereby gives notice: on December 20, 2013, the Division issued a final order on a petition for variance from Petitioner, Sarasota Kennel Club, Inc., filed October 25, 2013, and advertised in Vol. 39, No. 217, of the Florida Administrative Register – DBPR Case No. 2013044305 (VW 2013-364).

The final order grants Petitioner a variance until April 19, 2014, from the requirements for moveable metal crates when housing greyhounds of subparagraph (2)(e)2. of Rule 61D-2.023, Florida Administrative Code.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Business & Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:

64B5-7.007 Limited License as Allowed in Section 456.015, F.S

NOTICE IS HEREBY GIVEN that on December 17, 2013, the Board of Dentistry, received a petition for Surendra Bekal Pattathan, DMD, seeking a variance or waiver of Rule 64B5-7.007, Florida Administrative Code, asking the board to waive the requirement for a limited license regarding prior discipline or prosecution in order to work in correctional centers. The Board will address the Petition at its next scheduled meeting.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone: (850)245-4474.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-28.820 Sterile Products and Special Parenteral/Enteral Compounding

NOTICE IS HEREBY GIVEN that on December 17, 2014, the Board of Pharmacy, received a petition for Mark Schneider, on behalf of TeamCare Infusion Orlando, Inc. and TeamCare Infusion, Inc., seeking a variance or waiver of paragraph 64B16-28.820(1)(a), Florida Administrative Code, asking to allow petitioner to also engage in non-sterile compounding without the necessity to obtain a community pharmacy permit. The Board will address the Petition at its next scheduled meeting.

Comments on this petition should be filed with the Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tammy Collins, Acting Executive Director, Board of Pharmacy, (850)245-4292.

**Section VI
Notice of Meetings, Workshops and Public
Hearings**

DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 23, 2014, 10:00 a.m.

PLACE: Florida Transportation Commission, 605 Suwannee Street, Room 176, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Cancelled The FTC Bi-Weekly Teleconference scheduled for January 23, 2014 has been cancelled due to the FTC Workshop/Meeting which will be held on January 23-24 in Orlando.

Questions – please contact Lisa O. Stone at (850)414-4959.

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 24 hours before the workshop/meeting by contacting: Lisa O. Stone at (850)414-4959. 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).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, MS 9, Room 176, Tallahassee, Florida 32399-0450 or phone: (850)414-4105.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The Water Resource Advisory Commission (WRAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 2, 2014, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Water Resource Advisory Commission Meeting. A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Tia Barnett, (561)682 6286, tbarnett@sfwmd.gov or at our website: <http://my.sfwmd.gov/wrac.gov>.

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 District Clerk, (561)682-2087. 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).

For more information, you may contact: Tia Barnett, (561)682 6286.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Professional Geologists announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, January 22, 2014, 1:00 p.m.; Thursday, January 23, 2014, 9:00 a.m.

PLACE: The Department of Business and Professional Regulation, Division of Professions' Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Application Review and general board business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Division of Professions, 1940 North Monroe Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Richard Morrison, Division of Professions, 1940 North Monroe Street, Tallahassee, Florida 32399. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Richard Morrison, Division of Professions, 1940 North Monroe Street, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

Board of Dentistry

The Board of Dentistry announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 8, 2014, 6:00 p.m.

PLACE: 1(888)670-3525 when prompted, enter conference code 5805370981

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at

1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

The Board of Nursing Home Administrators announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 7, 2014, 1:00 p.m.,
Meet Me Number: 1(888)670-3525, **Participate Code:** 9238150597

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Mears, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or by accessing the website at: <http://www.floridahealth.gov/licensing-and-regulation/nursing-home/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sherra W. Mears. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Board of Psychology

The Board of Psychology announces a public meeting to which all persons are invited.

DATE AND TIME: Notice of Change: Please note the meeting originally scheduled for January 24, 2014, 8:00 a.m., EST has been rescheduled to January 24, 2014, 8:00 a.m., CST or soon thereafter

PLACE: Crowne Plaza Pensacola, 200 E. Gregory Street, Pensacola, FL 32501

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

A copy of the agenda may be obtained by contacting: the Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by

calling the board office at (850)245-4373, ext. 3468 or by visiting our website at www.floridahealth.gov/licensing-and-regulation/psychology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)488-0595. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

The Florida Department of Health, Division of Community Health Promotion announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, January 10, 2014, 9:30 a.m.

PLACE: Telephone: 1(888)670-3525, **Conference Code:** 859 379 7784

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This is a conference call of an Advisory Council required by Florida Statute 381.84 relating to the Comprehensive Tobacco Education and Use Prevention Program.

A copy of the agenda may be obtained by contacting: Meredith Hennon, (850)245-4444, ext. 2463 or Meredith.Hennon@flhealth.gov.

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 72 hours before the workshop/meeting by contacting: Meredith Hennon, (850)245-4444, ext. 2463 or Meredith.Hennon@flhealth.gov. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Meredith Hennon, (850)245-4444, ext. 2463 or Meredith.Hennon@flhealth.gov.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:RULE TITLES:

- 65C-14.001 Definitions
- 65C-14.002 Licensed Child Caring Agencies
- 65C-14.003 Application and Licensing Study
- 65C-14.004 On Site Visits
- 65C-14.005 Grievance Procedure
- 65C-14.006 Administration and Organization
- 65C-14.007 Buildings, Grounds and Equipment
- 65C-14.008 Interior Accommodations
- 65C-14.009 Ventilation and Lighting
- 65C-14.010 General Sanitation and Safety
- 65C-14.011 Fire Regulations
- 65C-14.012 Transportation Safety
- 65C-14.013 Food and Nutrition
- 65C-14.014 Health Services
- 65C-14.015 Administration of Medication
- 65C-14.016 Incident Notification Procedures
- 65C-14.017 Child Abuse and Neglect
- 65C-14.018 Community Interaction
- 65C-14.019 Recreation, Leisure Activities and Work Experience
- 65C-14.020 Clothing and Personal Belongings
- 65C-14.021 Discipline, Control and Punishment
- 65C-14.022 Permanent Register
- 65C-14.023 Staff Qualifications
- 65C-14.024 Staffing Requirements
- 65C-14.025 Volunteers
- 65C-14.026 Organization
- 65C-14.027 Confidentiality Related to HIV Infected Children
- 65C-14.040 Admission and Planning
- 65C-14.041 Medical Information
- 65C-14.042 Orientation
- 65C-14.043 Child's Case Record
- 65C-14.044 Placement Agreement
- 65C-14.045 Program Services for Children in Care
- 65C-14.046 Continuing Service Plan and Review
- 65C-14.047 Educational and Vocational Services
- 65C-14.048 Release Planning and Aftercare
- 65C-14.049 Religious and Ethnic Heritage
- 65C-14.050 Interior Space
- 65C-14.051 Food Service
- 65C-14.052 Health Care
- 65C-14.053 Apparel and Allowance
- 65C-14.054 Personnel
- 65C-14.055 Job Functions and Staff Qualifications
- 65C-14.056 Staff Development
- 65C-14.060 Standards for Contracted Emergency Shelters

- 65C-14.061 Standards for Runaway Shelters
- 65C-14.062 Medical Care in All Runaway Shelters
- 65C-14.070 Specific Rules for Maternity Residences
- 65C-14.071 Admission and Planning
- 65C-14.072 Medical Information
- 65C-14.073 Discharge
- 65C-14.074 Counseling Services
- 65C-14.075 Education and Vocational Service
- 65C-14.076 Orientation
- 65C-14.077 Case Record
- 65C-14.078 Interior Furnishings and Space
- 65C-14.079 Staffing Requirements for Maternity Residences
- 65C-14.080 Food Service
- 65C-14.081 Health Care
- 65C-14.082 Apparel and Allowance
- 65C-14.083 Personnel
- 65C-14.084 Job Functions and Staff Qualifications
- 65C-14.085 Staff Development
- 65C-14.090 Exemptions
- 65C-14.091 Administrative Organization
- 65C-14.092 Course Admission and Planning
- 65C-14.093 Medical History
- 65C-14.094 Program Orientation
- 65C-14.095 Case Record
- 65C-14.096 Case Plan
- 65C-14.097 Food Service
- 65C-14.098 Health
- 65C-14.099 Aquatic Safety Procedures
- 65C-14.100 Fire and Weather Safety
- 65C-14.101 Sedentary Programs
- 65C-14.102 Mobile Programs
- 65C-14.103 Personnel Practices
- 65C-14.104 Job Descriptions
- 65C-14.105 Training
- 65C-14.110 Specific Exemptions for Wilderness Camps
- 65C-14.111 Structural and Safety Requirements
- 65C-14.112 Clothing and Personal Needs
- 65C-14.113 Water Safety
- 65C-14.114 Admission, Education and Case Record Procedures
- 65C-14.115 Wilderness Camp Personnel Policies

The Department of Children and Families announces a workshop to which all persons are invited.

DATE AND TIME: January 17, 2014, 9:00 a.m. – 12:00 p.m. (Eastern)

PLACE: Betty Easley Conference Center, Shuster's Cafe Conference Room, 4055 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Group Home Licensing.

A copy of the agenda may be obtained by contacting: Carrie Toy, Office of Child Welfare, 1317 Winewood Blvd., Tallahassee, FL 32399, Email: Carrie_Toy@dcf.state.fl.us, Telephone: (850)717-4491.

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: Carrie Toy, Office of Child Welfare, 1317 Winewood Blvd., Tallahassee, FL 32399, Email: Carrie_Toy@dcf.state.fl.us, Telephone: (850)717-4491. 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).

For more information, you may contact: Carrie Toy, Office of Child Welfare, 1317 Winewood Blvd., Tallahassee, FL 32399, Email: Carrie_Toy@dcf.state.fl.us, Telephone: (850) 717-4491.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

The Division of Workers' Compensation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 21, 2014, 1:00 p.m.

PLACE: Room 116, Larson Bldg., 200 E. Gaines St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Section 440.13(12)(a), F.S., the Three-Member Panel is required to annually adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. Specifically, the Three-Member Panel will consider:

- Adoption of the 2014 Health Care Provider Reimbursement Manual, which proposes the incorporation of a new fee schedule and modifies language regarding dispensed medications to conform to SB662.
- Adoption of the ambulatory surgical center schedule of rates. The Three-Member Panel will also receive the Division's annual report on the resolution of health care provider medical reimbursement disputes and activities conducted pursuant to s. 440.13(8), F.S.

A copy of the agenda may be obtained by contacting: Samuel Willis at (850)413-1898.

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: Samuel Willis, (850)413-1898. 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).

For more information, you may contact: Eric Lloyd at (850)413-1689.

CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA, INC.

The Center for Independent Living of South Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, January 25, 2014, 12:00 Noon – 2:00 p.m.

PLACE: 6666 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc. The Finance Committee and other ad hoc committees will meet 11:00 a.m. – 12:00 Noon, prior to the Board Meeting.

If alternative format (Braille, large print, electronic or audiotape), ASL interpreter, or other accommodation is required, please request at least 7 days in advance of the meeting date. RSVP to: Mary@soflacil.org or call: (305)751-8025.

A copy of the agenda may be obtained by contacting: Mary@soflacil.org or by calling (305)751-8025, ext. 110.

ENTERPRISE FLORIDA, INC.

The Florida Development Finance Corporation ("FDPC") announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 15, 2014, 1:00 p.m. – 2:00 p.m.

PLACE: Enterprise Florida, Inc., 800 North Magnolia Avenue, Suite 1100, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: A regular scheduled meeting for the consideration of matters properly brought before the board of the Florida Development Finance Corporation.

A copy of the agenda may be obtained by contacting: Bill Spivey at (407)956-5695.

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 1 day before the workshop/meeting by contacting: Bill Spivey at (407)956-5695. 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).

For more information, you may contact: Bill Spivey at (407)956-5695.

FLORIDA SURPLUS LINES SERVICE OFFICE
 The Florida Surplus Lines Service Office, Audit Committee announces a public meeting to which all persons are invited.
DATE AND TIME: January 15, 2014, 8:30 a.m.
PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312
GENERAL SUBJECT MATTER TO BE CONSIDERED: Preparation for the FLSLO 2013 Financial Audit.
 A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com.
 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 3 days before the workshop/meeting by contacting: Georgie Barrett at gbarrett@fslso.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).

FLORIDA SURPLUS LINES SERVICE OFFICE
 The Florida Surplus Lines Service Office announces a public meeting to which all persons are invited.
DATE AND TIME: January 15, 2014, 9:00 a.m.
PLACE: 1441 Maclay Commerce Drive, Tallahassee, FL 32312
GENERAL SUBJECT MATTER TO BE CONSIDERED: General business matters to come before the Board.
 A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com.
 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 3 days before the workshop/meeting by contacting: Bobbi Harter at bharter@fslso.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).

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of the
Joint Administrative Procedures Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION
 Certificate of Need

DECISION ON EXPEDITED APPLICATION

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

government in an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat.

“Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and (11), Fla. Stat. The Principles for Guiding Development for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003(1), Fla. Admin. Code (“Principles”).

The Ordinance is consistent with the Principles as a whole and specifically furthers the following Principle in Rule 28-36.003(1), Fla. Admin. Code:

(h) Protection of the public health, safety, welfare, and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

The Ordinance is consistent with the City of Key West Comprehensive Plan Future Land Use Element Policy 1-1.5.1 and Objective 1-31.29.

WHEREFORE, IT IS ORDERED that City of Key West Ordinance No. 13-18 is found to be consistent with the Principles for Guiding Development for the City of Key West Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/
 WILLIAM B. KILLINGSWORTH
 Director, Division of Community Development
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN

THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
 DEPARTMENT OF ECONOMIC OPPORTUNITY
 OFFICE OF GENERAL COUNSEL
 107 EAST MADISON STREET, MSC 110
 TALLAHASSEE, FLORIDA 32399-4128
 FAX NUMBER (850)245-7150
 CLERK’S EMAIL:
JAMES.BELLFLOWER@DEO.MYFLORIDA.COM

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order was filed with the undersigned designated Agency Clerk and that true and correct copies were furnished to the

persons listed below by the methods indicated this 20 day of December, 2013.

/s/
James W. Bellflower, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Craig Cates
Mayor, City of Key West
3216 Flagler Avenue
Key West, FL 33040

Cheryl Smith, City Clerk
3216 Flagler Avenue
Key West, FL 33040

Donald Leland Craig, AICP
City Planner
3140 Flagler Avenue
Key West, FL 33040

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator, DEO Tallahassee

Section XIII
Index to Rules Filed During Preceeding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.