

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

NONE

**Section II**  
**Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:       RULE TITLE:

6A-1.001       District Financial Records

PURPOSE AND EFFECT: The purpose of this amendment is to propose changes to the publication “Financial and Program Cost Accounting and Reporting for Florida Schools, 2013.” Changes in the publication and the chart of accounts include: (1) account modification and addition for assets, deferred outflows of resources, liabilities, deferred inflows of resources, and changes in net position for financial statement presentation in accordance with the Governmental Accounting Standards Board (GASB) principles; (2) revised long-term liability accounts and other financing sources accounts used in financial data collection; (3) modification of federal revenue accounts to reflect federal program revenues; (4) modification of revenue account definitions to clarify reporting purposes; and (5) modification of expenditure function and object accounts to remove obsolete terms, to add the definition of enterprise resource software, and to conform definitions to GASB pronouncements.

SUMMARY: This rule is amended to incorporate the updated publication “Financial and Program Cost Accounting and Reporting for Florida Schools, 2013,” by reference.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that the proposed rule is

not expected to require legislative ratification. Based on past agency experiences with the adjustment of accounting and financial reporting requirements for school districts, the adverse impact or regulatory cost, if any, does not exceed, nor would it be expected to exceed, any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes, because the modifications are either accounting changes anticipated with the periodic issuance of new GASB pronouncements that will not cost school districts additional expenditure for implementation or are new accounting codes that represent financial data that school districts already present in the notes to financial statements.

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: 1010.01 FS.

LAW IMPLEMENTED: 1010.01 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Eggers, Bureau Chief of School Business Services, 325 West Gaines Street, Room 814, Tallahassee, FL 32399-0400, (850)245-0405, Mark.Eggers@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.001 District Financial Records.

The superintendent of schools of each school district shall be responsible for keeping adequate records and accounts of all financial transactions in the manner prescribed by the Commissioner in the publication titled “Financial and Program Cost Accounting and Reporting for Florida Schools, 2013 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04620>),” which is hereby incorporated by reference in this rule. Copies of the publication may be obtained from the Office of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner, but which shall not exceed actual costs.

Rulemaking Authority 1010.01 FS. Law Implemented 1010.01 FS. History—Amended 9-17-72, Repromulgated 12-5-74, Amended 4-28-77, 8-2-79, 7-21-80, 10-7-81, 8-10-83, 9-27-84, 10-1-85, Formerly 6A-1.01, Amended 11-8-88, 7-30-91, 10-6-92, 10-18-94, 1-26-98, 10-15-01, 12-20-11, 11-13-12,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2013

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

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.: 6A-1.094223  
RULE TITLE: Comparative and Concordant Scores for the Statewide Assessment Program

PURPOSE AND EFFECT: The purpose of this proposed new rule is to establish concordant passing scores for the Grade 10 Florida Comprehensive Assessment Test (FCAT) 2.0 Reading assessment and a comparative passing score for the Algebra 1 End-of-Course (EOC) Assessment pursuant to the requirements of Section 1008.22, Florida Statutes. By the authority of this rule, students who have not passed the Grade 10 FCAT 2.0 Reading assessment or the Algebra 1 EOC Assessment, who are required to pass as part of their graduation requirements, will have alternative methods for meeting these requirements.

SUMMARY: This rule will establish concordant scores for the ACT and SAT that may be used for satisfying the passing requirement for the Grade 10 FCAT 2.0 Reading assessment, which is in effect for students entering grade 9 in the 2010-2011 school year and after. This rule also will establish a comparative score for the Postsecondary Education Readiness Test (PERT) that may be used for satisfying the passing requirement for the Algebra 1 EOC Assessment, which is in effect for students entering grade 9 in the 2011-2012 school year and after.

### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) No requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and 2) establishing

alternative means by which students may meet high school graduation requirements will not add 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: 1008.22 FS.

LAW IMPLEMENTED: 1008.22 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vince Verges, Director, Office of Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513, Vince.verges@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 6A-1.094223 Comparative and Concordant Scores for the Statewide Assessment Program.

(1) Beginning with students who entered grade 9 in the 2010-2011 school year, students and adults who have not yet earned the required passing score of two hundred and forty-five (245) on the Grade 10 Florida Comprehensive Assessment Test@ 2.0 (FCAT 2.0) Reading assessment may meet the remaining testing requirement to qualify for a high school diploma by earning a concordant passing score on the respective section of the SAT or ACT. For eligible students, the concordant passing scale score for the SAT shall be a score equal to or greater than four hundred and thirty (430) on the 200 to 800 scale. For eligible students, the concordant passing scale score for the ACT shall be a score equal to or greater than nineteen (19) on the 1 to 36 scale.

(2) Beginning with students entering grade 9 in the 2011-2012 school year, students and adults who have not yet earned the required passing score of three hundred and ninety-nine (399) on the Algebra 1 End-of-Course (EOC) Assessment must meet the remaining testing requirements to qualify for a high school diploma by earning a comparative passing score on the respective section of the Postsecondary Education Readiness Test (PERT). For eligible students, the comparative passing scale score for the PERT shall be a score equal to or greater than ninety-seven (97) on the 50 to 150 scale.

(3) When the student earns a passing score on the respective section of the SAT, ACT, or PERT, it shall be recorded in the student's cumulative record. If this student has previously been awarded a Certificate of Completion in lieu of a standard high school diploma by virtue of failure to pass the Grade FCAT 2.0 Reading or Algebra 1 EOC Assessment, such

student shall be awarded a standard high school diploma when the comparative or concordant score requirement has been met. A student may retest until such time as the student earns the respective passing score.

Rulemaking Authority 1008.22 FS. Law Implemented 1008.22 FS. History–New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Will Krebs, Deputy Commissioner, Division of  
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: August 13, 2013

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09441  
RULE TITLE: Requirements for Programs and Courses  
Which are Funded Through the Florida  
Education Finance Program and for Which  
the Student May Earn Credit Toward High  
School Graduation

PURPOSE AND EFFECT: The purpose of this rule  
amendment is to update the “Course Code Directory and  
Instructional Personnel Assignments” by which school  
districts receive Florida Education Finance Program (FEFP)  
funding. The effect will be an updated directory of courses for  
students to take to earn credit toward high school graduation.

SUMMARY: This rule amendment will add new courses and  
remove any outdated/deleted course.

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: This rule is not expected to require legislative  
ratification pursuant to Section 120.541(3)(a)1., Florida  
Statutes, as there will be no impact on economic growth, job  
creation or employment, private-sector investment, or business

competitiveness. Any increase in regulatory costs would not  
approach the statutory thresholds for legislative ratification.

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

RULEMAKING AUTHORITY: 1001.02(1), 1011.62(1)(t)  
FS.

LAW IMPLEMENTED: 1011.62(1) FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker  
Avenue, West Palm Beach, Fl. 33405

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Matthew Bouck, Director, Office of  
Articulation, Department of Education, 325 West Gaines  
Street, Room 1401, Tallahassee, Florida 32399-0400,  
Matthew.Bouck@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses  
Which are Funded Through the Florida Education Finance  
Program and for Which the Student May Earn Credit Toward  
High School Graduation.

For student membership in a program or course to generate  
funding through the Florida Education Finance Program and  
for the student to receive elective or required credit toward  
high school graduation for such a program or course, the  
following conditions shall be met:

(1) through (4) No change.

(5) The “Course Code Directory and Instructional  
Personnel Assignments 2013-2014 ~~2012-2013~~ ([http://www.flrules.org/Gateway/reference.asp?No=Ref\\_01551](http://www.flrules.org/Gateway/reference.asp?No=Ref_01551)),” is hereby  
incorporated by reference and made a part of this rule. The  
Commissioner may publish the document in appropriate and  
useful formats such as printed copy, electronic database  
access, or electronic disc. The directory may be obtained from  
the Office of Articulation, Department of Education, 325 West  
Gaines Street, Tallahassee, Florida 32399. The Commissioner  
of Education may approve additional courses and course  
descriptions for which funding could be generated through the  
Florida Education Finance Program. Such additional course  
listings will be made available as approved.

Rulemaking Authority 1001.02(1), 1009.53(3), 1011.62(1)(t) FS.  
Law Implemented 1009.534, 1011.62(1) FS. History–New 12-20-83,  
Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88,  
12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-  
17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-  
05, 7-27-06, 1-18-07, 5-19-08, 1-5-09, 6-22-09, 5-3-10, 8-21-11, 9-5-  
12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Matthew Bouck, Director, Office of Articulation  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Pam Stewart, Commissioner, Department  
 of Education  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: August 12, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: December 6, 2012

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:  
 6A-1.099827 Charter School Corrective Action and  
 School Improvement Plans

PURPOSE AND EFFECT: The purpose of this rule  
 amendment is to revise the timeline for a waiver of  
 termination. The effect will be a rule aligned with Florida  
 Statutes.

SUMMARY: Charter Schools that receive two consecutive  
 grades of “F” must be terminated, unless they meet one of the  
 two exceptions or are granted a waiver by the State Board of  
 Education. This rule amendment revises the timeline to  
 request a waiver.

**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: This rule revision changes a timeframe to conform  
 with a recent statutory amendment.

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

RULEMAKING AUTHORITY: 1002.33(27) FS.

LAW IMPLEMENTED: 1002.33 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker  
 Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE  
 PROPOSED RULE IS: Adam Miller, Interim Executive  
 Director, Office of Independent Education and Parental  
 Choice, 325 W Gaines Street, Suite 1044, Tallahassee, Florida  
 32399-0400, Adam.Miller@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099827 Charter School Corrective Action and  
 School Improvement Plans.

(1) through (7) No change.

(8) Waivers of Termination.

(a) The State Board of Education may waive termination  
 for a charter school that has received two (2) consecutive  
 grades of “F” if the charter school demonstrates that the  
 learning gains of its students on statewide assessments are  
 comparable to or better than the learning gains of similarly  
 situated students enrolled in nearby district public schools.  
 The waiver is valid for one (1) year and may only be granted  
 once.

(b) No later than fifteen (15) ~~thirty (30)~~ days after the  
Department’s official release completion of school grades  
appeals, the governing board of a charter school that has  
 received two (2) consecutive grades of “F” may submit a  
 request to the State Board of Education for a waiver of  
 termination. Charter schools that have been in operation for  
 more than five (5) years are not eligible for a waiver.

(c) through (i) No change.

Rulemaking Authority 1002.33 FS. Law Implemented 1002.33(9) FS.  
 History—New 8-21-12, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Adam Miller, Interim Executive Director, Office of  
 Independent Education and Parental Choice

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

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: August 9, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: May 31, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.: RULE TITLES:  
 6A-4.002 General Provisions  
 6A-4.003 Degrees, Programs, and Credits

PURPOSE AND EFFECT: The purpose of the revisions to the  
 specified Educator Certification rules is to be consistent with  
 recent changes by the Florida Legislature and propose changes  
 to streamline regulatory implementation. The effect of these  
 changes is outlined in the summary that follows.

**SUMMARY:** Rule 6A-4.002, F.A.C., provides the requirements and implementation of general provisions of qualification for a Florida Educator's Certificate. Proposed changes to Rule 6A-4.002, F.A.C., include: Adding acceptance of recommendations by the American Council on Education (ACE) for college credit used for educator certification purposes; clarifying teaching college courses for academic remediation as unacceptable for college teaching experience; and clarifying the use of one (1) year of teaching experience to satisfy a single course requirement in professional preparation. Rule 6A-4.003, F.A.C., provides the requirements and implementation of degrees, programs, and credits acceptable and associated documentation required to qualify for a Florida Educator's Certificate. Proposed changes to Rule 6A-4.003, F.A.C., include: Updating the official names of the regional accrediting associations; specifying an official transcript for documentation of degrees and credits from institutions within the United States or its territories; specifying an original credential evaluation report by an approved provider for documentation of degrees and credits from institutions outside the United States; specifying acceptance of college course credits recommended on an official transcript from the American Council on Education (ACE); and revising criteria for the Department's approval of an education credential evaluation agency.

**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: Enactment of Chapter 2013-185, Laws of Florida, authorizes the acceptance of college course credits recommended by the American Council on Education (ACE) for the purposes of educator certification. This change will economically benefit the regulated entities (applicants for educator certification) by increasing the range of college credits, to include corporate training, industry certification programs, and military service training or experience recommended by ACE, acceptable to satisfy specific educator certification requirements. There is no added regulatory cost associated with this change. Courses for academic remediation are not generally awarded postsecondary credit toward degree

or program completion. Therefore, excluding the teaching of such remedial courses from acceptable teaching experience for educator certification simply clarifies existing practice and will not add to the cost of compliance. Specifying that one year of teaching experience may be used to satisfy three semester hours of college credit in a single course simply clarifies existing practice and will not add to the cost of compliance. In addition, the number of applicants to whom these teaching experience provisions would apply is unknown, but would not be expected to meet any threshold requiring a SERC or legislative ratification. Nearly 5,000 individuals with foreign academic training are evaluated for educator certification in Florida each year. Applicants with foreign academic training must presently employ the services of an education credential evaluator agency approved by the Department to provide an original credential evaluation report along with original or officially authenticated documents of their academic training. Specifying an original credential evaluation report as the acceptable document required for applicants with foreign training reduces their documentation burden, thereby decreasing their cost of compliance. In addition, acceptance of documentation provided by education credential evaluator agencies with membership in the specified national associations immediately expands the list of approved agencies, thus increasing options for applicants with foreign training that might be more beneficial due to competitive pricing schedules, proximity of location, or other important factors. Finally, revision of the criteria for the Department's approval of an education credential evaluation agency enhances compliance with industry accepted standards and will not add to the cost of compliance.

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

**RULEMAKING AUTHORITY:** 1001.02, 1012.54, 1012.55, 1012.56, 1012.585, 1012.59 FS.

**LAW IMPLEMENTED:** 1012.54, 1012.55, 1012.56 FS.

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

**DATE AND TIME:** September 17, 2013, 9:00 a.m.

**PLACE:** Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

**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, David.Lajeunesse@fldoe.org

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

## 6A-4.002 General Provisions.

(1) through (3) No change.

(3) College credit. College credit used for educator certification purposes shall be undergraduate or graduate credit earned at an accredited or approved institution or recommended by the American Council on Education (ACE) as specified in Rule 6A-4.003, F.A.C. All college credit shall be computed by semester hours. One (1) quarter hour of college credit shall equal two-thirds (2/3) of one (1) semester hour. Community and junior college credit used for educator certification purposes shall parallel those of the first and second years of course work at an accredited or approved institution and shall be comparable to courses offered at Florida community and junior colleges which have been approved by the Florida Department of Education.

(4) Waiver of college credit.

(a) Course exemption. Exemption from a college course as verified in writing by the institution of higher education shall be accepted the same as credit earned in that course to meet a specific course requirement for certification.

(b) College teaching experience. Teaching a college credit course, excluding courses for academic remediation, at an accredited or approved institution or an accredited community or junior college as described in Rule 6A-4.003, F.A.C., shall be accepted the same as credit earned in that course to meet a specific course requirement for certification. A written statement from the registrar or other official designated by the president verifying the college teaching experience shall be filed with the Bureau of Educator Certification, Florida Department of Education.

(5) Teaching experience.

(a) Definition of teaching experience. Teaching experience as used in Florida State Board of Education rules for educator certification purposes shall be defined as full-time teaching, administrative, or supervisory service.

1. Teaching experience used for academic, administrative, vocational, and specialty class subjects shall be gained in a public or state supported elementary or secondary school; or in a prekindergarten (ages three [3] and four [4]) school as defined in Section 1003.01(2), F.S.; or in a birth through age two (2) school which is a public or state supported school or is a contractor for a public school system. However, teaching experience in a nonpublic school shall be acceptable provided the applicant held a valid full-time teaching certificate issued by the state department of education in the state where the teaching experience was acquired.

2. Teaching experience used for vocational class subjects shall be gained in an elementary or secondary school as specified in subparagraph (5)(a)1. of this rule, in a public or

state supported vocational or technical school, or in an accredited community or junior college as described in Rule 6A-4.003, F.A.C.

(b) Utilization of teaching experience. A year of full-time teaching experience may be accepted in lieu of three (3) semester hours of college credit. A maximum of three (3) years of teaching experience may be used in lieu of nine (9) semester hours of college credit. Not more than one (1) year of teaching experience may be used in lieu of three (3) semester hours of college credit toward satisfying a single course requirement ~~requirements~~ in professional preparation. Not more than two (2) years of teaching experience may be used in lieu of six (6) semester hours of college credit toward satisfying requirements in a specialization area. When teaching experience is used to satisfy a course requirement in a specialization area or to satisfy a subject special methods course requirement in professional preparation, the teaching experience shall be comparable to the course requirement acquired in the subject or field and at the appropriate instructional level to which it is applied.

(c) through (6) No change.

Rulemaking Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-10-64, 4-8-68, 4-11-70, 10-18-71, 3-19-72, 12-18-72, 6-17-73, 4-19-74, Repromulgated 12-5-74, Amended 6-22-76, 6-27-77, 12-26-77, 4-27-78, 7-1-79, 7-2-79, 6-26-80, 7-28-81, 1-3-82, 5-11-82, 6-22-83, 3-28-84, 1-31-85, 3-13-85, Joint Administrative Objection Filed – See FAR Vol. 12, No. 11, March 14, 1986, Formerly 6A-4.02, Amended 12-25-86, 10-18-88, 10-10-89, 4-15-91, 11-10-92, 5-30-94, 11-13-96, 10-15-01, 12-27-04, 7-27-06, Joint Administrative Procedures Committee objection resolved by Chapter 86-156, Laws of Florida, Florida Administrative Register Vol. 35, No. 27, July 10, 2009, Amended \_\_\_\_\_.

## 6A-4.003 Degrees, Programs, and Credits.

Degrees, programs, and credits shall be determined acceptable for educator certification purposes based on the following:

(1) Accredited institutions. Degrees and credits awarded by an institution of higher learning accredited by one (1) of the accrediting associations listed below shall be acceptable for educator certification purposes, as documented on the institution's official transcript.

(a) Regional accrediting associations. The regional accrediting associations are as follows:

1. The Southern Association of Colleges and Schools,
2. The Middle States Association of Colleges and ~~Secondary~~ Schools,
3. The New England Association of ~~Colleges and Secondary~~ Schools and Colleges,
4. The North Central Association of Colleges and ~~Secondary~~ Schools,

5. The Northwest Commission on Colleges and Universities Association of Secondary and Higher Schools, and

6. The Western Association of ~~Colleges and Schools~~ Colleges.

(b) Accrediting agencies approved by the United States Department of Education.

(2) Non-accredited approved institutions. A non-accredited approved institution of higher learning shall be identified as having a quality program resulting in a bachelor's or higher degree by one (1) of the following criteria:

(a) The institution is accepted for certification purposes by the state department of education where the institution is located,

(b) The institution holds a certificate of exemption pursuant to Section 1005.06, F.S.,

(c) The institution is a newly created Florida public college or university that offers a bachelor's or higher degree program,

(d) The institution is located outside the United States and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited ~~or approved~~ institution in the United States. Isolated credit will be acceptable for certification purposes provided the credit is the equivalent of college credit earned in the United States, or

(e) The degree from the institution was accepted by an accredited ~~or approved~~ institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree.

Documentation of degrees and credits from institutions within the United States or its territories shall be an official transcript. Documentation of degrees and credits from institutions outside the United States shall be an original credential evaluation report prepared by an accredited institution as specified in paragraph (1)(a) or (b) of this rule, or by a credential evaluation agency approved by the Department as specified in subsection (6) of this rule. An original credential evaluation report must include a summary of the equivalent United States postsecondary degree level and academic program awarded and, upon request, must also include a detailed breakdown of all courses into descriptive titles with equivalent United States postsecondary semester hours and grades.

An applicant who holds a valid standard educator's certificate issued by a state other than Florida which may be used to satisfy the eligibility requirements for a professional certificate as described in Sections 1012.56(1) and (2), F.S., or to demonstrate mastery of subject matter knowledge as in Section 1012.56(5), F.S., is considered to have met the requirements of this rule.

(3) Highest acceptable degree level of training.

(a) The highest degree which has been awarded by an

accredited or approved institution as described in subsections (1) and (2), of this rule, shall be recognized for certification. The degree level shall be determined by the criteria listed below.

1. Bachelor's degree. An earned bachelor's degree, such as the bachelor of arts, bachelor of science, or bachelor of education degree which normally required four (4) years of higher education; or a foreign degree that required sixteen (16) years of combined pre-university and university education; or a foreign degree that has been evaluated by a credential evaluation agency approved by the Department as specified in subsection (6) of this rule ~~Department approved nationally recognized education credential evaluation agency~~ or an accredited or approved institution as the equivalent to a bachelor's degree from an institution as described in subsections (1) and (2) of this rule shall be recognized as the bachelor's degree level of training.

2. Master's degree. An earned master's degree or an earned advanced bachelor's degree of a professional nature, such as library science, in combination with an earned four-year bachelor's degree; or a post-bachelor's foreign degree that required at least five (5) years of higher education; or a foreign post-bachelor's degree that has been evaluated by a credential evaluation agency approved by the Department as specified in subsection (6) of this rule ~~Department approved nationally recognized education credential evaluation agency~~ or an accredited or approved institution as the equivalent to a master's degree from an institution as described in subsections (1) and (2) of this rule shall be recognized as the master's degree level of training.

3. Specialist in education degree. An earned sixth-year post-master's level degree in education, such as specialist in education degree shall be recognized as the specialist's degree level of training.

4. Doctor's degree. An earned academic or professional doctor's degree, or an earned Bachelor of Laws (LLB) or higher law degree granted by an institution of higher learning in the United States, or a foreign doctor's degree that required at least seven (7) years of higher education, or a foreign doctor's degree that has been evaluated by a credential evaluation agency approved by the Department as specified in subsection (6) of this rule ~~Department approved nationally recognized education credential evaluation agency~~ or an accredited or approved institution as the equivalent to a doctor's degree from an institution as described in subsections (1) and (2) of this rule, shall be recognized as the doctor's degree level of training.

(b) A certificate, diploma, or other award shall not be recognized as an earned degree.

(4) Accreditation and acceptance of teacher education programs for specific certification purposes.

(a) Teacher education programs approved by the Florida Department of Education. A teacher education program approved by the Florida Department of Education shall fulfill the general and professional preparation requirements and the specialization requirements in the major subject of the approved program, as documented by the program completion statement on the institution's official transcript. The teacher education program shall have been approved at the time the program was completed.

(b) Inservice components in a Florida District Inservice Plan. A core of inservice components prescribed for a specific endorsement and approved by the district school board in the master inservice plan shall satisfy the specialization requirements for the designated endorsement. Successful completion of the components in the approved master inservice plan shall be verified by the Florida district superintendent.

(c) Teacher education programs in states other than Florida. A teacher education program at the bachelor's or higher degree level shall fulfill the general and professional preparation requirements and the specialization requirements for an academic class subject or a degreed vocational class subject in accordance with the following provisions:

1. The teacher education program shall have been granted by an accredited or a Department approved institution; and
2. The major subject of the approved program shall be in a subject in which Florida offers certification; and
3. The instructional level of the major subject of the approved program shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and
4. When a master's or higher degree is required for Florida certification in a subject, the program must have been completed at the same or higher degree level.

Documentation of teacher education programs from institutions within the United States or its territories shall be an official transcript. Documentation of teacher education programs from institutions outside the United States shall be an original credential evaluation report prepared by an accredited institution as specified in paragraph (1)(a) or (b) of this rule, or by a credential evaluation agency approved by the Department as specified in subsection (6) of this rule. An original credential evaluation report must include a summary of the equivalent United States postsecondary degree level and academic program awarded and, upon request, must also include a detailed breakdown of all courses into descriptive titles with equivalent United States postsecondary semester hours and grades.

(5) American Council on Education college course credits. College course credits recommended by the American Council on Education (ACE) shall be acceptable for educator

certification purposes as documented on an official ACE transcript.

(6)(5) The Department shall ~~may not~~ approve an education credential evaluation agency that holds current membership in good standing with a nationally recognized association of credential evaluation services that have published standards for the evaluation of foreign credentials, admission standards for membership, an enforced code of ethics or good practice, and affiliations to national or international higher education associations, such as the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators (AICE); or an agency that provides evidence of its compliance with all of the following ~~does not~~:

(a) Employs evaluation staff that have recent, substantive experience in the United States evaluating ~~in~~ foreign credentials evaluation work covering all levels of education and verifies ~~verify~~ that staff receive on-going training and professional development in credential evaluation methods and procedures.

(b) Provides verification that the agency has developed and employs reliable ~~documents~~ procedures for accurately identifying the authenticity of foreign educational credentials and establishing the recognition or accreditation of academic institutions.

(c) Makes available to the public, clear and precise requirements for an evaluation, including required documentation, policies and schedule of fees, and an estimate of the time typically required to complete an evaluation.

(d) Uses ~~Maintain~~ a current reference library of professionally accepted resources and reference ~~and~~ materials pertinent to the evaluation of foreign credentials that includes standard references in the field and identifies bibliographic listing.

(e) Uses reliable ~~translation~~ services for accurately translating educational credentials from their original languages into English.

(f) Prepares evaluation reports based on documentation necessary to perform an accurate evaluation ~~complete,~~ and specifically identifies ~~identified~~ documentation used to prepare the evaluation report, including the type of each authenticated document, the name and location of the institution, the name of the program, diploma, degree, major field of study, year(s) of completion, and the equivalency to earned accredited postsecondary college credit in the United States.

(g) Provides a list of three or more references with contact information for the agency's affiliation with national or international higher education associations, such as state departments of education, professional education organizations, or accredited postsecondary institutions.

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, 3-26-66, 4-8-68, 7-7-68, 4-11-70, 1-17-72, Repromulgated 12-5-74, Amended 6-22-76, 11-9-76, 10-12-77, 7-1-79, 1-3-82, 4-30-85, Formerly 6A-4.03, Amended 12-25-86, 9-12-89, 4-15-91, 11-25-97, 10-15-01, 3-22-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Kathy Hebda, 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: August 12, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 3, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-4.0021 RULE TITLE: Florida Teacher Certification Examinations  
 PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Teacher Certification Examinations (FTCE) score verification process and to increase the fee for the score verification process from \$25 to \$75. The revision of the score verification process will limit examinees to reviewing test items in those subtests or examinations for which the examinees receive a failing score that is within 10 scale score points of the passing scale score of 200. The increase in fees will cover the actual cost of the review. The effect will be the consistency with Section 1012.56(9)(d), Florida Statutes.

SUMMARY: The rule is proposed for amendment to adopt a new eligibility criterion for score verification process and increase score verification processing fee.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The proposed rule reflects an additional \$50 fee for score verification process. The number of anticipated requests is not expected to exceed 400 per year, so the total regulatory costs are not anticipated to exceed \$20,000 per year.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated 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: 1012.56(9) Florida Statutes.  
 LAW IMPLEMENTED: 1012.56 Florida Statutes.  
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: September 17, 2013, 9:00 a.m.  
 PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jane Fletcher, Director, Office of Accountability and Policy Research, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 844, Tallahassee, FL 32399, (850)245-0429, Jane.Fletcher@fldoe.org

**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) through (5) No change.
  - (6) Examinee with a disability. An applicant who is unable to complete the examinations under standard testing conditions because of a disability may request special arrangements. Such a request shall be made when the examination application is submitted. Lack of proficiency in the English language alone shall not be acceptable as a justifiable reason for requesting a reader or extra time for an examinee. Special arrangements shall be provided for applicants with disabilities.
    - (a) Definition of terms.
      - 1. A person with a disability means any person who:
        - a. Has a physical or mental impairment which substantially limits one (1) or more major life activities;
        - b. Has a record of such an impairment; or
        - c. Is regarded as having such an impairment.
      - 2. The definitions for the phrases used in paragraph (6)(a) of this rule – physical or mental impairment, major life activities, has a record of such an impairment and regarded as having an impairment – are the same as in the definition of disability included in the Americans With Disabilities Act, 28 C.F.R. F.F.R. §§ 35.104(1), (2), (3) and (4).
    - (b) through (10) No change.
    - (11) Review.

(a) Requests for Verification. An examinee who fails one (1) or more examination(s) within ten (10) scale score points of the passing scale score (200) for failed examinations, including essays, short answer sections, and verbal responses, may file a written request with the test administration agency to verify that the examinations were scored accurately. An examinee may review their failed responses for performance only subtests (i.e., General Knowledge Essay, German K-12 oral interview, Speech 6-12 oral component) may file a written request with the test administration agency to verify the scores for failed examinations, including essays, short answer sections, and verbal responses, to ensure that the examinations were scored accurately. The request shall be filed within thirty (30) days of the date the score report was released by the test administration agency. The fee for verification shall be seventy-five (75) twenty-five (25) dollars. The test administration agency shall notify the examinee of the results of the request within thirty (30) days of receipt of the request and fee.

(b) Score Verification Sessions. An examinee who fails one (1) or more examination(s) within ten (10) scale score points of the passing scale score (200) may review only those incorrect test items and/or performance component(s) contained within each examination meeting these criteria and bring to the Florida Department of Education’s attention, via the test administration agency, any scoring errors which may result in a passing score may review only those incorrect test items contained within each examination that was failed and bring to the Florida Department of Education’s attention any scoring errors which may result in a passing score. The procedures for test review are listed below:

1. through 7. 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,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Will Krebs, Deputy Commissioner, Division of 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: August 13, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 19, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:       RULE TITLE:

6A-4.00821       Florida Educational Leadership Examination

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the Florida Educational Leadership Examination (FELE) score verification process and to increase the fee for the score verification process from \$25 to \$75. The revision of the score verification process will limit examinees to reviewing test items in those subtests for which the examinees receive a failing score that is within 10 scale score points of the passing scale score of 200. The increase in fees will cover the actual cost of the review. The effect will be the consistency with Section 1012.56(9)(d), Florida Statutes.

SUMMARY: The rule is proposed for amendment to adopt a new eligibility criterion for score verification process and increase score verification processing fee.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The proposed rule reflects an additional \$50 fee for score verification process. The number of anticipated requests is not expected to exceed 400 per year, so the total regulatory costs are not anticipated to exceed \$20,000 per year. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated 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: 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: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jane Fletcher, Director, Office of Accountability and Policy Research, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 844, Tallahassee, FL 32399, (850)245-0429, Jane.Fletcher@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) Scope. This rule governs the written examination for certification in Educational Leadership. Additional requirements for certification in Educational Leadership are specified in Rule 6A-4.0082, F.A.C.

(2) through (9) No change.

(10) Review.

(a) Requests for Score Verification. An examinee who fails one (1) or more subtests of the examination, including the performance assessment, within ten (10) scale score points of the passing scale score (200) may file a written request with the test administration agency to verify ~~may file a written request with the test administration agency to verify the scores for the failed subtest(s), including performance assessments, to ensure~~ that the subtest(s) were scored accurately. The request shall be filed no later than thirty (30) days after the date the score report was released by the test administration agency. The fee for score verification shall be seventy-five (75) dollars per subtest of one (1) or more subtests shall be that amount necessary for the test administration agency to perform the service as agreed in the contract between the agency and the Florida Department of Education. The test administration agency shall notify the examinee of the results of the request within thirty (30) days of receipt of the request and fee.

(b) Score Verification Sessions. An examinee who fails one (1) or more subtests of the examination within ten (10) scale score points of the passing scale score (200) may review only those incorrect test items and/or performance assessments contained within each subtest of the examination meeting these criteria and bring to the Florida Department of Education's attention, via the test administration agency, ~~may review only those incorrect test items contained within each subtest that was failed and bring to the Florida Department of Education's attention~~ any scoring errors which may result in a passing score. The procedures for test review are as follows:

1. through 7. No change.

Rulemaking Authority 1012.56, 1012.59 FS. Law Implemented 1012.56, 1012.59 FS. History—New 12-25-86, Amended 1-11-89, 5-19-98, 10-6-99, 7-17-00, 7-16-01, 3-24-02, 10-17-02, 3-24-03, 7-21-03, 6-22-04, 5-19-08, 7-21-08, 9-6-09, 12-16-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Will Krebs, Deputy Commissioner, Division of 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: August 13, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 19, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0201  
RULE TITLE: State of Florida High School Diploma Program

PURPOSE AND EFFECT: The purpose of this new rule is to implement changes to the high school equivalency diploma program. The effect of this rule will establish the standards for the issuance of the State of Florida High School diploma to individuals who successfully pass the examinations after January 1, 2014.

SUMMARY: A new equivalency exam will be available on January 1, 2014, which was developed for college and career readiness. In addition, the eligibility criteria for testing centers, statewide testing fee for the equivalency exam, as well as fees and services such as the production of duplicate documents, will be established.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that the proposed rule does not require legislative ratification and is not expected to have any impact on the factors found in Section 120.541(2)(a), Florida Statutes. The new equivalency exam, based on college and career readiness standards, will improve educational outcomes and employability skills. This will have a positive impact on economic growth and in business competitiveness. This rule increases the value of the equivalency diploma to employers and postsecondary institutions by documenting the recipient's college and career skills. There is a nominal increase in fees for testing and document production with the increase in fees providing more services and value for the test taker.

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(1), 1003.435(1) FS.  
LAW IMPLEMENTED: 1003.435 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.  
 PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, Suite 744, Tallahassee, Florida 32399-0400; phone (850)245-9001; Tara.Goodman@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0201 State of Florida High School Diplomas, as of January 1, 2014 Program.

(1) Pursuant to the requirements of Section 1003.435, Florida Statutes, the Commissioner shall award a State of Florida High School Diploma to a candidate who meets all of the following requirements:

(a) Takes at least one (1) exam of the 2014 GED® Test at a testing center in Florida approved by the Department of Education, and

(b) Attains a minimum score of one hundred and fifty (150) on each of the four (4) sub-tests of the 2014 GED® Test: Reasoning through Language Arts, Mathematical Reasoning, Science and Social Studies.

(2) The Department shall convert sub-test scores which meet the minimum requirement from test administrations at any approved GED® testing center in another state or jurisdiction for residents of the state of Florida. The Commissioner shall award a State of Florida High School Diploma to Florida residents who meet the passing standard as specified in paragraph (1)(b) of this rule or the Florida passing standard for any previous test series. Individuals must provide proof of residency for a test score from another state or jurisdiction to be converted.

(3) The Department shall designate official testing centers in the state which are authorized to act as agents of the state in administering the 2014 GED® Test. The following entities shall be authorized to offer the 2014 GED® Test:

(a) Public schools or other appropriate facilities of a local education agency (LEA).

(b) Public postsecondary educational institutions.

(c) Correctional facilities for state and/or local inmates.

(d) Correctional facilities for individuals in the custody of or under the supervision of the Florida Department of Juvenile Justice.

(e) If adequate access to public testing is not available at public schools and public postsecondary educational institutions in the county, other not-for-profit educational

institutions or other governmental entities, including public libraries, are eligible to be approved as testing centers.

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

(4) The Department shall maintain a perpetual record of individual test results and issue State of Florida High School Diplomas and official transcripts to successful candidates.

(5) The statewide testing fee for the 2014 GED® Test shall be thirty-two (32) dollars for each of the following sub-tests: Reasoning through Language Arts, Mathematical Reasoning, Social Studies and Science. This fee shall be paid by the candidate at the time of the registration and scheduling of the test.

(6) A fee of fifteen (15) dollars shall be assessed for the following services and document production to test takers or other entities seeking official documents with the signed authority of the test candidate or recipient of the diploma for all documents and services provided on or after January 1, 2014:

(a) Duplication of diploma and transcript: fifteen (15) dollars.

(b) Conversion of scores from applicants who have taken the GED® tests in the military or other states or jurisdictions: fifteen (15) dollars.

Rulemaking Authority 1001.02(1), 1003.435(1), FS. Law Implemented 1003.435 FS. History–New \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 7, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

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

PURPOSE AND EFFECT: The purpose of this rule revision is to amend the rule to conform to statutory changes from Chapter 2013-27, Laws of Florida. In addition, the most recent Industry Certification Funding List and Comprehensive Industry Certification List will be adopted by reference. To ensure curricular integrity, the criteria for approval of items on the Industry Certification Funding List is revised to require that such industry certifications have reliable third-party

developed examinations. The effect of the rule amendment is to ensure that appropriate certifications are included on the Industry Certification Funding List.

**SUMMARY:** The amendment includes revisions to the rule and documents incorporated by reference. The 2013-2014 Industry Certification Funding List is adopted with statutorily authorized exemptions for post-high school graduation requirements. The timelines and forms for the registration of academies and career themed courses are updated. Language on funding weights in the Florida Education Finance Programs was amended to reflect the current statutory requirements as well as the elimination of the middle school science, technology, engineering and mathematics (STEM) list. Criteria for approval of Industry Certifications on the funding list are revised to add the requirement for a valid third-party examination.

**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 is not expected to have any impact on the factors found in Section 120.541(2)(a), Florida Statutes. This is because the amendment authorizes additional industry certifications for which school districts are provided incentives to offer. These certifications have been evaluated to be rigorous and tied to the statewide occupational demand in Florida.

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

**RULEMAKING AUTHORITY:** 1003.492(2), 1008.44 FS.

**LAW IMPLEMENTED:** 1003.492, 1003.493, 1008.44, 1011.62(1)(o) FS.

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

**DATE AND TIME:** September 17, 2013, 9:00 a.m.

**PLACE:** Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

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

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

**6A-6.0573 Industry Certification Process.**

(1) Pursuant to Section 1003.492(2), F.S., Workforce Florida, Inc.'s approved list of industry certifications, which has been named the "Workforce Florida, Inc. Comprehensive Industry Certification List for the Career and Professional Education Act, 2013-2014 2012-2013" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02159>) is adopted by the State Board of Education and incorporated by reference in this rule. The "Workforce Florida, Inc. Comprehensive Industry Certification List for the Career and Professional Education Act, 2013-2014 2012-2013" may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399 Education's web site at <http://www.fldoe.org/workforce/fepea/default.asp>.

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

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

(a) This list will be known as the "2013-2014 2012-2013 Industry Certification Funding List" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02160>) to be published by the Department of Education and is incorporated by reference in this rule. The "2013-2014 2012-2013 Industry Certification Funding List" may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399 Education's web site at <http://www.fldoe.org/workforce/fepea/default.asp>.

(b) To be considered for additional full-time equivalent membership funding and included on the "2013-2014 2012-2013 Industry Certification Funding List," in this paragraph, a certification shall:

1. Be on the "Comprehensive Industry Certification List;"
2. Be achievable by secondary students; and
3. Require a minimum of one hundred fifty (150) hours of instruction.

(c) All items on the “Industry Certification Funding List” must be industry certifications whose exams are third-party developed and given in a proctored environment with test administration procedures that ensure the validity of the exam.

(4) No later than March 5 each year, the Department of Education shall produce a preliminary “Industry Certification Funding List” and shall show the industry certifications for which registered career and professional academy students may be reported for additional full-time equivalent membership funding by school districts under Section 1011.62(1), F.S.

(a) School districts shall be provided a period of time to request additions to the preliminary “Industry Certification Funding List” prior to publication of the final “Industry Certification Funding List” for the following school year.

(b) School districts offering career and professional academies or career-themed courses under Section 1003.492, F.S., may submit requests to include an industry certification, not on the preliminary “Industry Certification Funding List,” to the final “Industry Certification Funding List” along with supporting documentation, to the Department of Education.

1. Supporting documentation shall include a statement of justification and other resource material to document that the certification meets the requirements for inclusion on the list illustrate the correlation between the program standards and the certification examination competencies.

2. Requests shall be submitted no later than April 1 for inclusion on the final “Industry Certification Funding List.”

3. The Department of Education shall review each request according to the above criteria and respond to the submitting school district by May 15.

4. If the request is denied for failure to meet the criteria in paragraph (3)(b) of this rule, the specific reason for denial shall be included in the response to the school district.

(5) Pursuant to Section 1011.62(1), F.S., the weight used for the industry certification in Florida Education Finance Program (FEFP) shall be based on statewide articulation agreements approved by the State Board of Education in Rule 6A-10.0401, F.A.C., which is incorporated herein by reference, by May 31 of the academic year for which the “Industry Certification Funding List” is adopted and for agreements which were valid at any time from August 1 to May 31 of the academic year industry certifications approved by the State Board of Education for inclusion in the final “Industry Certification Funding List” shall be assigned one of the following weights: 0.1, 0.2, or 0.3. The weights shall be determined by values assigned to indicators of rigor and employment value, with 50 percent of the points based on rigor and 50 percent based on employment value. Rigor and employment value each shall be assigned up to three points for a total possible value of six.

~~(a) Rigor shall be determined by the State Board of Education using the number of instructional hours necessary to earn the industry certification with bonus points assigned for certifications with Gold Standard Career Pathways Industry Certification to Associate in Applied Science (AAS/Associate in Science (AS) Statewide Articulation Agreements approved by the State Board of Education. Instructional hour values shall be determined based on the classroom instructional hours and work experience hours necessary to earn the certification.~~

~~1. Classroom instructional hours shall be determined through one of the following methods:~~

~~a. Instructional hours identified by the certifying agency or;~~

~~b. Alignment of statewide curriculum frameworks to the competencies required for the industry certification based on the review of the Department of Education. This process shall include a review of standards in the curriculum frameworks, as adopted by the State Board of Education in Rule 6A-6.0571, F.A.C., for the secondary and postsecondary programs that align with the certification.~~

~~2. Work experience hours shall be determined based on the work hours required by the certifying agency to earn the certification.~~

~~3. Instructional hours shall be the sum of classroom instructional hours and work experience hours.~~

~~4. The maximum value for the rigor of the industry certification is three points. The total instructional hours necessary to earn the industry certification shall be converted to rigor points based on the following scale:~~

~~a. A value of 150 to 300 hours equals 0.5 points.~~

~~b. A value of 301 to 450 hours equals 1.0 points.~~

~~c. A value of 451 to 600 hours equals 1.5 points.~~

~~d. A value of 601 to 750 hours equals 2.0 points.~~

~~e. A value of 751 to 900 hours equals 2.5 points.~~

~~f. A value of 901 or more hours equals 3.0 points.~~

~~5. If the State Board of Education has an approved Gold Standard Career Pathways Industry Certification to AAS/AS Degree Articulation Agreement for the certification, a value of 0.5 shall be added to the rigor point total if the points assigned for instructional hours are less than or equal to 2.5.~~

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

~~1. The maximum employment value of the industry certification is three points. The State Board of Education shall assign one point to each certification for the three indicators: entry wage, growth rate, and average annual openings. Points shall be assigned to each certification based on the percentile ranking of the occupation to which it is linked among all occupations linked to certifications on the "Industry Certification Funding List." The source for the employment information is data from Department of Economic Opportunity, Labor Market Statistics Center, Occupational Employment Statistics Program and Employment Projections Program, in the document "2007-12 Comprehensive Industry Certification List with Employment Data" (<http://www.flrules.org/Gateway/reference.asp?No=Ref 02161>) which is hereby incorporated by reference. The document can be accessed from the Department's web site at [http://www.fldoe.org/workforce/careeracademies/ea\\_home.asp](http://www.fldoe.org/workforce/careeracademies/ea_home.asp).~~

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

~~a. A value at or below the 25th percentile equals 0.25 point.~~

~~b. A value greater than the 25th percentile and below or equal to 50th percentile equals 0.50 point.~~

~~c. A value greater than the 50th percentile and below or equal to the 75th percentile equals 0.75 point.~~

~~d. A value above the 75th percentile equals 1.0 point.~~

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

~~(c) The rigor and employment value point totals shall be summed and divided by six and rounded to two decimal places. The minimum calculated value is 0.21. The maximum calculated value shall not exceed 1.0. The final weight assigned to the certification shall be based on this value as follows:~~

~~1. Total value up to 0.21 to 0.47 equals a weight of 0.1.~~

~~2. Total value of 0.48 to 0.74 equals a weight of 0.2.~~

~~3. Total value of 0.75 to 1.0 equals a weight of 0.3.~~

~~(d) The employment value shall be recalculated annually based on the most recent statewide employment data published by the Department of Economic Opportunity. The rigor value shall be reviewed annually for any changes to the instructional hours or approved articulation agreements.~~

~~(6) Pursuant to Section 1011.62(1), F.S., the State Board of Education shall adopt designations for items on the annual Industry Certification Funding List for certifications in science, technology, engineering, or mathematics (STEM).~~

These designations will be identified for industry certifications that lead to occupations identified as STEM by the Department of Economic Opportunity in the document "Defining Science, Technology, Engineering, and Mathematics (STEM) Occupations Based on O\*NET Subject Knowledge Values (Importance and Level) December 2011" (<http://www.flrules.org/Gateway/reference.asp?No=Ref 02205>) and is hereby incorporated by reference.

~~(7) The "Middle School STEM Industry Certification List." The Department of Education shall adopt a list of industry certifications that are designated as STEM, thus, eligible for additional full time equivalent (FTE) membership funding pursuant to Section 1011.62(1), F.S.~~

~~(a) This list will be known as the "2012-13 Middle School STEM Industry Certification List" (<http://www.flrules.org/Gateway/reference.asp?No=Ref 02163>) to be published by the Department of Education and is incorporated by reference in this rule. The "2012-13 Middle School STEM Industry Certification List" may be obtained from the Department of Education's web site at <http://www.fldoe.org/workforce/fepea/default.asp>.~~

~~(b) To be considered for additional full time equivalent membership funding and included on the "2012-13 Middle School STEM Industry Certification List" in this paragraph, a certification shall:~~

~~1. Be achievable by students enrolled in sixth grade, seventh grade, or eighth grade;~~

~~2. Require a minimum of seventy five (75) hours of instruction;~~

~~3. Demonstrate skills for progression in a STEM career pathway or introductory skills that prepare for a certification designated as STEM on the "2012-2013 Industry Certification Funding List";~~

~~4. Be a proctored examination that is assessed by an independent, third party certifying entity using predetermined standards for knowledge, skills, and competencies; and~~

~~5. Not be a certification on the "2012-13 Industry Certification Funding List."~~

~~(c) Students reported as earning a certification on the "Middle School STEM Industry Certification List" may not use those examinations to satisfy the requirements for earning a certification on the "Industry Certification Funding List."~~

~~(6)(8) The final "Industry Certification Funding List" for the school year shall be published no later than the July 15, preceding the beginning of the school year. The list shall include a weight for use in the additional full-time equivalent membership calculation pursuant to Section 1011.62(1), F.S., as defined in subsection (5) of this rule.~~

~~(7)(9)~~ Conditions for the additional full-time equivalent membership funding pursuant to Section 1011.62(1), F.S.

(a) A school district shall be eligible for additional full-time equivalent (FTE) membership under the following conditions, for a maximum of 0.3 full-time equivalent membership funding per student, for students in grades 9 through 12:

1. ~~Student is enrolled in a registered career and professional academy or is enrolled in a registered career-themed course.~~

2. ~~Student completes a certification on the "Industry Certification Funding List," or student in sixth, seventh, or eighth grade completes a certification on the "Middle School STEM Industry Certification List."~~

3. ~~Student receives a high school diploma or middle school student is promoted to ninth grade after earning an industry certification with a STEM designation on the "Industry Certification Funding List" or "Middle School STEM Industry Certification List."~~

(b) Up to three (3) certifications may be reported for a course.

(c) School districts may report students who complete industry certifications during the update period allowed by the Department of Education for survey 5 after an initial submission.

(d) Middle school students reported as earning a middle school only certification for which additional FTE membership was included in the district's FEFP calculation may not use the previously funded examinations to satisfy the requirements for earning a certification on the "Industry Certification Funding List."

~~(8)(10)~~ Registration of High School Career and Professional Academies. The Department of Education shall maintain a web site for school districts to register career and professional academies that meet the requirements of Section 1003.493, F.S.

(a) School districts shall submit up-to-date information on each career and professional academy through an annual reporting window which shall open on or after July 15 and close on September 15, and shall remain open for a minimum of thirty days. Form FCAPEA-01, Florida Career and Professional Education Act Career and Professional Academies, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00561>) is hereby incorporated by reference in this rule to become effective October ~~2013~~ 25, 2014 and shall be utilized for reporting the information. Form FCAPEA-01 may be found on the Department's web site at: <https://app1.fldoe.org/workforce/CAPE/>.

(b) As part of the registration process, the superintendents shall certify that each academy meets all of the requirements of Section 1003.493, F.S.

(c) Eligibility for funding under Section 1011.62(1), F.S., is limited to academies registered with the Department of Education.

(d) Academies shall be registered by September 15 of the reporting year for their students to be eligible to generate the additional full-time equivalent membership funding based on the completion of industry certifications.

~~(9)(11)~~ Registration of Middle School Career and Professional Academies. The Department of Education shall maintain a website for school districts to register middle school career and professional academies that meet the requirements of Section 1003.4935, F.S.

(a) School districts shall submit up-to-date information on each career and professional academy through an annual reporting window which shall open on or after September 16 and close on October 15, and shall remain open for a minimum of thirty (30) days. Form FCAPEA-02, Florida Career and Professional Education Act Career and Professional Academies, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00562>) is hereby incorporated by reference in this rule to become effective October ~~2013~~ 25, 2014, and shall be utilized for reporting the information. Form FCAPEA-02 may be found on the Department's web site at: <https://app1.fldoe.org/workforce/CAPE/>.

(b) As part of the registration process, superintendents shall certify that each academy meets all of the requirements of Section 1003.4935, F.S.

(c) Eligibility for funding under Section 1011.62(1), F.S., is limited to academies registered with the Department of Education.

(d) Academies shall be registered by October 15 of the reporting year for their students to be eligible to generate the additional full-time equivalent membership funding based on the completion of industry certifications.

~~(10)(12)~~ Registration of Career-Themed Courses. The Department of Education shall maintain a website for school districts to register ~~process by which school districts shall provide to the Department a list of~~ career-themed courses by school that meet the statutory requirements of Section 1003.493(1), F.S. Form FCAPEA-03, Career and Professional Education Act Career-Themed Course Registration Form, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02207>) and ~~Form FCAPEA-04, Certification Form for the Registration of Career-Themed Courses~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02206>) ~~are~~ is hereby

incorporated by reference in this rule to become effective ~~April~~ October 2013, and shall be utilized for reporting the career-themed course information. Forms ~~FCAPEA-03 and FCAPEA-04~~ may be found on the Department’s web site at: <https://app1.fldoe.org/workforce/CAPE> ~~http://www.fldoe.org/workforce/fepea/default.asp~~.

(a) As part of the registration process, superintendents shall certify that each career-themed course meets the requirements of Section 1003.493(1), F.S., and secondary school offering the career-themed course meets all of the requirements of Section 1003.493(4) or Section 1003.4935(2), F.S.

(b) Career-themed courses shall be registered during an initial registration period from October 16 to November 30 ~~by May 15~~ of the reporting year for the students in those courses to be eligible to generate the additional full-time equivalent membership funding based on the completion of industry certifications. Districts will be allowed to submit updates after the initial registration period during the subsequent period of February 1 to March 1.

Rulemaking Authority 1003.492(2), 1003.4935(4), 1008.44, 1011.62(1)(o) FS. Law Implemented ~~1003.491~~, 1003.492, 1003.493, 1003.4935, 1008.44, 1011.62(1)(o) FS. History—New 10-20-08, Amended 8-18-09, 6-22-10, 6-21-11, 10-25-11, 8-23-12, 3-25-13,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 14, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-6.0901	Definitions Which Apply to Programs for English Language Learners
6A-6.09022	Extension of Services in English for Speakers of Other Languages (ESOL) Program

PURPOSE AND EFFECT: The purpose and effect of these proposed amendments are to (1) authorize electronic ELL student plans; (2) require districts to collect and use the date an ELL was enrolled in school in the United States as the starting date for evaluating whether ESOL services need to be extended past three years; and (3) allow districts until October

1 each school year to complete extension of services determinations for students whose anniversary dates fall within the first two weeks of school.

SUMMARY: Rule 6A-6.0901, F.A.C., is amended to allow the use of electronic files for ELL Student Plans. Rule 6A-6.09022, F.A.C., is amended to require Districts to collect the date an ELL entered a U.S. school per Florida’s approved Elementary and Secondary Education Act (ESEA) Waiver, and this date is now the ESOL program start date. The majority of ELLs’ anniversary dates fall within the first two weeks of school; therefore, the first two weeks are when the majority of Extensions of Services are needed. By allowing for the ELL Committee to meet by October 1, sufficient time will be provided for districts to re-evaluate student progress and analyze assessment results.

**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: No requirement for SERC was triggered under Section 120.541(1), Florida Statutes. The proposed amendment allowing electronic recordkeeping offers cost savings. The proposed amendments providing greater flexibility in the deadline for districts to assess students for extension of ESOL services will have positive impact on regulatory costs, if any. The proposed amendments requiring that extension of services be determined after a student has been in the United States for three years rather than in the ESOL program comports with federal law and does not alter the amount of funding a district receives for a student (which is based on the number of years in the ESOL program); therefore, no negative impact on regulatory costs would be anticipated. There would be no other economic impact from the proposed amendments and the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 1001.02, 1003.56 FS.

LAW IMPLEMENTED: 1003.56, 1011.62 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chane Eplin, Bureau Chief, Bureau of Student Achievement through Language Acquisition, 325 West Gaines Street, Suite 444, Tallahassee, Florida 32399, chane.eplin@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0901 Definitions Which Apply to Programs for English Language Learners.

(1) English Language Learner means "Limited English Proficient Student," as defined in Section 1003.56, F.S.

(2) ELL means English Language Learner.

(3) ESOL means English for Speakers of Other Languages.

(4) Home or native language, when used with reference to a student of limited English proficiency, means the language normally used by such students, or the language normally used by the parents of the student.

(5) ELL Committee means a group composed of ESOL teachers and home language teachers, and an administrator or designee plus guidance counselors, social workers, school psychologists or other educators as appropriate for the situation. The parent/guardian will be invited to serve on the ELL Committee for his/her child.

(6) ELL student plan means a written document or an electronic file, which contains the student's name, the date the plan was completed, instruction by program, including programs other than the ESOL provided, amount of instructional time or the instructional schedule, the date the student's limited English proficiency is identified, and assessment data used to classify or reclassify the student as an English Language Learner, date of exit and assessment data used to exit students from the ESOL program as English proficient. Whether hard copy written document or an electronic file, each ELL Plan must be readily identifiable as the ELL Plan. Each completed plan must be maintained as a separate student record, and not replaced or over-written by subsequent data entries. The plan may be included in or attached to an existing student plan, individual educational plan, or may be a separate document for a given student or students, provided; however, if for "students," an individual copy of the plan shall be maintained in each student's file.

(7) Basic ESOL means the teaching of English to students whose native language is other than English using the English language as the medium of instruction.

(8) In accordance with Section 1003.56(3)(d), F.S., basic subject areas means instruction in reading, computer literacy, mathematics, science and social studies.

(9) Other subject areas means instruction in courses other than basic ESOL and basic subject areas, such as music, physical education and vocational courses.

(10) Student supportive services means services provided by guidance counselors, psychologists, social workers, visiting teachers, occupational placement specialists, health service providers, school administrators, district level program coordinators, teachers as advisors, or parents.

Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History—New 10-30-90, Amended 5-7-09, \_\_\_\_\_.

6A-6.09022 Extension of Services in English for Speakers of Other Languages (ESOL) Program.

(1) Three (3) years after the date of an English Language Learner's (ELL's) initial enrollment in a school in the United States ~~If a student is classified as an English Language Learner (ELL) after being enrolled in the English for Speakers of Other Languages (ESOL) program for three (3) years,~~ an ELL Committee shall be convened annually to re-evaluate the student's progress towards English language proficiency. The ELL Committee shall be convened no earlier than thirty (30) school days prior to the third anniversary of the student's initial enrollment date in a school in the United States, and no later than the anniversary date, except if the student's anniversary date falls within the first two (2) weeks of any school year, the ELL committee may convene no later than October 1. This process shall be completed annually thereafter.

(2) Any student being considered for extension of services shall be assessed on at least one (1) Department-approved assessment instrument. The assessment shall be administered no earlier than thirty (30) school days prior to the student's anniversary date. The assessment may be any Department-approved assessment that covers all four (4) domains of listening, speaking, reading, and writing. If the student's anniversary date falls between the ~~release administration~~ of the Comprehensive English Language Learning Assessment (CELLA) and applicable Florida Statewide Standardized Assessment scores in a given school year and October 1 of the following school year, the student's CELLA and applicable Florida Statewide Standardized Assessment ~~Florida Comprehensive Assessment Test (FCAT)~~ scores will suffice, and a more recent assessment is not required. ~~The assessment~~

~~may be any Department approved assessment that covers all four (4) domains of listening, speaking, reading, and writing.~~

(3) The ELL Committee shall review the student’s academic record holistically and shall consider the assessment results from the assessment administered under subsection (2) of this rule and the following criteria to determine whether the student is English language proficient:

- (a) Extent and nature of prior educational or academic experience, social experience, and a student interview;
- (b) Written recommendation and observation by current and previous instructional and supportive services staff;
- (c) Level of mastery of basic competencies or skills in English and/or heritage language according to state or national criterion-referenced standards, if any;
- (d) Grades from the current or previous years; and
- (e) Test results from tests other than the assessment according to subsection (2) of this rule.

(4) If a majority of the ELL Committee determines that the student is not English language proficient, ESOL services shall be extended. If a majority of the ELL Committee determines that the student is English language proficient, the student shall be exited from the ESOL program. The parents’ preference as to whether the student is determined English language proficient or not English language proficient shall be considered in the final decision. If an ELL Committee extends services, the Committee shall refer the student as necessary for appropriate remedial, compensatory, special and supportive service evaluations, and programs.

(5) The basis and nature of the ELL Committee’s decision on whether to extend or not to extend ESOL services shall be documented and maintained in the student’s file.

(6) English Language Learners provided ESOL or heritage language instruction may be reported for funding in the Florida Educational Finance Program for a base period of three (3) years, and may be reported for funding for fourth, fifth, and sixth years of funding, as specified in Section 1011.62, F.S. Lack of a student’s ESOL funding eligibility does not relieve a school district of any obligation it may have under state or federal law to continue to provide appropriate services to ELLs beyond the state ESOL program funding limits.

Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56, 1011.62 FS. History—New 11-22-11, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 31, 2012

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.0315      RULE TITLE: College Preparatory Testing, Placement, and Instruction

PURPOSE AND EFFECT: The purpose of this rule amendment is to address revisions to Section 1008.30, Florida Statutes, as required by the passing of Senate Bill 1720 (effective July 1, 2013). The provisions of the bill include the requirement that the State Board of Education establish test scores a student must achieve to demonstrate readiness to perform college-level work and also specify the criteria by which a student is exempted from common placement testing and developmental education. In addition, the common placement test scores for the Postsecondary Education Readiness Test (P.E.R.T.) are being revised to reflect the recommendations resulting from standard setting. The ACT Reading score is also being recommended for change. The phrase, “college preparatory” is replaced with “developmental education” to conform with statutory terminology and limitations on enrollment in developmental education courses are eliminated.

SUMMARY: The proposed revisions will ensure the rule is aligned with Section 1008.30, Florida Statutes, and raise college readiness scores for the Postsecondary Education Readiness Test and the ACT Reading.

**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: Due to exemptions from mandatory developmental education, less students will be required to take developmental education courses, thereby reducing costs, notwithstanding slightly higher cut-scores on the P.E.R.T. Similarly, the elimination of current limitations on developmental education will reduce 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, 1008.30 FS.

LAW IMPLEMENTED: 1008.30 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Alexander, Division of Florida Colleges, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9523, Julie.Alexander@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0315 Common Placement ~~College Preparatory~~ Testing, ~~Placement~~, and Instruction.

(1) The purpose of this rule is to establish the test scores a student must achieve to demonstrate readiness to perform college-level work pursuant to Section 1008.30, Florida Statutes. A student who demonstrates readiness by achieving or exceeding the test scores established herein and enrolls in a Florida College System institution within two (2) years after achieving such scores shall not be required to retest or complete developmental education at a Florida College System institution. A student admitted to a Florida College System institution whose score on the common placement test indicates a need for developmental education must be advised of all the developmental education options offered at the institution and, after advisement, shall be allowed to enroll in the developmental education option of his or her choice.

(a) Further in accordance with Section 1008.30, Florida Statutes, a student who entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma or a student who is serving as an active duty member of any branch of the United States Armed Services shall not be required to take the common placement test and shall not be required to enroll in developmental education instruction in a Florida College System institution. However, a student who is not required to take the common placement test and is not required to enroll in developmental education under this paragraph may opt to be assessed and to enroll in developmental education instruction, and the college shall provide such assessment and instruction upon the student's request.

~~(b)(1)~~ With the exception of students who meet the criteria for an exemption from common placement testing and developmental education instruction identified in subsection (1) of this rule ~~For admissions~~, first-time-in-college degree seeking students and students who have not met college level competency either through the completion of developmental education requirements in the Florida College System or have not been awarded credit for college level coursework in the area of deficiency shall be tested for reading, writing, and mathematics proficiency prior to the completion of initial registration, using the Florida Postsecondary Education Readiness Test (P.E.R.T.). “Developmental education requirements” are the courses required when a student does not meet the college ready cut score. It is also referred to as remediation or preparatory instruction. Students earning scores less than those listed below shall enroll in developmental education ~~college preparatory~~ communication and computation instruction in the area of the deficiency:

	Standard Score
<del>(a)</del> Reading	<u>106</u> 404
<del>(b)</del> Writing	<u>103</u> 99
<del>(c)</del> Mathematics	<u>114</u> 443
<del>(c)(2)(a) Students who achieve scores on either the College Board's Accuplacer or SAT I or the American College Testing Program's Enhanced ACT test that meet or exceed the scores shown below, and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the Florida Postsecondary Education Readiness Test:</del>	

	Standard Score
Accuplacer, The College Board	
Reading Comprehension	83
Writing Skills	83
Elementary Algebra	72
SAT-I, The College Board	
Verbal	440
Mathematics	440
Enhanced ACT, American College Testing Program	
Reading	<u>19</u> 48
English	17
Mathematics	19

~~(d)(b)~~ A score of 262 on Grade 10 Florida Comprehensive Assessment Test 2.0 (FCAT 2.0) Reading demonstrates readiness for college-level coursework in reading and writing. Students who achieve such a score and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the reading and writing subtests of the Florida Postsecondary Education Readiness Test pursuant to subsection (1) above.

~~(2)(3)~~ School districts must administer the Florida Postsecondary Education Readiness Test or an approved alternative identified in paragraph ~~(1)(c)(2)(a)~~ of this rule to high school students who meet the criteria established in Section 1008.30(3), F.S., except those students who have passed an alternative assessment as described in paragraph ~~(1)(c)(2)(a)~~ of this rule. High school students are exempt from payment for tests administered pursuant to Section 1008.30(3), F.S. Students who do not meet or exceed the scores established in subsection (1) ~~and paragraph (2)(a)~~ of this rule must complete postsecondary preparatory instruction prior to high school graduation. ~~Students who complete the postsecondary preparatory instruction required in Section 1008.30(3), F.S., will have completed an alternative remediation opportunity. Completion of alternative remediation in high school does not satisfy the requirement for demonstrating college readiness or completing college preparatory instruction. A student will be required to retest after alternative remediation and meet or exceed the scores established in subsection (1) or (2) of this rule to avoid required enrollment in college preparatory communication and computation instruction in accordance with subsection (1) of this rule.~~

~~(3)(4)~~ Nothing provided in subsection (1) of this rule shall be construed to prevent the enrollment of a student in developmental education ~~college preparatory~~ instruction.

~~(4)(5)~~ Students whose first language is not English may be placed in college preparatory instruction prior to the testing required herein, if such instruction is otherwise demonstrated as being necessary. Such students shall not be exempted from the testing required herein.

~~(5)(6)~~ Institutions affected by this rule shall accept the highest test scores on any of the tests or combination of tests identified in subsections (1) ~~and (2)~~ of this rule. Individual student scores shall be valid for two (2) years. Institutions shall accept P.E.R.T. scores on the public high school transcript as an official record of scores.

~~(6)(7)~~ Student P.E.R.T. records and test scores are confidential education records under Section 1002.221, F.S. Institutions are required to comply with Section 1002.221, F.S., in maintaining confidentiality of these records.

~~(8)~~ ~~Prior to administering a retest, the test administrator must require documentation from the student that verifies alternative remediation has occurred since the prior attempt. Alternative remediation opportunities shall be identified, defined and included in a written Florida College System institution policy.~~

~~(9)~~ ~~During their first term, full time students who are registered for at least twelve (12) credits, shall begin competency-based preparatory instruction based on the placement test results. Part time students shall enroll prior to completing twelve (12) credits.~~

~~(10)~~ ~~Students shall not enroll for more than three (3) attempts in each course to complete college preparatory instruction. Students who withdraw from a course under major extenuating circumstances may be granted an exception. Such exceptions require approval under guidelines established by the Florida College System institution the board of trustees.~~

~~(7)(11)~~ The Commissioner shall report to the State Board of Education each year the results of the common placement testing.

Rulemaking Authority 1001.02(6), 1008.30(3) FS. Law Implemented 1001.02, 1008.30 FS. History—New 7-15-84, Amended 6-6-85, Formerly 6A-10.315, Amended 5-17-88, 7-25-91, 10-18-94, 8-28-95, 6-25-96, 3-28-00, 2-12-12, 8-21-12, 6-27-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Randy Hanna, Chancellor, Division of Florida Colleges

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 10, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:           RULE TITLE:

6A-10.042           Maintenance of Test Security

PURPOSE AND EFFECT: Rule 6A-10.042, F.A.C., currently addresses specific procedures required to maintain test security and to maintain uniform test administration procedures to ensure that test results are valid and reliable measures of student achievement. The amended rule would retain current language, but also specify the criteria required of third-party contractor sites with respect to: student health and safety, testing environment, affiliation, test security and administration procedures, student data, and technology. Districts will have more options for administering student assessments; they will be able to choose whether to administer the assessments themselves or contract for that function. In addition, it will allow districts to contract for the assessment of students participating in fulltime virtual programs so they do

not have to be assessed at the traditional school they would otherwise attend.

SUMMARY: The proposed rule amendment specifies test administration and security criteria for third-party contractor sites in order to implement Section 1008.24(3), Florida Statutes, which authorizes school districts and educational institutions to contract with third-party contractors to administer statewide assessments required under Section 1008.22, Florida Statutes.

**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 revisions specify criteria for the use of contractors to administer statewide assessments. The use of contractors is optional and no requirement in the proposed rule imposes requirements anticipated to result in added cost.

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

RULEMAKING AUTHORITY: 1003.49, 1008.24 FS.

LAW IMPLEMENTED: 1008.24 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vince Verges, Director, Office of Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513, Vince.verges@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.042 Test Administration and Maintenance of Test Security.

(1) through (4) No change.

(5) School districts and public educational institutions under Section 1003.49, Florida Statutes, may contract with third-party contractors to administer and proctor statewide standardized assessments required under Section 1008.22, Florida Statutes, or assessments associated with Florida

approved courses under Section 1003.499, Florida Statutes.

(a) School districts and educational institutions must ensure that the contractor and contractor staff meet all local, state, and federal requirements to ensure student health and safety, and that the contractor's facility is a comfortable environment that does not interfere with a student's ability to demonstrate mastery on the tests.

(b) School district or educational institution use of third-party contractors (including contracted affiliates, such as franchises) shall not relieve the district or institution of its obligation to provide access to statewide testing for Florida Virtual School or virtual charter school students pursuant to Sections 1002.33(20), 1002.37, and 1002.45(6)(b), Florida Statutes.

(c) The contractor must adhere to all test administration and security protocols, and shall be subject to all provisions of this rule.

(d) The contractor must not collect nor maintain any student's personally-identifiable information beyond that required for test administration.

(e) All technology used to administer computer-based tests must meet assessment technology guidelines and online test security requirements as prescribed by the Department pursuant to Section 120.81 (1)(c), Florida Statutes.

Rulemaking Specific Authority 1001.02(4), 1003.49, 1008.24(4) FS. Law Implemented 1001.02, 1008.24 FS. History—New 7-5-87, Amended 10-26-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Will Krebs, Deputy Commissioner, Division of 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: August 13, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 12, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.044      RULE TITLE: Residency for Tuition Purposes

PURPOSE AND EFFECT: The purpose and effect of this amendment is to revise language requiring parents of dependents to provide evidence of legal presence for residency for tuition purposes, in accordance with Ruiz, et al, v. Gerard Robinson, et al, Case No. 11-cv-23776-KMM, the U.S. District Court Southern District of Florida. The revision would cease requiring parents of dependent students to demonstrate

legal presence in the U.S. for the student to be classified as a resident for tuition purposes and would only require the student to show legal presence in the U.S.

SUMMARY: The provisions of this rule establish policies for public postsecondary educational institutions to classify students as residents or nonresidents for the purposes of assessing tuition.

**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 changes reflected in the proposed rule will have no economic impact as they reflect requirements of a federal court order that would be in place regardless 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: 1009.21 FS.

LAW IMPLEMENTED: 1009.21 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Alexander, Division of Florida Colleges, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9523, Julie.Alexander@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.044 Residency for Tuition Purposes.

The purpose of this rule is to establish consistent policies for the classification of students as residents for tuition purposes in accordance with criteria set forth in Section 1009.21, F.S.

(1) through (3) No change.

(4) A ~~student non-United States citizen~~ may be eligible to establish residency for tuition purposes if ~~evidence is presented verifying that he or she is legally present in the United States and~~ the student is one of the following:

(a) A foreign national in a nonimmigrant Visa classification eligible for study and with a date of departure that is not during the term the student will be enrolled. The student, ~~and parent, if the student is a dependent,~~ must present current evidence of legal presence in the United States. A Student Visa shall not be accepted as evidence of eligibility to establish residency.

(b) A foreign national, such as permanent resident aliens, parolees, asylees, Cuban-Haitian Entrants, and other legal aliens granted indefinite stay, in a status that is eligible for study in the United States.

(c) A U.S. citizen.

(5) No change.

Rulemaking Authority 1009.21(11) FS. Law Implemented 1009.21(11) FS. History—New 10-6-92, Amended 10-17-00, 3-22-05, 6-22-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Randy Hanna, Chancellor, Division of Florida Colleges

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 27, 2012

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-14.065 Meta-Major Academic Pathways

PURPOSE AND EFFECT: The purpose of this new rule is to establish meta-major academic pathways as required by Section 1008.30(5), Florida Statutes. A meta-major is a collection of academic programs that have common or related content. The effect is that Florida College System institutions will advise students based on the selection of a meta-major academic pathway. When students select a meta-major at the time of admission, the Florida College System institution will be able to advise the student early in their academic program about which courses are most appropriate. The goal is to provide students with clear and specific advice about a program of study that is matched with their intended degree.

SUMMARY: This rule establishes meta-major academic pathways as required by Section 1008.30(5), Florida Statutes. A meta-major is a collection of academic programs that have common or related content used for advising students to facilitate degree completion.

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: Establishing meta-major academic pathways and identifying the related gateway courses will assist students in identifying the courses needed in their intended course of study early in in their college program, thereby reducing duplicative or unnecessary courses and cost savings.

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, 1008.30(5) FS.

LAW IMPLEMENTED: 1008.30 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Alexander, Division of Florida Colleges, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, (850)245-9523, Julie.Alexander@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.065 Meta-Major Academic Pathways.

(1) The following meta-major academic pathways are established for the purposes of advising Florida College System associate degree seeking students of the gateway courses that are aligned with their intended academic and career goals.

(a) Arts, humanities, communication and design.

(b) Business.

(c) Education.

(d) Health sciences.

(e) Industry/manufacturing and construction.

(f) Public Safety.

(g) Science, technology, engineering, and mathematics.

(h) Social and behavioral sciences and human services.

(2) Students shall be advised of the academic pathway that correlates with their selected meta-major to include gateway courses that are appropriate to the student's intended program of study.

(a) English Composition I, ENC X101, is the gateway course for all meta-major academic pathways.

(b) The gateway courses for mathematics are aligned with the meta-major academic pathway.

1. The gateway courses for business are College Algebra, MAC X105, or Elementary Statistics, STA X023.

2. The gateway courses for science, technology, engineering, and mathematics is College Algebra, MAC X105.

3. The gateway courses for all other meta-major academic pathways identified in subsection (1) of this rule are College Algebra, MAC X105, Liberal Arts Mathematics I, MGF X106, Liberal Arts Mathematics II, MGF X107, or Elementary Statistics, STA X023.

(3) Meta-major academic pathways must be a component of each Florida College System institution's approved comprehensive advising plan pursuant to Section 1008.30(6)(a), Florida Statutes, for entering, first-time-in-college students.

Rulemaking Authority 1001.02, 1008.30(5) FS. Law Implemented 1008.30 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Randy Hanna, Chancellor, Division of Florida Colleges

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 2, 2013

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-18.040	Definitions
6A-18.0401	Federal Regulations Adopted by Reference
6A-18.041	Establishment of Vending Facilities
6A-18.042	Issuance of License
6A-18.0421	Conditions for Removal from a Facility; Suspension or Revocation of License
6A-18.0423	Grievance Procedure
6A-18.0424	Announcement of Facility Vacancies
6A-18.0425	Application and Selection
6A-18.044	Operator License Agreement
6A-18.045	Newspaper Vending Sales
6A-18.046	Incorporation by Reference
6A-18.047	Forms and Instructions
6A-18.048	Solicitation of Funds for Blind Persons
6A-18.049	General Description of Services and Procedures
6A-18.050	Transportation (Transferred to 38K-1.050)
6A-18.051	Exit Review Panel (Transferred to 38K- 1.051)
6A-18.052	The Individualized Plan for Vocational Rehabilitation
6A-18.053	Determination That a Client Has Been Rehabilitated

**PURPOSE AND EFFECT:** The proposed rules are designed to impart currency, accuracy and simplicity to the Division’s rules as well as ensure that the rules conform to federal regulations. The proposed rules are also intended to clearly specify the scope of services to be provided by the Division, to clarify the timeframe in which certain procedural steps must be taken, and to establish what procedures must be followed by blind individuals in order to receive the requested benefits. The effect of the proposed rules will be a clearer and more comprehensive listing of the Division’s rules.

**SUMMARY:** The proposed rules update the existing rules to ensure that the rules can be executed in a simple and unobtrusive manner. The proposed rules accomplish the intended simplicity, in part, by incorporating applicable federal regulations and the forms necessary to receiving the Division’s services. The rules, in their proposed form, define the scope of the Division’s services and the procedures that must be followed in requesting the Division’s services so as to provide blind individuals with understandable guidelines and instructions.

**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 rules are not expected to have an adverse impact on economic growth, private sector job creation, or private sector investment in excess of \$1 million in the aggregate within 5 years of their implementation; The changes made by the rule amendments do not impose additional regulatory costs. The proposed rule amendments update existing rules to conform to Federal regulations, and provide greater clarity. The rule amendments also repeal a fee required by the existing rules. The rules do not satisfy the threshold criteria triggering legislative ratification under Section 120.541(2)(a), Florida Statutes.

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

**RULEMAKING AUTHORITY:** 1001.02, 413.011, 413.051 FS.

**LAW IMPLEMENTED:** 413.011, 413.041, 413.051, 413.091 FS.

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

**DATE AND TIME:** September 17, 2013, 9:00 a.m.

**PLACE:** Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Aleisa McKinlay, Interim Director, Division of Blind Services, 325 W. Gaines St., Suite 1114 Tallahassee, FL 32399-0400

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

6A-18.040 Definitions.

(1) Department means the Florida Department of Education.

(2) Division means the Division of Blind Services.

~~Unless otherwise qualified in these rules, the definitions contained in 34 Code of Federal Regulations, § 395.1 Terms, and Section 413.051(2), F.S. (1997), are incorporated herein by reference.~~

Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.011 FS. History—New 4-5-83, Amended 7-9-84, Formerly 6A-18.02, 6A-18.002, Amended 10-20-98, Formerly 38K-1.002, Amended \_\_\_\_\_.

6A-18.0401 Federal Regulations Adopted by Reference. The Department adopts and incorporates by reference Title 34, Code of Federal Regulations, Parts 361 effective January 17, 2001 and 395 effective January 19, 1981 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02679>) and may be obtained by contacting the Division of Blind Services, 325 West Gaines Street, Suite 1114, Tallahassee, Florida 32399-0400. Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.011 FS. History–New \_\_\_\_\_.

6A-18.041 Establishment of Vending Facilities. The Division shall establish and maintain vending facilities on federal, state, and other property, only where feasible, as space and funds are available, and based on population to be served, projected vendor income, and required Division investment. For the purposes of this rule, the term feasible shall mean satisfying the Facility Feasibility Analysis (See subsection 6A-18.046(1), F.A.C.). The Division shall retain title to all equipment, fixtures, and other items purchased with Division funds and assigned to a vending facility. Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.051 FS. History–New 4-5-83, Amended 11-5-85, Formerly 6A-18.03, 6A-18.003, Amended 10-20-98, Formerly 38K-1.003, Amended \_\_\_\_\_.

6A-18.042 Issuance of License.  
 (1) In order to be eligible for and maintain a license to operate a vending facility, an individual must be:  
 (a) Legally blind as defined in 34 CFR 361.5(27) ~~395.1, Terms~~, and Section 413.033(1), F.S.;  
 (b) A citizen of the United States;  
 (c) Eighteen (18) years of age or older;  
 (d) Possess a high school diploma or equivalency; and  
 (e) Must undergo a security background investigation, which shall include, but not be limited to, fingerprinting, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

(2) An individual who is found to have been convicted of or pled guilty or nolo contendere to, whether or not adjudication is withheld, a crime which is a first degree misdemeanor, or a felony, or any misdemeanor or felony involving moral turpitude shall be disqualified from eligibility for a license to operate a vending facility unless the

Department agency exempts the individual from disqualification based on a consideration of:

- (a) The passage of time since commission of the crime(s);
- (b) The circumstances surrounding the crime(s);
- (c) The nature of the harm caused any victim of the crime(s); and
- (d) Other evidence provided by the applicant demonstrating to a clear and convincing standard that the applicant should not be disqualified from eligibility.

(3) The Division shall issue a license to operate a vending facility after an individual has satisfactorily completed the Application for the Vending Facility Training Program (Form DBS-BBE 005) as incorporated by reference in Rule 6A-18.046, F.A.C., and the subsequent Vending Facility Training Program (~~See subsection 6A-18.046(2), F.A.C.~~).

- (4) The license shall be continuously valid, subject to:
  - (a) The licensee’s continuing to meet the requirements of licensure as set forth in the Licensed Operator Facility Agreement (Form DBS-BBE 730) as incorporated by reference in Rule 6A-18.046, F.A.C.;
  - (b) The voluntary relinquishment of the license;
  - (c) Death of the licensee; or
  - (d) Revocation of the license as set forth in Rule 6A-18.00421, F.A.C.

Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.011(2), 413.041, 413.051 FS. History–New 4-5-83, Amended 11-5-85, Formerly 6A-18.04, Amended 7-8-87, Formerly 6A-18.004, Amended 10-20-98, Formerly 38K-1.004, Amended 10-25-10, \_\_\_\_\_.

6A-18.0421 Conditions for Removal from a Facility; Suspension or Revocation of License.

(1) The Division shall investigate and determine the appropriate action to take, if any, up to and including removal from a vending facility and revocation or suspension of the vendor’s license. A vendor shall be removed from a vending facility or a license shall be suspended or revoked for failing or refusing to comply with these rules, or the terms and conditions for licensure, or the Licensed Operator Facility Agreement (Form DBS-BBE 730) as incorporated by reference in Rule 6A-18.046, F.A.C. between the vendor and the Division, or the terms and conditions of any permit or lease for property on which a vending facility is located, or for any of the following reasons:-

~~(2) A vendor shall also be removed from a vending facility, or a license shall be suspended or revoked for any of the following reasons:-~~

~~(a) Misuse or unauthorized use of vending facility or equipment, in violation of the Licensed Operator Facility Agreement, including damage or destruction due to negligence or the failure to use ordinary or reasonable care;~~

~~(b) Removal of state property, equipment, or state funds from a vending facility without prior written approval from the Division;~~

~~(c) Misuse or misappropriation of state funds;~~

~~(d) Falsification of facility records or reports relating to the selection for or the operation of a vending facility;~~

~~(e) The use of threatening or abusive language at the vending facility;~~

~~(f) Use, sale, or being under the influence of alcohol, or the possession, use, sale, or being under the influence of illegal drugs, at the vending facility;~~

~~(g) Prolonged incapacity of a vendor to manage the vending facility in a manner consistent with the needs of the Vending Facility Program;~~

~~(h) Failure to successfully complete, every two (2) years, three (3) continuing education units (CEUs) of courses approved by the Division;~~

~~(i) Conviction of or plea of guilty or nolo contendere to, whether or not adjudication of guilt is withheld, a crime which is a first degree misdemeanor, a felony, or any misdemeanor or felony involving moral turpitude; or~~

~~(j) Possession of a firearm at the vending facility.~~

~~(3) A vendor's license to operate a vending facility may be revoked for failure to meet the criminal record requirements of Rule 6A-18.042(1)(e), F.A.C.~~

~~(4) The Division shall serve written notice of its intent to remove a vendor from a facility or to suspend or revoke a license by hand delivery or certified mail, to the vendor's last known address. Such action shall be governed by Rule 6A-18.0423, F.A.C., and Chapter 120, F.S.~~

~~Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.011(2), 413.041, 413.051 FS. History—New 10-20-98, Formerly 38K-1.0041, Amended 10-25-10, \_\_\_\_\_.~~

6A-18.0423 Grievance Procedure.

(1) A licensee may file a grievance if dissatisfied with action taken by the Division which affects the licensee in the operation of the relevant vending facility.

(2) The grievance shall be reviewed by a five (5) member board which shall be comprised of two (2) persons selected by the Division and three (3) persons selected by the State Committee of Vendors. The board shall review the written grievance, and documents attached to such grievance and all relevant Division documents.

(3) The grievance shall be filed in writing with the Division, within twenty-one (21) calendar days of notice of the action giving rise to the grievance.

(4) In all matters not involving decisions under Rule 6A-18.00425, F.A.C.:

(a) The written grievance shall specify the action being grieved and contain a recommendation for its resolution and include any documents deemed relevant by the grievant to the grieved action or the proposed resolution;

(b) The ~~b~~Board shall issue a recommendation to the Division supported by a simple majority of the board within fifteen (15) business days of the Division's receipt of the written grievance;

(c) The Division shall advise the licensee in writing of its disposition of the grievance within thirty (30) business days of the Division's receipt of the the written grievance;

~~(d) If the grievance is not resolved in writing to the satisfaction of the licensee within (30) business calendar days of the receipt of the grievance, the licensee may request a hearing pursuant to Chapter 120, F.S., which request shall be in writing and filed with the Director, Division of Blind Services, within twenty-one (21) calendar days of receipt of the Division's disposition response.~~

(5) In matters involving decisions under Rule 6A-18.00425, F.A.C., the procedure shall be as stated above except that:

(a) The grievance shall be filed in writing with the Division within seven (7) business days of the Division appointment announcement;

(b) The written grievance shall not include any material required under subsection 6A-18.00425(1), F.A.C.; and

(c) The ~~b~~Board's recommendation shall be issued to the Division within twelve (12) business days of the Division's appointment announcement.

~~Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.051 FS. History—New 10-20-98, Formerly 38K-1.0043, Amended \_\_\_\_\_.~~

6A-18.0424 Announcement of Facility Vacancies.

(1) Upon the establishment of a new facility or when a vacancy occurs in an existing facility, the Division shall announce the vacancy in an accessible format ~~to all licensees, vendors and trainees~~ as a competitive opportunity.

(2) Each vacancy shall be announced for a minimum of two (2) weeks and shall contain, at a minimum, the following information:

(a) The location of the facility;

(b) The type of facility;

- (c) The hours of operation;
- (d) A general description of services and items currently sold;
- (e) Accessibility of the facility;
- (f) Staffing pattern;
- (g) Estimated annual sales;
- (h) Application instructions;
- (i) Deadline date for applying; and
- (j) Any special information or requirements.

(3) After notification to the Chairman of the State Committee of Vendors, the Division may elect not to announce a vacancy and instead directly place a ~~vendor, licensee or trainee~~ under the following circumstances:

- (a) To operate a new or existing facility to determine accurate gross sales information; or
- (b) To remedy a situation that has improperly or adversely affected a vendor; ~~or~~

~~(c) To provide a trainee the required experience in accordance with the Vending Facility Training Program and licensure requirements.~~

Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.051 FS. History—New 10-20-98, Formerly 38K-1.0044, Amended \_\_\_\_\_.

6A-18.0425 Application and Selection.

(1) Selection applications shall be submitted on the Business Opportunity Application (Form DBS-BBE 007) as incorporated by reference in Rule 6A-18.046, F.A.C. form specified by the Division (See subsection 6A-18.046(3), F.A.C.). All items in such form must be completed and such form postmarked or received by fax in accordance with the application instructions by the closing date indicated in the announcement.

(2) Selection panel(s). The Division shall establish and maintain a permanent statewide selection panel(s). Each panel shall be responsible for recommending candidates for vacant manager's positions of facilities referred to the panel by the Division. Each panel shall be composed of five (5) members, two (2) selected by the Division and three (3) by two-thirds vote of the State Committee of Vendors. Each panel shall have two (2) alternate members; one (1) alternate shall be selected by the Division and one (1) by two-thirds vote of the State Committee of Vendors. Alternate members shall serve when a primary member is unable to serve. Members' terms shall be for three (3) years. However, in order to establish staggered terms, initially.

(a) One (1) representative selected by the Committee and one (1) representative from the Division shall each serve a one (1) year term,

(b) One (1) representative selected by the Committee and one representative from the Division shall each serve a two (2) year term, and

(c) One (1) representative selected by the Committee shall serve a three (3) year term.

(d) Alternate panel members shall have three (3) year terms.

~~(e) When requested by the property owner or custodian, a representative from the property on which the facility exists shall serve as an ad hoc member of the selection panel solely for the purpose of considering applicants for the position in that facility.~~

~~(e)(f)~~ Each panel is responsible for reviewing all ~~s~~Selection aApplications, formulating any interview questions to be asked, performing any background checks deemed appropriate, interviewing applicants, ranking the applicants, and submitting the recommendation package to the Division for final action. Each panel shall consider the following selection criteria:

1. Managerial and other skills and abilities demonstrated by the applicants, including appropriate facility staffing handling labor needs, financial skills needed, food planning and preparation, and customer relations; and

2. Previous records of the applicants, including submission of required reports in an accurate and timely manner; customer satisfaction reports; meeting or improving assigned profit levels; safety and sanitation inspections; fee and bill payment history; financial standing with the Division Bureau of Business Enterprises, and attendance at continuing education classes.

~~(3) Division responsibilities.~~ The Division shall review the recommendation package to ensure all conditions described above are complied with prior to making the appointment. The Division shall make all appointments.

Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.051 FS. History—New 10-20-98, Formerly 38K-1.0045, Amended \_\_\_\_\_.

6A-18.044 Operator License Agreement.

Each vendor operating a vending facility shall execute and maintain a Licensed Operator Facility Agreement (Form DBS-BBE 730) with the Division as incorporated by reference in Rule 6A-18.046, F.A.C., and ensure completion of the Facility Vendor's Monthly Business Report (Form DBS-BBE 700w) incorporated by reference in Rule 6A-18.046, F.A.C., as specified in the Licensed Operator Facility Agreement (See subsection 6A-18.046(4), F.A.C.).

Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.051 FS. History—New 4-5-83, Amended 11-5-85, Formerly 6A-18.10, Amended 7-8-87, Formerly 6A-18.010, Amended 10-20-98, Formerly 38K-1.010, Amended \_\_\_\_\_.

## 6A-18.045 Newspaper Vending Sales.

(1) General. The Division of ~~Blind Services~~ has the exclusive right to provide vending facilities which includes newspapers at interstate highway rest stops pursuant to 23 U.S.C. Section 111(b), 20 U.S.C. Section 107, et seq., and Sections 413.011 and 413.051, F.S.. The ~~D~~ivision's authority to approve the sale of newspapers and other information to the traveling public at highway rest areas is subject to an agreement with the Florida Department of Transportation. All regularly published newspapers shall have the opportunity to provide vending sales at interstate rest stops by permit subject to the conditions established in this rule.

## (2) Conditions.

(a) The publisher or distributor will be responsible to provide a rack or vending machine of the type, style, and color normally used by the publisher or distributor that is stable, durable, and fastened to the ground ~~subject to the approval of the division, as to stability and durability. Such approval shall not be unreasonably withheld.~~

(b) The rack or vending machine will be maintained, repaired, operated and cleaned by the publisher or its agent. The rack or vending machine will be new or in like-new condition when placed into use in the rest area.

(c) When necessary for stability, the publisher or distributor will provide a concrete reinforced pad on which to place the newspaper vending machines. The placement of the rack or vending machine will be in an area agreed upon by the Department of Transportation ~~Maintenance Engineer~~ and the Division of ~~Blind Services~~. The placement must not create a safety hazard or interfere physically with access to other rest area facilities or vending machines. Publishers and ~~distributors~~ agrees to maintain the newspaper vending machines in reasonable working order to ensure its clean neat appearance and remove ~~to be responsible for any refuse created by the use of the vending machine.~~

(d) The publisher or distributor shall ~~will be responsible to provide continuous availability of its current issue to the public.~~

~~(e) The publisher or distributor shall indemnify and hold harmless the Division and the State of Florida against any claims arising out of negligence in the presence and/or operation of the rack or vending machine provided. All contracts for vending services at rest stops entered into after the effective date of this rule will require this same indemnification.~~

~~(3) Compensation. The publisher or distributor will be required to compensate the division at the rate of ten (10) dollars annual administrative fee per newspaper rack. The Department reserves the right to monitor the service being provided and inspect the condition, cleanliness of equipment and other matters related to the operation of the applicant's newspaper vending on the interstate.~~

~~(3)(4) Application and permit procedures current vending locations.~~

~~(a) All publishers with news racks in place at the time of the effective date of this rule will not be required to make application to retain those locations. Such publishers must, within a reasonable time, provide the Department with a listing of their pre-existing news rack locations. Publishers with news racks in place may retain those locations.~~

~~(a)(b) Publishers or distributors wishing to dispense newspapers on the interstate highway shall, by letter, prepare an application for permit to dispense newspapers, and mail the application to the Division of Blind Services, 325 West Gaines Street, Suite 1114 2540 Executive Center Circle, West, Suite 201, Tallahassee, Florida 32399-0400.~~

~~(b)(e) The application letter shall include: the locations desired, the newspapers to be sold, and proposed timing of the installations. If the Division fails to notify the publisher or distributor within ten (10) business days of receipt of the application, the application will be deemed approved. All applications shall be assumed to be approved unless publishers are notified by the Department within ten (10) days of receipt of the application.~~

~~(c)(d) Transfer of news racks from one (1) location to another may be accomplished only upon approval by the Division by filing a notice with the Department. If the aforementioned conditions are complied with, no application for newspaper vending under this rule will be denied. Each publisher is responsible for filing the proper application and notices under this subsection with the Department within a reasonable time (ten (10) to fifteen (15) days). Failure to do so is grounds for removal of a new rack from a particular location.~~

~~(4)(5) Termination of permit.~~

(a) Either the newspaper publisher/ or distributor or the Division of ~~Blind Services~~ may terminate a permit entered into under this rule, by giving thirty (30) calendar days written notice. If the permit is to be terminated by the Division of ~~Blind Services~~, written notice with reasons for the termination will be given the newspaper publisher or distributor. The

~~Division Department~~ may only terminate any permit if the requirements of paragraph (2)(a)-(d)(e) of this rule are not met ~~or~~; if a safety hazard is created and not remedied by a publisher, ~~or if the licensing fee is not paid.~~

(b) The written notice shall also provide the publisher/ ~~or distributor~~ with ~~at least~~ thirty (30) calendar days to institute corrective action. If the Division of ~~Blind Services~~ determines that the publisher/ ~~or distributor~~ has failed to institute corrective action within the time allowed in the written notice, it shall notify the publisher/ ~~or distributor~~ in writing and direct the publisher/ ~~or distributor~~ to remove the rack(s) or vending machine(s) in question within ten (10) calendar days. If, during these final ten (10) days the publisher ~~or distributor~~ files a notice for administrative hearing pursuant to Chapter 120, F.S., the ~~news racks machines~~ which are the subject of the dispute will not be removed until after a ~~the~~ final order of ~~the hearing officer~~ is issued. If the publisher/ ~~or distributor~~ fails to do so, the Division of ~~Blind Services~~ may remove the rack(s) or vending machine(s) without further notice. The notice that the corrective action has not been taken or is not adequate shall be considered final agency action for the purposes of Section 120.5697, F.S..

Rulemaking Authority ~~20.05(5), 229.053(1), 413.051(12), 1001.02~~ FS. Law Implemented 413.041, 413.051 FS. History—New 3-1-93, Formerly 6A-18.012. ~~Cf. 34 C.F.R. Part 395.7(3)(b), 23 U.S.C. 111(b), 20 U.S.C., Section 107 et seq., Formerly 38K-1.012, Amended \_\_\_\_\_.~~

6A-18.046 Incorporation by Reference.

The below listed documents are incorporated by reference to become effective \_\_\_\_\_ in Chapter 6A-18, F.A.C., and may be obtained from the Director, Division of Blind Services, 325 West Gaines Street, Suite 1114, Tallahassee, Florida 32399-0400.

~~(1) Facility Feasibility Analysis, DLES Form DBS-741 (8/98);~~

~~(1)(2) Application for the Vending Facility Training Program, DLES Form DBS-BBE 005 103 (3/98);~~

~~(2)(3) Business Opportunity Application, DLES Form DBS-BBE 007 729 (3/98); and~~

~~(3) Facility Vendor's Monthly Business Report, Form DBS-BBE 700w;~~

~~(4) The Licensed Operator Facility Agreement, DLES Form DBS-BBE 730 (4/98).~~

Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.051 FS. History—New 10-20-98, Formerly 38K-1.013, Amended \_\_\_\_\_.

6A-18.047 Forms and Instructions.

Forms and instructions used by the Division of ~~Blind Services, Department of Labor and Employment Security,~~ in its dealings with the public are prescribed and listed below. These forms and instructions are hereby incorporated and made a part of this rule to become effective \_\_\_\_\_. A copy of any form may be obtained without cost upon request to the Division of Blind Services, Department of Education, 325 West Gaines St., Suite 1114 ~~Labor and Employment Security, 2540 Executive Center Circle, West, Suite 203,~~ Tallahassee, FL 32399-~~0400~~2950. When requesting a specific form, reference should be made to the form number and title.

- DBS-001 ~~(7/81)~~ Referral and Application for Services ~~(413.011, F.S.)~~
- DBS-002 ~~(7/81)~~ Application for Identification Card ~~(413.091, F.S.)~~
- DBS-003 ~~(7/81)~~ Confidential Patient Eye Report ~~Physician's Report on Eye Condition (413.011, F.S.)~~
- DBS-004 ~~(7/81)~~ General Medical Examination Report ~~(413.011, F.S.)~~
- DBS-005 ~~(7/81)~~ ~~Case Summary For~~ Medical Consultant Recommendation ~~(413.011, F.S.)~~
- DBS-006 ~~(7/81)~~ Final Report on Result of Operation ~~Sight Restoration or Prevention of Blindness (413.011, F.S.)~~
- DBS-007 ~~(8/81)~~ Statement of Application for Services Based on Economic Need ~~(413.011, F.S.)~~
- DBS-008 ~~(7/81)~~ Assistive Low Vision Screening Report Referral to Rehabilitation Facility ~~(413.011, F.S.)~~
- DBS-009 ~~(7/81)~~ Dental Examination Report ~~(413.011, F.S.)~~
- DBS-010 ~~(7/81)~~ Referral to Eye Clinic ~~(413.011, F.S.)~~
- DBS-011 ~~(7/81)~~ Private Client Transportation ~~(413.011, F.S.)~~
- DBS-016 ~~(8/81)~~ Invoice for Glasses ~~(413.011, F.S.)~~
- DBS-017 ~~(4/81)~~ Authorization Consent for Release of Information ~~(413.011, F.S.)~~
- DBS-022 ~~(4/82)~~ Facility Expenditure Report ~~(413.011, F.S.)~~
- DBS-023 ~~(4/82)~~ Facility Utilization Report ~~(413.011, F.S.)~~
- DBS-100 ~~(12/81)~~ Authorization and Billing Invoice ~~(Client Services Vocational Rehabilitation Program) (413.011, F.S.)~~
- DBS-101 ~~(7/81)~~ Individualized Written Rehabilitation Program ~~(413.011, F.S.)~~
- DBS-101a ~~(7/81)~~ Individualized Written Rehabilitation Program Service Agreement ~~(413.011, F.S.)~~
- DBS-103 ~~(5/82)~~ Referral for Vocational Rehabilitation ~~(413.011, F.S.)~~
- DBS-104 ~~(7/81)~~ Client Service Log ~~(413.011, F.S.)~~

DBS-106 (12/81)	Training Progress Report (413.011, F.S.)
DBS-107 (7/81)	Maintenance <u>Request Invoice</u> (413.011, F.S.)
DBS-108 (8/82)	Client Equipment Receipt & Inventory Record (413.011, F.S.)
DBS-200 (12/81)	Authorization and Billing Invoice (Client Services Medical and Social Services Program) (413.011, F.S.)
DBS-201 (7/81)	Medical and Social Services Rehabilitation Plan (413.011, F.S.)
DBS-203 (7/81)	Application for Preschool Program (413.011, F.S.)
DBS-210 (7/81)	Title XX— Right to Appeal (413.011, F.S.)
DBS-501 (3/83)	Notice of Appointment (413.011, F.S.)
DBS-502 (3/83)	Certification of Legal Blindness Notice (413.011, F.S.)
DBS-503 (3/83)	Notice of Missed Appointment (413.011, F.S.)
DBS-701 (10/81)	Monthly Supervision Report (413.051, F.S.)
DBS-703 (10/81)	Employee Personal Data (413.051, F.S.)
DBS-704 (10/81)	Drivers License (Turn in) Form (413.011, F.S.)
DBS-706 (10/81)	Statement of Written Guidelines (413.051, F.S.)
DBS-710 (10/81)	Petty Cash Receipt (413.051, F.S.)
Rulemaking Authority	20.05(1), 20.15(7), 120.53(1)(b), 229.053(1), 413.011(4)(m), <u>1001.02</u> FS. Law Implemented 20.05(1), 20.15(7), <del>120.53(1)(b)</del> , 413.011, 413.051, 413.091 FS. History—New 6-28-83, Formerly 6A-18.15, 6A-18.015, 38K-1.015, <u>Amended</u> .

6A-18.048 Solicitation of Funds for Blind Persons.

Rulemaking Authority 20.05(1), 20.15(7), 120.53(1)(a), 229.053(1), 413.066 FS. Law Implemented 20.05(1), 413.066 FS. History—New 6-2-85, Formerly 6A-18.23, 6A-18.023, 38K-1.023, Repealed\_\_\_\_\_.

Cf. DBS-031, Application for Permit to Solicit for the Benefit of Blind Persons.

6A-18.049 General Description of Services and Procedures.

(1) An individual may apply for the Division’s vocational rehabilitation services by completing the Referral and Application for Services Form (DBS-001) as incorporated by reference in Rule 6A-18.047, F.A.C. The nature and extent of services needed to assist a client towards suitable employment vary with the individual’s circumstances.

(2)(4) When an individual applies to the Division for vocational rehabilitation services, eligibility shall be determined in accordance with Rule 6A-18.050, F.A.C., and 34 C.F.R. §§ 361.41, 361.42.

~~(3)(2)~~ The individual shall be eligible for those services necessary needed to determine employability and reach an appropriate vocational goal and that are enumerated and described in 34 C.F.R. §§ 361.48, 361.49.

~~(3) The Division may either purchase needed vocational rehabilitation services or assist the individual in obtaining them from other programs or agencies.~~

(4) As necessary and appropriate to meet the vocational needs of the individual, the Division shall make the following services available to eligible clients:

(a) Evaluation of employment potential in accordance with subsection 6A-18.050(2), F.A.C.;

(b) Counseling and guidance;

(c) Referral to other community agencies;

(d) Medical treatment and related services in accordance with Confidential Patient Eye Report (DBS-003), General Medical Examination Report (DBS-004), Medical Consultant Recommendation Form(DBS-005), and Assistive Low Vision Screening Report (DBS-008), as incorporated by reference in Rule 6A-18.047, F.A.C.;

(e) Vocational and other training services, including personal adjustment training;

(f) Reader and interpreter services;

(g) Orientation and mobility training;

(h) Transportation needed to participate in vocational rehabilitation services, including relocation for employment, and reimbursement for private transportation through the use of Private Transportation Form (DBS-011) as incorporated by reference in Rule 6A-18.047, F.A.C.;

(i) Maintenance Financial aid to meet ~~normal~~ living requirements while in training, treatment, or other program of services, which can be applied for using Maintenance Request Form, (DBS-107) as incorporated by reference in Rule 6A-18.047, F.A.C.;

(j) Technological aids or equipment;

(k) Placement in appropriate employment;

(l) Post-employment services necessary to maintain suitable employment; and

(m) Services to members of a client’s family group when necessary to the vocational rehabilitation of the client.

~~(5) The Division shall provide licenses, tools, equipment, initial stocks and supplies for self employment in an owner-operated small business when the following conditions are met:~~

~~(a) The client has the abilities and aptitudes required for the management and operation of the business;~~

~~(b) The client has had successful business management experience or training, and has knowledge of purchasing, marketing, and aspects of the particular business chosen, including licensing, insurance, taxes, and relevant legal requirements;~~

~~(c) The client's own financial resources and funding available from other sources are utilized to the maximum extent possible;~~

~~(d) A prospectus for the proposed business enterprise is prepared by the client with assistance and guidance of the counselor and submitted to the program director for approval. This prospectus shall cover the various facets of the business, including but not limited to, suppliers, licensing and other legal requirements, needed stock and equipment, market for the products, foreseeable operating costs, a time frame for start up assistance from the Division, and anticipated profits;~~

~~1. When assistance from the Division is expected to be ten thousand (10,000) dollars or more, the counselor and client shall select a committee of persons competent to assess the local market, financing, location, and factors likely to impact on the success of the business. This committee shall review the prospectus and other information. It shall meet with the client, counselor, and program director or designee to determine the feasibility of a successful business operation;~~

~~2. When the committee makes a negative recommendation, the Division shall give no further consideration to providing financial assistance for the establishment of the business but shall assist the client in selecting and preparing for an alternate vocational goal. When the recommendation is positive, a statement shall be prepared detailing the need for initial stock and equipment, financial accounting, and other services deemed necessary to supplement the resources available for successful operation of the business;~~

~~(e) When an owner operated small business is deemed to be an appropriate vocational goal, the completed rehabilitation plan must be submitted to the program director for review and approval before any commitments are made to the client or vendors.~~

~~(5)(6)(a) The Division may assist a client one time in establishing an independently operated business with the client owning at least 51% of the business. Services may include the following: The Divisions's financial contribution to the establishment of a small business shall be limited to funds available and the need to serve all clients equitably.~~

~~1. Training/education in the actual field of work;~~

~~2. Referral and coordination with a Small Business Development Center or other local resource (community college, university, etc.) for basic business administration courses and counseling;~~

~~3. Business consulting services;~~

~~4. Licensing fees and other start-up costs;~~

~~5. Financing required to leverage other small business loans for additional expenses including stock, supplies, and equipment;~~

6. Personal computer equipment including adaptive technology; and

7. Other start-up costs.

(b) The Division will not provide funding or be involved in assisting client plans for:

1. Businesses that are speculative in nature, such as investments in real estate;

2. Businesses organized as non-profit;

3. Businesses organized as hobbies;

4. Franchise, goodwill, or trademark fees;

5. Construction and/or purchase of real estate;

6. Purchase of land;

7. Refinancing an existing debt; or

8. An existing business.

(c) All individuals requesting Division support in self-employment must:

1. Demonstrate abilities and aptitudes to manage and operate a business

2. Have had successful business management experience

3. Have knowledge of purchasing, marketing, licensing, tax, insurance and other such matters relevant to the intended business;

4. Be prepared to apply his or her own financial resources and financial resources available from others than the Division to the business to the greatest extent possible; and

5. Complete a business plan, which must be submitted to the Division's State Office for review and approval by the Bureau Chief of Client Services. The Division will consider the recommendation of a small business consultant, such as SCORE, in determining whether to support or deny an individual's self-employment.

6. The individual may be referred to the local Small Business Development Center or community college for training and/or assistance in writing the business plan.

7. The individual may be instructed to take the following business plan development courses offered by the Hadley School for the Blind: Self-Employment with a Minimal Investment Course EMP-201; The Business Plan Module FCE-130; The Financial Plan Module FCE-130; and The Marketing Plan Module FCE-120.

(d) The Division will provide funding for a small business when an approved IPE for self-employment indicates the Division's financial support is necessary.

1. The Division's funding level shall not exceed eighty (80) percent of the total cost of establishing the business and will seldom be more than \$15,000.

2. Funding will generally be \$5000.

3. In addressing a funding request for more than \$5,000, the Division may consider whether the individual has a goal of achieving self-sufficiency; whether funds received from the Division will leverage additional funding; the scale of the

business; and an assessment of whether the business may yield substantial profit.

4. When assistance from the Division is expected to be \$10,000 or more, the counselor and the individual shall select a team of persons competent to assess the likelihood of success of the intended business. The team shall consider the individual's business plan and meet with the individual, the counselor, and the program director or designee in the course of its assessment.

5. If the team makes a negative assessment, the Division shall give no further consideration to providing financial assistance for the establishment of the business but shall assist the individual in selecting and preparing for an alternate vocational goal.

6. When an owner-operated business appears to be an appropriate vocational goal, the completed rehabilitation plan must be submitted to the program director for review and approval before any commitments are made to the individual.

(6) The Division will release confidential records in accordance with Section 413.012, F.S., upon completion of the Authorization for Release of Information (DBS-017) incorporated by reference in Rule 6A-18.047, F.A.C.

(7) Upon request, the Division shall provide a client with a card identifying the client as a person with a visual disability. Issuance of a card is not a necessary condition of eligibility for the Division's services, but is intended to enable access to services external to and unrelated to those of the Division. A client must submit the Application for Identification Card (DBS-002) as incorporated by reference in Rule 6A-18.047, F.A.C., in order to be eligible to receive an identification card.

Rulemaking Authority ~~20.05(1), 20.15(7), 120.53(1), 229.053(1), 413.011(4)(4), 1001.02~~ FS. Law Implemented ~~413.011(4)(3), 413.012, 413.091~~ FS. History—New 2-13-84, Formerly 6A-18.33, 6A-18.033, 38K-1.033, Amended ..

#### 6A-18.050 Eligibility Determination.

(1) When an individual applies to the Division for vocational rehabilitation services, eligibility shall be determined in accordance with this section and 34 C.F.R. §§ 361.41, 361.42.

(2)(4) All vocational rehabilitation services provided by the Division are contingent on the availability of funds and the following eligibility criteria:

(a) A vision loss of such severity that the individual is blind or threatened with blindness which as defined in Section 413.033(1), F.S., shall be documented by an eye examination report that includes the diagnosis, etiology, visual acuity including refraction, a description of visual field, prognosis, recommendation, and such other information as may be pertinent to the individual case;

(b) Limitations on the person's ability to function, as a result of the vision loss, which seriously impede obtaining, retaining, or preparing for employment consistent with the person's abilities, skills, general health status, education, and vocational background; and

(c) An ~~A~~ reasonable expectation that vocational rehabilitation services will enable the individual to engage in suitable employment.

(3)(2) If the vision loss is as defined in paragraph 6A-18.050(1)(a), F.A.C., the Division shall acquire such additional information as may be needed to determine the applicant's eligibility for vocational rehabilitation and to plan services. Such information shall be adequate to:

(a) Establish that the vision loss limits the person's activities;

(b) Evaluate the current health status of the person to determine capabilities and limitations;

(c) Support the choice of a vocational goal;

(d) Determine the vocational rehabilitation services needed to attain the goal; and

(e) Determine how and to what extent disabling conditions may be removed, corrected, or minimized by physical restoration services.

(4)(3) The agency shall procure examinations by specialists when these are needed to determine eligibility, to assess rehabilitation potential, to plan services, or select a vocational objective.

(5)(4) In any case where eye pathological information is needed, a specialty examination by a physician skilled in diseases of the eye shall be obtained.

(6)(5) Psychiatric evaluations, psychological evaluations and other specialty examinations shall be obtained as ~~circumstances indicate~~ necessary to determine the nature and extent of functional limitations and the likelihood that vocational rehabilitation services will assist the individual towards employment.

(7)(6) The counselor shall determine eligibility for vocational rehabilitation services ~~based on the information~~ and inform the applicant.

(8)(7) When it cannot be determined that vocational rehabilitation services are likely to help the individual to reach an employment objective, the counselor shall complete a statement of eligibility for an extended evaluation of employability as is further provided in 34 C.F.R. § 361.43. The applicant shall be informed thereof, and the Division and the applicant shall develop a plan ~~developed~~ for training, treatment, or other services needed to make this determination within a time period which may not exceed eighteen (18) months.

~~(9)(8)~~ When a person is found to be ineligible by the counselor, the Division shall follow the procedures for ineligibility determinations as provided in 34 C.F.R. § 361.43 a ~~statement of ineligibility shall specify eligibility requirements which are not met.~~

Rulemaking Authority ~~20.05(1), 20.15(7), 120.53(1), 229.053(1), 413.011(1)(4), 1001.02~~ FS. Law Implemented ~~120.53(1), 413.011(1)(2), 413.021, 413.031~~ FS. History—New 2-13-84, Formerly 6A-18.35, 6A-18.035, 38K-1.035, Amended.

6A-18.051 Economic Need Policies.

(1) To ensure that individuals participate as much as possible in the cost of their vocational rehabilitation, the Division shall consider the resources available to the individual and the family for rehabilitation purposes as further provided in 34 C.F.R. § 361.54.

~~(2)(1)~~ The Division shall ensure that similar benefits from other programs or agencies are utilized before using vocational rehabilitation funds to pay for such services, provided that use of such benefits does not delay or hamper the person's rehabilitation as further provided in 34 C.F.R. § 361.53.

~~(3)(2)~~ Services that may be provided as needed without consideration of family income are:

- (a) Diagnostic services to determine the individual's abilities and limitations;
- (b) Counseling and guidance;
- (c) Tuition or fees for vocational training, except that other sources of grants or scholarship funds must be used first for training in universities, colleges, technical, or vocational schools. If a client chooses to attend a nonpublic or out-of-state institution, the maximum tuition payable by the Division shall be equal to the fees for Florida residents at State universities or community colleges;
- (d) Reader services and interpreter services for deaf-blind;
- (e) Orientation and mobility training;
- (f) Rehabilitation teacher services; and
- (g) Placement in suitable employment and follow-up on job performance.

~~(4)(3)~~ Before providing additional services, the Division shall take into consideration the income and financial resources of the individual and the family as well as availability of similar benefits unless specifically prohibited under 34 C.F.R. § 361.54. These additional services are:

- (a) Treatment for physical or mental disabilities, including surgery, hospitalization, medications, prostheses, and other treatment-related services;
- (b) Transportation;
- (c) Financial assistance ~~to meet minimum living requirements if necessary~~ to enable the client to participate in vocational rehabilitation services;

(d) Books, training materials, equipment, and technological aids for training or employment;

(e) Occupational licenses, tools, equipment, supplies, and initial stock needed for self-employment or a business;

(f) Services to members of the client's family when necessary to the individual's vocational rehabilitation; and

(g) Other goods and services required for the individual's rehabilitation except those listed in subsection 6A-18.051~~(2)~~(3), F.A.C.

~~(5)(4)~~ ~~Eligibility for~~ These additional services shall be provided established as follows:

(a) The client shall complete the Statement of Application for Services Based on Economic Need (DBS-007) as incorporated by reference in Rule 6A-18.047, F.A.C., showing income from all sources for the family group and any other resources available for rehabilitation services;

(b) If the gross monthly income is below usual household expenses unrelated to the provision of Division services ~~the normal living requirements~~ for the number of persons in the family group, the individual may not be required to participate in the cost of ~~is eligible for~~ these additional services;

(c) If the gross monthly income exceeds usual household expenses unrelated to the provision of Division services ~~is above the normal living requirements,~~ the individual shall be required to participate in the cost of ~~will not be eligible for~~ these services unless there are unusual circumstances which would make it impossible to provide or obtain the needed services. In such cases, the counselor shall document these unusual financial circumstances and request an exception which must be approved by the program director or designee before the services may be purchased, if economic need is in effect.

~~(5) Equitable application of standard. Counselors will be provided with training and supervision in obtaining financial information, the dollar amounts for measuring normal living requirements, and instructions for giving consideration to unusual circumstances. These instructions and procedures shall provide for equitable treatment of all clients.~~

Rulemaking Authority ~~20.05(1), 20.15(7), 120.53(1), 229.053(1), 413.011(1)(4), 1001.02~~ FS. Law Implemented ~~120.53(1), 413.011(1)(2)~~ FS.; ~~34 C.F.R., Part 361.47.~~ History—New 2-13-84, Formerly 6A-18.36, 6A-18.036, 38K-1.036, Amended.

6A-18.052 The Individualized Plan for Employment Vocational Rehabilitation.

(1) For each person determined eligible for vocational rehabilitation services or for an extended evaluation of employability, the counselor shall, with the cooperation of the individual, develop an Individualized Plan for Employment, as further provided in 34 C.F.R. § 361.46 ~~a written plan of vocational rehabilitation services.~~

(2) The written plan shall be approved by the program director or designee.

(3) As a basis for this plan, each case record must include at least the following:

(a) Medical reports and other data to support the determination of eligibility;

(b) Information on the client's financial resources if services based on economic need are to be provided by the Division;

(c) Records of medical examination, medical consultation and other data to indicate that medical treatment or any therapeutic services are needed and may be expected to improve the person's ability to function;

(d) Transcripts, test scores, or other evidence of intellectual functioning and academic skills if training at a college or university is to be provided;

(e) Sufficient information concerning the client's ability to function physically, mentally, and socially to justify the selection of a vocational goal commensurate with abilities and limitations; and

(f) Information concerning the availability of needed services from other programs or agencies.

(4) Each individual plan shall include:

(a) The vocational goal or a tentative career field if the ultimate objective cannot be specified at that time;

(b) Services which the counselor and client agree are deemed reasonable and necessary to reach the vocational goal;

(c) The estimated cost of services to be provided by the Division;

(d) The client's participation in providing necessary services or obtaining them from other sources; and

(e) Estimated time for completion of services. ~~For extended evaluation of employability, this may not exceed eighteen (18) months.~~

(5) The Division has the responsibility for the evaluation of the individual's progress towards rehabilitation and shall secure pertinent reports from professional personnel or agencies providing vocational rehabilitation services as a basis for evaluating the client's progress or for determining the need for revision of the rehabilitation plan; from training facilities; ~~where appropriate~~; from the client and any other sources determined by the Division to be able to contribute to such an evaluation ~~when and where available~~.

(6) An individual's vocational rehabilitation plan shall be revised or terminated with participation of the client when it becomes evident that:

(a) The client undergoing extended evaluation of employability is determined not to be eligible;

(b) The client's vocational rehabilitation has been accomplished;

(c) The client's needs have changed;

(d) The client has refused services or is unavailable for services; or

(e) The client is not progressing towards the chosen vocational goal.

Rulemaking Authority ~~20.05(1), 20.15(7), 120.53(1), 229.053(1), 413.011(1)(4), 1001.02~~ FS. Law Implemented ~~120.53(1), 413.011(1)(2)~~ FS. History--New 2-13-84, Formerly 6A-18.37, 6A-18.037, 38K-1.037, Amended.

6A-18.053 Determination That a Client Has Been Rehabilitated.

A client ~~is shall be deemed to be~~ rehabilitated, after ~~an appropriate stabilization a period not less than ninety (90) days after the start of employment which is, when a vocational rehabilitation goal~~ suitable to the individual's physical and mental abilities and limitations and other personal circumstances ~~has been achieved~~.

Rulemaking Authority ~~20.05(1), 20.15(7), 120.53(1), 229.053(1), 413.011(1)(4), 1001.02~~ FS. Law Implemented ~~120.53(1), 413.011(1)(2)~~ FS. History--New 2-13-84, Formerly 6A-18.39, 6A-18.039, 38K-1.039, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Aleisa McKinlay, Interim Director, Division of Blind Services  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 23, 2013

**DEPARTMENT OF EDUCATION  
Commission for Independent Education**

RULE NO.: 6E-2.002      RULE TITLE: Institutional Licensure

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate the establishment of application deadlines in rule, as well as the process of providing applicants notice of deadlines. The rule is intended to provide applicants clear notice and to allow for the review of licensure applications by the Commission in a timely and efficient manner. The effect of the proposal is to require the Commission to set specific deadlines at least annually, to provide notice to applicants by electronic mail at least 30 days before the deadline and to require that applicants provide the Commission with an electronic address where notice of the deadline can be sent.

SUMMARY: The proposed rule requires the Commission to set licensure application deadlines at least annually, to provide applicants of the deadline by two methods – posting and by email, and to require that such notice be provided to an applicant at least 30 days before the deadline. The proposed

rule also requires an applicant to provide to the Commission an electronic address where the notice can be sent and provides notice to the applicant of the obligation to meet the deadline and that the provisions of Rule 6E-4.001(8), which provides for a late fee for failing to meet Commission deadlines for licensure materials, applies.

**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 does not impose any new or additional regulatory costs, and should not have any economic impact, including those factors addressed in Section 120.541(2)(a), Florida Statutes.

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

**RULEMAKING AUTHORITY:** 1005.22(1)(e), 1005.31(2), (3) FS.

**LAW IMPLEMENTED:** 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS.

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

**DATE AND TIME:** September 17, 2013, 9:00 a.m.

**PLACE:** Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

**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, Sam.Ferguson@fldoe.org

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

6E-2.002 Institutional Licensure.

(1) through (3) No change.

(4) Application deadlines.

(a) At least annually, the Commission shall establish specific deadline dates for the filing of licensure applications. Applicants shall be afforded a minimum of thirty (30) days notice prior to the deadline to submit an application. The

Commission shall provide notice of these deadlines on its website at [www.fldoe.org/cie](http://www.fldoe.org/cie) and by electronic mail.

(b) It is the obligation of the applicant to submit an application by the deadline and to provide the Commission with an electronic address where notice of the deadline can be provided. Unless a request for an extension of time is received on or before the deadline, the provisions of Rule 6E-4.001(8), F.A.C. shall apply when an applicant fails to meet an application deadline established by the Commission under this subsection.

Rulemaking Specific Authority 1005.22(1)(e), 1005.31(2), (3) FS. Law Implemented 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS. History— Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03, 7-10-06, 1-30-08,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Samuel L. 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:** July 17, 2013

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

**RULE NO.:**           **RULE TITLE:**

6E-2.004           Standards and Procedures for Licensure

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend two existing forms. CIE Form 804, Placement and Retention Reporting for Institutionally Accredited Institutions – Programmatic Reporting , is amended to require an explanation where the placement or retention rate for a program is not reported to an accrediting agency and where the rate reported to an accrediting agency is zero. CIE Form 604, Selected Financial Data, is amended to broaden the persons who may complete the form.

**SUMMARY:** Where the placement and retention rate for an educational program is one that typically must be reported to an accrediting agency, Form 804 requires that an applicant for licensure provide an explanation when these rates are not reported or when the reported rate is zero. The Form 604 is amended so that the CPA who completes the form need not be the same CPA that completed the financial statement for the institution.

**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: Since the proposed rule makes only minor modification to two existing forms and one of the forms is being modified so that more flexibility is afforded to institutions, the proposed changes will not impose any new or additional costs, and will not have any economic impact, including those factors addressed in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

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

DATE AND TIME: September 17, 2013, 9:00 a.m.

PLACE: Forest Hill Community High School, 6901 Parker Avenue, West Palm Beach, FL 33405

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, Sam.Ferguson@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Institutions applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to

complete and resubmit the material.

(1) through (6)(c) No change.

(d) In addition to the financial information required above, institutions shall submit CIE Form 604, entitled Selected Financial Data (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00842>), effective ~~October 2013~~ ~~January 11, 2012~~. This form is incorporated by reference and may be obtained without cost from the Commission's website at [www.fldoe.org/cie](http://www.fldoe.org/cie) or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, FL 32399-0400.

(7) through (10)(d) No change.

(e) Institutions shall submit placement and retention information on CIE Form 801, Annual Student Data Collection for Non-Institutionally Accredited Institutions (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00667>), effective January 11, 2012, CIE Form 802, Annual Student Data Collection for Institutionally Accredited Institutions (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00843>), effective January 11, 2012, CIE Form 803, Placement and Retention Reporting for Institutionally Accredited Institutions – Institutional Reporting (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00844>), effective January 11, 2012, and CIE Form 804, Placement and Retention Reporting for Institutionally Accredited Institutions – Programmatic Reporting (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00845>), effective ~~October 2013~~ ~~January 11, 2012~~, as applicable. These forms are incorporated by reference and may be obtained without cost from the Commission's website [www.fldoe.org/cie](http://www.fldoe.org/cie) or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(11) through (12) No change.

Rulemaking Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-18-05, 7-10-06, 7-23-07, 1-11-12, 7-11-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samuel L. 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: July 17, 2013

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-20.0092: Government Auditing Standards

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the Government Audit Standards issued by the Comptroller General of the United States.

SUMMARY: The rule amendment will update the Government Audit Standards issued by the Comptroller of the United States.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0092 Government Auditing Standards. "Government Auditing Standards" shall be deemed and construed to mean Government Audit Standards issued by the Comptroller General of the United States, in effect as of December 2011 ~~July 2007~~. (Entitled Government Auditing

Standards, December 2011 ~~July 2007~~ Revision (GAO-12-331G ~~GAO-07-734G~~), available from the United States General Accounting Office, Washington, D.C. 20548-0001 or from its website at <http://www.gao.gov/yellowbook> <http://www.gao.gov/govaud/ybk01.htm>. Because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials electronically, paper copies of the incorporated materials may be obtained by the agency by contacting Veloria A. Kelly, Division Director, Board of Accountancy, whose address is 240 NW 76<sup>th</sup> Drive, Suite A, Gainesville, Florida 32607.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 10-28-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0092, Amended 10-19-94, 9-30-97, 9-29-02, 9-21-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-20.0093 Rules of the Auditor General

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the effective dates of the rules of the Auditor General.

SUMMARY: The rule will be updated to reflect the effective dates of the rules of the Auditor General.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No

person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0093 Rules of the Auditor General.

(1) "Rules of the Auditor General" shall be deemed and construed to mean the following Rules of the Auditor General of the State of Florida in effect as follows:

Chapter	Title
10.550	Local Government Entity, effective <u>9/30/2012</u> <del>9/30/2009</del> Audits
10.650	Florida Single Audits Non-profit and For-profit Organizations, effective <u>9/30/2012</u> <del>9/30/2009</del>
10.700	Audits of Certain Nonprofit Organizations, effective <u>06/30/2012</u> <del>6/30/2009</del>
10.800	Audits of District School Board, effective <u>06/30/2012</u> <del>6/30/2009</del>
10.850	Audits of Charter Schools and Similar Entities, effective <u>06/30/2012</u> <del>6/30/2009</del>

These rules hereby incorporated by reference and are available from the State of Florida, Auditor General's Office or from its website <http://www.myflorida.com/audgen>, under the Rules and Guidelines section.

(2) through (6) No change..

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 10-22-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0093, Amended 9-30-97, 9-29-02, 9-21-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.006  
 RULE TITLE: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide clarification for reactivation of a delinquent license due to failure for timely reporting continuing professional educational credits.

SUMMARY: The rule amendment provides clarification for a delinquent license for failure to comply with Rule 61H1-33.003, F.A.C.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 455.271, 473.304, 473.311, 473.312, 473.313 FS.

LAW IMPLEMENTED: 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

(1) Each Florida certified public accountant who has requested inactive status or became delinquent, as distinguished from a Florida certified public accountant whose certificate or license has been suspended, who desires to become an active Florida certified public accountant, i.e., engage or reengage in the practice of public accounting in Florida, shall apply for such reactivation by completing and submitting to the Department Forms DBPR 0010-2 – Master Individual Application and DBPR CPA 5011-1 – Request for Change of Status, hereby incorporated by reference and effective 7-23-06, respectively; copies of these forms may be obtained from the Board office. However, if a license is delinquent on January 1 for failure to comply with Rule 61H1-33.003, F.A.C., through failure to report compliance with continuing professional education requirements by the immediately December 31, a Florida certified public accountant may reactivate, pursuant to Section 473.311, by certifying the required hours have been completed, paying the fees required by Rules 61H1-31.003, 31.004, and 31.006, F.A.C., by March 15 of the same year of the delinquency.

(2) through (4) No change.

Rulemaking Authority 455.271, 473.304, 473.311, 473.312, 473.313 FS. Law Implemented 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) FS. History—New 12-4-79, Amended 2-3-81, 11-6-83, 3-29-84, 8-20-85, Formerly 21A-33.06, Amended 4-8-86, 12-28-89, 10-16-90, Formerly 21A-33.006, Amended 12-14-93, 5-26-96, 7-23-06, 12-10-09, 7-7-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Accountancy

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NOS.: RULE TITLES:

61H1-38.004 Eligibility Criteria

61H1-38.005 Scholarships

61H1-38.007 Fees

PURPOSE AND EFFECT: For Rule 61H1-38.004, the Board proposes the rule amendment to provide clarification regarding the Clay Ford Scholarship. For Rule 61H1-38.005, the Board proposes the rule amendment to provide

clarification regarding payment of a scholarship award, in what months the awards will be transmitted, and the maximum amount that may be expended for all scholarships each year. For Rule 61H1-38.007, F.A.C., the Board proposes the rule amendment to update total dollar amount of the fund to \$200,000 and to remove outdated language.

SUMMARY: For Rule 61H1-38.004, the Clay Ford Scholarship will be clarified; for Rule 61H1-38.005, payment of a scholarship award, what months the awards will be transmitted, and the maximum amount that may be expended for all scholarships each year will be clarified; for Rule 61H1-38.007, F.A.C., the total amount of the fund will be increased to \$200,000.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 473.304(1), 473.3065(3) FS. LAW IMPLEMENTED: 473.3065 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-38.004 Eligibility Criteria.

A student who meets the foregoing general criteria shall be eligible to be chosen to receive a scholarship so long as the following criteria are met:

(1) Applicants must demonstrate a financial need which is defined as the cost of attendance at an institution of higher education less the expected family contribution and any gift aid for which the student is entitled. "Cost of attendance" is defined as a Board approved estimate of the expenses incurred by a typical financial aid student attending college. It includes direct educational costs (tuition, books, supplies, computers) as well as indirect costs (room and board, transportation, laundry, child care and personal expenses). Applicants will be required to authorize the Clay Ford Scholarship Certified Public Accountant Education Minority Assistance Advisory Council (Council) to verify information submitted including financial assistance and educational costs. It is the intent that scholarship money from this source should not affect a student's eligibility for other scholarships, but should reduce their self-help aid. However, the Council shall take other assistance into consideration when determining a student's eligibility for a scholarship under this section.

(2) through (6) No change.

Rulemaking Specific Authority 473.304(1), 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 9-22-99, Amended 5-28-06,\_\_\_\_\_.

61H1-38.005 Scholarships.

(1) No change.

(2) Scholarship awards checks will be made payable jointly to the institution and the student and will be transmitted mailed during September August for those enrolled in the fall term and during January December for those enrolled in the winter term.

(3) A maximum of \$200,000.00 ~~\$100,000.00~~ may be expended for all scholarships each year.

(4) A minimum of \$1,000.00 must be maintained in the program account.

Rulemaking Authority 473.304(1), 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 9-22-99, Amended 10-5-09,\_\_\_\_\_.

61H1-38.007 Fees.

An equal assessment per license out of existing licensing fees, as set forth in Section 473.3065, Florida Statutes, and not to exceed \$10 per license shall be made in an amount needed ~~to collect \$105,000.00 during the first fiscal year of the fund and~~ to collect \$200,00.00 ~~\$100,000.00~~ per fiscal year ~~thereafter~~ in order to fund the authorized scholarships.

Rulemaking Specific Authority 473.304(1), 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 9-22-99, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Accountancy

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: RULE TITLE:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a new compound to the existing formulary of topical ocular pharmaceutical agents.

SUMMARY: The rule amendment will add a new compound to the existing formulary of topical ocular pharmaceutical agents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 463.005, 463.0055(2) (a) FS.

LAW IMPLEMENTED: 463.0055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Miller, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (7) No change.
- (8) ANTI-GLAUCOMA AGENTS
- (a) through (b) No change.
- (c) Prostaglandins
- 1. through 4. No change
- 5. Unoprostone Isoprophyl – 0.15%.
- (d) through (e) No change.
- (9) No change.

Rulemaking Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History—New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09, 10-18-09, 4-21-10, 12-26-10, 7-21-11, 11-11-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 29, 2013

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.710 RULE TITLE: SSI-Related Medicaid Coverage Groups  
 PURPOSE AND EFFECT: The proposed rule removes subsection (7), the statement describing how an affected person may obtain a copy of incorporated material. This rule does not include incorporated material.

SUMMARY: The proposed rule removes subsection (7).  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 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: 409.919 FS.  
 LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

DATE AND TIME: September 13, 2013, 10:00 a.m.  
 PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cindy Keil. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, Economic Self-Sufficiency Program, (850) 717-4113, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy\_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.710 SSI-Related Medicaid Coverage Groups.  
 The Department covers all mandatory coverage groups and the following optional coverage groups:  
 (1) through (6) No change.

~~(7) Single copies of the forms incorporated by reference in this rule may be obtained from the Department of Children and Families, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04, 8-10-06 (4), (6), 8-10-06 (6), (7), (8), \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lawayne E. Salter  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Esther Jacobo  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 30, 2013

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:     RULE TITLES:  
64E-3.003       Qualifications for Examination  
64E-3.0034     Speciality Technologists

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 156, August 12, 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

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures  
NOTICE IS HEREBY GIVEN that on August 16, 2013, the Southwest Florida Water Management District, received a

petition for a variance or waiver. Petitioner’s Name: Calusa Lakes Community Association,  
Rule No.: 40D-22.201

Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation. The Petition has been assigned tracking No. 13-4175. A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, x. 2298, water.variances@watermatters.org. Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: RULE TITLE:

62-602.300: Qualifications for Operator Licensure

The Department of Environmental Protection hereby gives notice:

On August 20, 2013, the Department of Environmental Protection issued an order. Notice of receipt of this Petition was published in the Florida Administrative Register on June 22, 2013. The petition requested a variance from paragraph 62-602.300(3)(d), F.A.C., which states, “For the purposes of obtaining a license, the examination specified in paragraph (c) above will satisfy the examination criterion for licensing for a period of four years from the date a passing score is obtained.” Weston Silvera Campbell petitioned for the waiver or variance of this rule in order to obtain a Class C Drinking Water Treatment Plant Operator license. The Department received comment from the Florida Water & Pollution Control Operators Association. The Order, file number 13-1050, granted the Petition based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner and because Petitioner demonstrated that the purpose of the underlying statute will be or has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting: Department of Environmental Protection, Certification and Restoration Program, Mail Station 3506, 2600 Blairstone Road, Tallahassee, Florida 32399; Attn: Ronald McCulley, telephone (850)245-8384, Ronald.mcculley@dep.state.fl.us, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

**DEPARTMENT OF HEALTH**

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on July 11, 2013, the Board of Massage Therapy received a petition for Stephanie Narbeth, seeking a variance or waiver of Rule 64B7-32.003, F.A.C. The Petitioner seeks the board's approval for a waiver

of Hydrotherapy Theory and practice requirements. The Board will address this petition at its next scheduled meeting.

Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Anthony Jusevitch, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

**DEPARTMENT OF HEALTH**

Board of Optometry

RULE NO.: RULE TITLE:

64B13-5.002: Criteria for Approval

The Board of Optometry hereby gives notice: of Intent to Deny the Petition for Waiver or Variance filed on January 25, 2013, by Helen Viksnins, Med., FAAO, CAE, on behalf of the American Academy of Optometry. The Notice of Petition for Variance or Waiver was published in Volume 39, No. 149, of the August 1, 2013, Florida Administrative Register. The Petitioner sought a Variance from the provisions of paragraph 64B13-5.002(3)(c), Florida Administrative Code, which requires that, for a continuing education course to be considered transcript quality, it must be approved as transcript quality by the Board prior to the time it is taken.

The Board’s Order, filed on August 16, 2013, denied issuing a variance or waiver in response to this petition because petitioner has not demonstrated a financial hardship, and the petition fails to demonstrate how the underlying purpose of the statute would be met. The Board further determined that the two identified courses, “Exploring the Globe with Technologies that Image a Mile Wide and a Mile Deep” and “New Technology Rapid – Fire Session” shall not be considered transcript quality, and shall count for general CE hours only.

A copy of the Order or additional information may be obtained by contacting: William Miller, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**Section VI**

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

DEPARTMENT OF STATE

Division of Historical Resources

The Bureau of Historic Preservation, Florida Main Street announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 29, 2013, 1:00 p.m. – 3:30 p.m.

PLACE: Heritage Hall Auditorium, R.A. Gray Building, 500 South Bronough St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and rank all eligible Applicants for Florida Main Street designation. The recommendations of the Advisory Committee will be, subsequently, submitted to the Secretary of State for review and approval.

A copy of the agenda may be obtained by contacting: Ronni Wood, Florida Main Street Coordinator, Department of State, R.A. Gray Building, 500 South Bronough St., Tallahassee, FL 32399 or by calling (800)847-7278.

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: Ronni Wood via email: ronni.wood@dos.myflorida.com or by calling (800)847-7278. 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: Ronni Wood via email: ronni.wood@dos.myflorida.com or by calling (800)847-7278.

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: September 12, 2013, 4:30 p.m. – 6:30 p.m.

PLACE: Seventh Day Adventist Southeast Conference Center, 1771 East Hwy 20, Hawthorne, FL 32640

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation invites you to a subsequent public hearing to discuss proposed improvements to State Road 20 (Hawthorne Road) from US 301 in Hawthorne (Alachua County) to County Road 315 in Interlachen (Putnam County), financial project id’s 207818-1 and 210024-1. The total length of the project is approximately 12 miles.

This public hearing is an opportunity for interested persons to express their views concerning the location, conceptual design, and social, economic and environmental effects of the proposed improvements. The proposed recommendations include widening the existing roadway from two to four lanes,

bicyclist and pedestrian safety enhancements, curb and gutter, paved shoulders and drainage improvements.

As of August 21, 2013, project documents are available for review at three locations: 1) Hawthorne Branch Library, 6640 SE 221st Street, Hawthorne, FL 32640; 2) Interlachen Public Library, North County Road 315, Interlachen, FL 32148 and 3) FDOT District Two Office, 1109 South Marion Avenue, Lake City, FL 32025.

Persons wishing to submit a written statement may do so at the hearing or mail them to Stephen Browning at the address provided no later than September 22, 2013. All statements postmarked on or before September 22, 2013, will become part of the public hearing record.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967 extension 7873. 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).

---

#### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District Five, announces a public meeting to which all persons are invited.

DATE AND TIME: August 29, 2013, 5:00 p.m.

PLACE: New Life Community Church, 8310 Forest City Road, Orlando, FL 32810

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed improvements to SR 434 (Forest City Road) will be discussed. The Project corridor is approximately two (2) miles and is located in Orange County, Florida, (Financial Project Identification Number 239422-1-52-01). The improvements involve widening SR 434 from a 4-lane divided roadway to a 6-lane divided roadway from Edgewater Drive to the Seminole County Line.

A copy of the agenda may be obtained by contacting: Ms. Jennifer Vreeland, Project Manager, Florida Department of Transportation, District Five, 719 S. Woodland Boulevard, Deland, FL 32720 or Jennifer.vreeland@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jennifer Taylor at (386)943-5367 or by email at Jennifer.Taylor@dot.state.fl.us. Any persons who require translation services (free of charge) should also contact Jennifer Taylor seven (7) days before the Meeting. 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: Jennifer Vreeland, Florida Department of Transportation, District Five, 719 S. Woodland Boulevard, Deland, FL 32720, by telephone (386)943-5732 or by email at Jennifer.vreeland@dot.state.fl.us.

---

#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 12, 2013, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Agricultural and Green Industry Advisory Committee meeting: To discuss committee business. Governing Board Members may attend. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, x4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. 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: cindy.taylor@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, x4150(Ad Order EXE0273)

---

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

The Building Code Administrators and Inspectors Board announces a public meeting to which all persons are invited.

DATES AND TIME: October 23, 24, 25, 2013, 9:00 a.m.

PLACE: Embassy Suites Orlando North, 225 Shorecrest Drive, Altamonte Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions of which may be closed to the public), general board business.

A copy of the agenda may be obtained by contacting: Board's website: MyFloridaLicense.com – Our Business & Professions – Building Code.

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 Board office. 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 ENVIRONMENTAL PROTECTION

Office of the Secretary

The Recreational Trails Program Advisory Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 30, 2013, 9:00 a.m.

PLACE: Conference call information – toll free dial-in: (888)670-3525; passcode: 6790547274#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss the priority list for the 2013 Recreational Trails Program grant submission cycle.

A copy of the agenda may be obtained by contacting: Alexandra Weiss, Office of Operations, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)245-2065; alexandra.weiss@dep.state.fl.us.

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: Alexandra Weiss, Office of Operations, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)245-2065; alexandra.weiss@dep.state.fl.us. 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).

---

DEPARTMENT OF HEALTH

The Infant, Maternal, and Reproductive Health Unit announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 28, 2013, 2:00 p.m. – 4:00 p.m.

PLACE: Call-in toll-free number: 1(888)670-3525, Attendee access code: 277 680 0919

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Sudden Unexpected Infant Death (SUID) Workgroup will meet to discuss strategies for promoting safe sleep behaviors and a safe sleeping environment.

A copy of the agenda may be obtained by contacting: Carol Scoggins at Carol\_Scoggins@doh.state.fl.us or (850)245-4103.

For more information, you may contact: Carol Scoggins at Carol\_Scoggins@doh.state.fl.us or (850)245-4103.

---

DEPARTMENT OF HEALTH

Board of Nursing

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

DATE AND TIME: September 5, 2013, 10:30 a.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (888)670-3525 public code 6126445695

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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 at (850)245-4125. 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

Office of Statewide Research

The Florida Department of Health announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 4, 2013, 3:00 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)670-3525, Conference Code: 2922384719

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a meeting of the joint committee to develop performance standards, a rating system and rating standards to designate a Cancer Center of Excellence. Florida Statute 381.925.

A copy of the agenda may be obtained by contacting: Sarah Hofmeister (850)245-4444, ext. 3591, <http://www.doh.state.fl.us/ExecStaff/biomed/cancer-center-of-excellence.html>.

For more information, you may contact: Sarah Hofmeister, (850)245-4444, ext. 3591, Research Program Analyst, Public Health Research Unit, Division of Community Health Promotion, Florida Department of Health.

NORTH FLORIDA BROADBAND AUTHORITY

The North Florida Broadband Authority announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2013, 10:00 a.m.

PLACE: Dogan Cobb Municipal Building, 660 East Hathaway, Bronson, Florida 32621

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: Celeste@springfieldlawpa.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 2 days before the workshop/meeting by contacting: Celeste@springfieldlawpa.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).

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: Celeste@springfieldlawpa.com.

DISABILITY RIGHTS FLORIDA

The Disability Rights Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 27, 2013, 9:00 a.m. – 5:00 p.m.

PLACE: DoubleTree By Hilton Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida 32812 tel. (407)856-0100.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disability Rights Florida, Florida's Protection & Advocacy Programs Quarterly/Joint Meeting of the Board of Directors & PAIMI Advisory Council.

A copy of the agenda may be obtained by contacting: Paige Morgan (850)488-9071 or (800)342-0823, ext. 9721

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Disability Rights Florida, 2728 Centerview Drive, Suite 102, Tallahassee, FL 32301 toll free:(800)342-0823 or (850)488-9071. 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: Paige Morgan (850)488-9071 ext. 9721 or Leslie Evans ext. 9707.

KITTELSON & ASSOCIATES, INC

The Florida Department of Transportation announces a workshop to which all persons are invited.

DATE AND TIME: September 4, 2013, 8:30 a.m.

PLACE: Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Department of Transportation (FDOT), District 5 is presenting its next series of District wide Community Planning Workshops. This series of workshops is focusing on Corridor Planning and examines the District's newly adopted Multimodal Corridor Planning Guidebook. Community leaders and staff members are exploring how transportation and land use can work together to help address our region's mobility needs and support our community goals.

This workshop is the first in a series of six to be held in District 5. This first workshop will be on Thursday, September 4 in the Lake Apopka Conference Rooms A and B at the Florida Department of Transportation's District 5 Urban Office, 133 South Semoran Boulevard, Orlando, Florida 32801 from 8:30 a.m. to 3 p.m.

The first session features three distinguished speakers:

- Billy Hattaway, PE – Florida Department of Transportation District One Secretary
- William Petit, PE – Pennsylvania Department of Transportation District One Executive
- W. Thomas Lavash, Managing Principal of WTL+a

They are sharing lessons learned from the successful implementation of multimodal transportation projects from across the country. The workshop includes presentations, panel discussions, and interactive table sessions.

A copy of the agenda may be obtained by contacting: For additional information concerning the workshop, please contact John Moore, Systems Planner for FDOT at 133 S. Semoran Boulevard, Orlando, FL 32807 or by phone at (407)482-7882 or via email at John.Moore@dot.state.fl.us. Media members, please contact Steve Olson, FDOT Public Information Officer at (386)943-5479 or steve.olson@dot.state.fl.us.

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: Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Ms. Jennifer Taylor, FDOT District Five Title VI Coordinator, 719 S. Woodland Boulevard, DeLand, FL 32720, by phone at (386)943-5367, or by email at jennifer.taylor@dot.state.fl.us. 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: or additional information concerning the workshop, please contact John Moore, Systems Planner for FDOT at 133 S. Semoran Boulevard, Orlando, FL 32807 or by phone at (407)482-7882 or via email at John.Moore@dot.state.fl.us. Media members, please contact Steve Olson, FDOT Public Information Officer at (386)943-5479 or steve.olson@dot.state.fl.us.

**THE VALERIN GROUP, INC.**

The Florida Department of Transportation announces a public meeting to which all persons are invited.

DATE AND TIME: August 27, 2013, 4:30 p.m. – 6:00 p.m.

PLACE: Summer Bay Resorts/Crown Club Inn, 105 Summer Bay Blvd., Clermont, Florida 34714

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 The Florida Department of Transportation will host a public information meeting/open house to provide details on the upcoming construction project on US 27, from Barry Road to US 192, in Clermont, Florida. Improvements being made as part of this project include expanding US 27 roadway and the bridge at US 192 from four lanes to six lanes, installing concrete poles for new traffic signals at the intersection of US 27/Student Drive and at the intersection of US 27/California Boulevard, resurfacing the existing roadway, adding sidewalks and bike lanes, improving drainage and highway lighting. There will be no formal presentation. Project staff will be available to answer questions relating to the project.

A copy of the agenda may be obtained by contacting: There will be no agenda.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Robin Parrish, District One Title VI Coordinator at (863)519-2675 or by email at robin.parrish@dot.state.fl.us. 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: Trudy Gerena, Public Information Officer at (813)299-3579.

**Section VII  
 Notice of Petitions and Dispositions  
 Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Professional Engineers

NOTICE IS HEREBY GIVEN that the Board of Professional Engineers has received the petition for declaratory statement from Jason Teal, Esq. on behalf of Mark Mathews, filed on July 29, 2013. The petition seeks the agency's opinion as to the applicability of Chapters 468.602, 468.603, 471.045, and 481.222, Florida Statutes as it applies to the petitioner.

The petition seeks the Board's interpretation of Chapters 468.602, 468.603, 471.045, and 481.222, Florida Statutes, regarding whether Petitioner, licensed under Chapter 481, Florida Statutes, or Chapter 471, Florida Statutes, may serve as a full – time employee of a local government and perform

the services of a building code inspector or plans examiner without being licensed pursuant to Chapter 468 Part XII, Florida Statutes. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268, ZRaybon@fbpe.org or by telephoning (850)521-0500.

Please refer all comments to: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268, ZRaybon@fbpe.org or by telephoning (850)521-0500.

---

### 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

HILLSBOROUGH COUNTY AVIATION AUTHORITY  
HCAA RFQ 13-411-038 Project No. 6255 14 GA Master Plan  
HILLSBOROUGH COUNTY AVIATION AUTHORITY  
(AUTHORITY)

Request for Qualifications  
Solicitation Number 13-411-038  
Project Number 6255 14

Sealed qualifications for the GA Master Plan will be received from consulting firms by the Authority at Tampa International Airport Offices located at 4160 George J. Bean Parkway, Suite 2400, Administrative Building, Second Level, Red Side, Tampa, Florida 33607.

Solicitation documents and detailed requirements will be available on the Tampa International Airport website at [www.tampaairport.com](http://www.tampaairport.com), Airport Business, Active Solicitations on Wednesday August 21, 2013 by 5:00 p.m.

---

## Section XII Miscellaneous

DEPARTMENT OF MANAGEMENT SERVICES

Florida E911 State Grant Program Notification

E911 Board State Grant Program Notification

The E911 Board has approved an E911 State Grant program available to any Board of County Commissioners in the State of Florida for the purpose of assisting State of Florida counties, as defined by Section 365.172(6)(a)3.b., F.S., with the installation of Enhanced 911 (E911), Phase II and Next Generation 911 systems. The E911 State Grant program will operate on the following schedule:

1. Counties submit applications: by December 1, 2013
2. E911 Board evaluates applications: Within two months of the submission date;
3. E911 Board votes on applications at regularly scheduled meetings: Within three months of the submission date;
4. E911 Board sends notification letter of awards approved for funding to the counties: Within four months of the submission date;

5. Implementation period: One year from receipt of award notification letter;

6. Expiration of the right to incur costs: Two years from receipt of award notification letter.

Additional information is in the E911 State County Grant Application, effective 9/1/2013, W Form 3A, incorporated by reference in Florida Administrative Code Rule 60FF1-5.003 E911 State Grants.

---

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Beaches and Coastal Systems

NOTICE OF INTENT TO ENTER INTO A BINDING  
ECOSYSTEM MANAGEMENT AGREEMENT

The Department of Environmental Protection gives notice of its intent to enter into a binding Ecosystem Management Agreement (hereafter "Palm Beach Island Beach Management Agreement" or "BMA") under Sections 403.0752 and 161.101, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.), to authorize beach nourishment, inlet sand bypassing, groin rehabilitation and removal, and dune restoration. The activities authorized in the BMA will take place on Palm Beach Island, Palm Beach County. The Department has reviewed and authorizes in the BMA Area maintenance dredging of the Lake Worth Inlet with placement on downdrift beaches, construction of an improved sand transfer plant at Lake Worth Inlet, repair and removal of groins throughout the cell, nourishment of the Mid-Town project, nourishment of the Phipps Ocean Park project, and dune restoration. Such projects must receive Individual Project Approval (IPA) prior to commencement of construction. The BMA sets forth the procedures and criteria to be followed by the Department and the BMA participants for submittal, review and approval for individual projects within the BMA area. Specifically, for individual project approvals under the BMA, if the individual project application is determined by the Department to be consistent with the terms of the BMA, the Department will issue an IPA letter authorizing the individual project. Public notice of the IPAs shall be accomplished in the same manner as for permit applications as provided in Rule 62B-49.005, F.A.C., for inwater activities and Rule 62-110.106, F.A.C., for dune restoration activities.

The applicants have provided affirmative reasonable assurance that the BMA and the activities described therein will comply with the provisions of Chapter 161, Chapter 253, Part IV Chapter 373, and Chapter 403 F.S., and Chapters 62B-33, 62B-41, 62B-49, 62-4 and 62-330, F.A.C., and that net

ecosystem benefits are provided. The Department has determined that there will be no violations of water quality standards pursuant to Section 373.414(1), F.S., and that the activities covered by the BMA, with the attendant net ecosystem benefits, are not contrary to the public interest.

The Department's file on this matter, including a copy of the proposed BMA, is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Eastern Standard Time, Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399 or at <http://www.dep.state.fl.us/beaches/pb-bma/index.htm>, Telephone: (850)499-7708.

This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to enter into a binding ecosystem management agreement automatically becomes only proposed agency action on the application(s), subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence activities under the BMA until the deadlines noted below for filing a petition for an administrative hearing have expired and until the BMA has been executed and delivered.

After approval of the BMA becomes final as provided in the preceding paragraph, the BMA itself will no longer be subject to challenge under the provisions of Sections 120.569 and 120.57, F.S., when individual project approvals are issued by the Department. For individual project approvals under the BMA, if the individual project application is determined by the Department to comply with the terms of the BMA, the Department will issue a letter of individual project approval authorizing the individual project. Public notice of the individual project approvals shall be accomplished in the same manner as for permit applications as provided in Rule 62B-49.005, F.A.C., for in water activities and Rule 62-110.106, F.A.C., for dune restoration activities. Any challenge to an individual project approval shall be limited to whether or not the individual project complies with the terms of the BMA and any agency action outside the approvals of the BMA taken in the IPA. Agency action previously subject to challenge or administrative review will not be subject to challenge at the time of IPA.

If a person believes his or her substantial interests are affected by the Department's approval of the BMA, such a person may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing on the proposed BMA is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rules 28-106.111(2) and 62-110.106, F.A.C., petitions for an administrative hearing on the BMA by the applicants must be filed within 21 days of receipt of this written notice. Petitions on the BMA filed by any persons other than the applicants, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action on the BMA may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicants at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall

constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action to approve the BMA is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C.

Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Mediation is not available.

This intent to enter into a binding ecosystem management agreement with the applicants constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek

judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

---

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

Notice of Emergency Action

On August 19, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Karen E. Clark, C.N.A, License # CNA 167367. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

Notice of Emergency Action

On August 19, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Cary Murphy Herold, R.N., License # RN 9344682. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011).

The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public

---

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

Notice of Emergency Action

On August 19, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Brandon Abel Smith, R.N., License # RN 9241569. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

Notice of Emergency Action

On August 19, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Russell F. McDonald, Jr., C.N.A., License # CNA 74586. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

Section XIII  
Index to Rules Filed During Preceding  
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.

---