

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 5J-12.002 Registration, 5J-12.004 Advertising, 5J-12.006 Denials, and 5J-12.007 Enforcement Actions and Administrative Penalties.

PURPOSE AND EFFECT: The proposed rule will update the incorporated reference material, clarify the registration fee structure, and update the posted sign in Rule 5J-12.002, F.A.C.; correct a citation in Rule 5J-12.004, F.A.C.; provide criteria for denial of licensure in Rule 5J-12.006, F.A.C.; and provide guidelines for imposing administrative fines for violations of the Florida Motor Vehicle Repair Act in Rule 5J-12.007, F.A.C. SUBJECT AREA TO BE ADDRESSED: Updated Motor Vehicle Repair Registration Package, clarification of fee structure, updated posted sign, denial of licensure criteria, and a range of administrative fines for violations of the Florida Motor Vehicle Repair Act.

RULEMAKING AUTHORITY: 559.92201, 570.07(23) FS. LAW IMPLEMENTED: 559.904, 559.916, 559.921(4), 570.971(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Topol, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, Phone (850)410-3662

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Table with 2 columns: RULE NO. and RULE TITLE. Row includes 61-24.004 Collection and Payment of Fees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to create a reinstatement fee for athlete agents whose licenses have become null and void due to illness or economic hardship.

SUBJECT AREA TO BE ADDRESSED: Athlete agent fees. RULEMAKING AUTHORITY: 455.203, 455.271, 468.457 FS.

LAW IMPLEMENTED: 455.203, 455.2281, 455.271, 468.453, 468.4536 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brittany B. Griffith, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Table with 2 columns: RULE NO. and RULE TITLE. Row includes 61-35.004 Athlete Agent Departmental Forms

PURPOSE AND EFFECT: The purpose and effect is to create the rule to adopt forms relating to application for licensure of athlete agents.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the adoption of the new forms.

RULEMAKING AUTHORITY: 455.213 FS. LAW IMPLEMENTED: 468.453, 468.457 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Andy Janecek, Rules Coordinator, Division of Professions, 1940 North Monroe Street, Tallahassee, Florida 32399-0760, (850)717-1496

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Professional Geologists**

RULE NO.: RULE TITLE:

61G16-1.009 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to define geologist-in-training.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 492.104 FS.

LAW IMPLEMENTED: 495.105, 492.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Professional Geologists**

RULE NO.: RULE TITLE:

61G16-3.001 Schedule of Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify the geologist-in-training registration fee.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1011FS.

LAW IMPLEMENTED: 455.213(2), 495.105), 455.217, 455.219, 455.271, 492, 104 492.1011, 492.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Professional Geologists**

RULE NO.: RULE TITLE:

61G16-5.004 Application Evaluations

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

SUBJECT AREA TO BE ADDRESSED: Application evaluations.

RULEMAKING AUTHORITY: 492.104, 492.105 FS.

LAW IMPLEMENTED: 495.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Professional Geologists**

RULE NO.: RULE TITLE:

61G16-6.001 Written Licensure Examination Requirements

PURPOSE AND EFFECT: The Board proposes to review the rule to determine if modifications to the written licensure examination requirements are necessary.

SUBJECT AREA TO BE ADDRESSED: Written licensure examination requirements.

RULEMAKING AUTHORITY: 455.217, 492.104 FS.

LAW IMPLEMENTED: 455.217, 495.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

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|------------|--------------------------------------------------------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 69A-37.054 | Out of State Training – Certificate of Compliance; Special Certificate of Compliance |
| 69A-37.055 | Curriculum Requirements for Training Firefighter Recruits or Firefighters |
| 69A-37.057 | Roster of Students |
| 69A-37.060 | Certification as an Approved Firefighter Recruit Training Facility |
| 69A-37.065 | Programs of Study and Vocational Courses |
| 69A-37.404 | Requirements for Live Fire Training for Certified Personnel |

PURPOSE AND EFFECT: The State Fire Marshal’s office is updating Rules 69A-37.054 and 69A-37.065, F.A.C., to conform to changes in Chapter 633, Florida Statutes. Rule 69A-37.057, F.A.C., is being amended to adopt a required roster form. Lastly, Rules 69A-37.055, 69A-37.060 and 69A-37.404, F.A.C., are being amended to correlate the rules to the most recent editions of the NFPA Standard.

SUBJECT AREA TO BE ADDRESSED: Firefighters Standards and Training.

RULEMAKING AUTHORITY: 633.128(1)(a), (b), (c), (2)(a), 633.406(1)(f), 633.408(1), 633.418(1), 633.508(6) FS.

LAW IMPLEMENTED: 633.128(1)(a), (b), (e), 633.406(1)(f), 633.408, 633.418(1), 633.508 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, January 13, 2015, 10:00 a.m.
 PLACE: Florida State Fire College, Auditorium, 11655 N.W. Gainesville Rd., Ocala, Florida 34482

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: Bill Wentlandt, (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Wentlandt, Assistant Superintendent, Bureau of Firefighter Standards and Training, Division of State Fire Marshal at (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

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|------------|------------------|
| RULE NO.: | RULE TITLE: |
| 69I-40.120 | Advance Payments |
- PURPOSE AND EFFECT: The proposed rule amendment rewords an existing rule establishing the procedure for the Chief Financial Officer’s approval of advance payments to vendors by state agencies. The existing rule uses the word “waiver” which is not a correct characterization of what is authorized by paragraph 216.181(16)(b), Florida Statutes. The amendment corrects this.

SUBJECT AREA TO BE ADDRESSED: Advance payments by state agencies.

RULEMAKING AUTHORITY: 17.29, 215.422(14) FS.

LAW IMPLEMENTED: 215.422, 216.181 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, January 9, 2015, 9:30 a.m.
 PLACE: Room 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mark Merry @ (850)413-3704 or Mark.Merry@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Merry, Bureau Chief, Bureau of Auditing, Division of Accounting and Auditing, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0355, (850)413-3704 or Mark.Merry@myfloridacfo.com

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09422
 RULE TITLE: Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish scale scores for each Achievement Level for reporting student proficiency levels for the Civics End-of-Course (EOC) Assessment. These performance standards may be used for placement, promotion, retention, and accountability purposes.

SUMMARY: The purpose of the proposed rule amendment is to include Civics EOC Assessment scale scores for each Achievement Level for reporting student proficiency levels. One additional revision is being made to make the rule consistent with statute (removing the reference to college and career readiness indicators).

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule revisions relate only to establishing achievement levels for statewide K-12 assessments; therefore, there is no direct or immediate impact on economic growth, private sector job creation, or employment, or private sector investment. If there is any impact on such economic growth and private sector job creation, the impact would be positive because the establishment of rigorous, yet attainable assessment standards positively impacts student outcomes, which, in turn, positively impacts economic growth, private sector job creation, and employment. For the same reasons, no impact or positive impact on business competitiveness would be anticipated. Because the proposed rule relates only to the establishment of achievement levels for statutorily required statewide assessments, it is not likely to increase regulatory costs.

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

RULEMAKING AUTHORITY: 1001.02, 1008.22, 1008.25 FS.

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

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

DATE AND TIME: January 14, 2015, 8:30 a.m.

PLACE: Highlands County School Board Office, 426 School Street, Sebring, Florida 33870

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (5) No change.

(6) Examinee scores on the FCAT 2.0 Reading and Mathematics shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered during the 2010-2011 school year. Examinee scores on the FCAT 2.0 Science shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered during the 2011-2012 school year. Examinee scores on EOC assessments shall be reported by the use of scaled scores and achievement levels defined by the baseline assessment administered as follows: Algebra 1 EOC Assessment (2010-2011), Geometry EOC Assessment (2011-2012), Biology 1 EOC Assessment (2011-2012), United States History EOC Assessment (2012-2013), and Civics EOC Assessment (2013-2014). Achievement levels range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on the assessment. ~~Scoring at or above achievement level 4 on a Florida EOC Assessment indicates that a student is high achieving and has the potential to meet college readiness standards by the time the student graduates from high school.~~

(a) through (f) No change.

(g) The achievement levels for the Civics EOC Assessment shall be as shown in the following table.

Civics EOC Assessment scale scores (325 to 475) for each achievement level:

Level 1	Level 2	Level 3	Level 4	Level 5
325-375	376-393	394-412	413-427	428-475

(7) through (8) No change.

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

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

(11) through (14) No change.

Rulemaking Authority 1001.02, 1008.22, 1008.25 FS. Law Implemented 1001.02, 1001.11, 1008.22, 1008.25 FS. History—New 1-24-99, Amended 10-7-01, 1-22-02, 12-23-03, 3-27-06, 3-1-07, 2-25-09, 7-19-10, 2-12-12, 2-3-13, 2-25-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Juan Copa, 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: December 16, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 25, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.094222
RULE TITLE: Standards for Mid-Year Promotion of Retained Third Graders

PURPOSE AND EFFECT: The propose and effect of the proposed rule amendment is to align the rule to Section 1008.25, F.S. and to update references to assessments, standards and plans.

SUMMARY: The proposed rule revision eliminates obsolete language, aligns the rule to the Section 1008.25, F.S., inserts references to English Language Arts standards and assessments and removes the requirement that retained third graders master fourth grade reading skills prior to mid-year promotion. The proposed rule also includes a provision to extend the progress monitoring plan for a retained third grader who is promoted, beyond the academic year.

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: It is not expected that the proposed rule will have any impact on the factors listed in Section 120.541(2), F.S. as the proposal related to the mid-year promotion of third grade students and imposes no additional duties on school districts that would result in additional 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: 1008.25(9) FS.

LAW IMPLEMENTED: 1008.25 FS.

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

DATE AND TIME: January 14, 2015, 8:30 a.m.

PLACE: Highlands County School Board Office, 426 School Street, Sebring, Florida 33870

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Stevens, Executive Director, Just Read, Florida! – Wendy.Stevens@fldoe.org, (850)245-0503

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094222 Standards for Mid-Year Promotion of Retained Third Graders.

Effective with the 2004-2005 school year, district school boards are required to adopt and implement a policy for the mid-year promotion of any student retained in third grade due to a reading

deficiency as required by Section 1008.25(5)(b), F.S. Such mid-year promotions of retained third grade students should occur during the first semester of the academic year.

(1) To be eligible for mid-year promotion, a student must demonstrate that he or she:

(a) Is a successful and independent reader as demonstrated by reading at or above grade level; and

~~(b) Has progressed sufficiently to master appropriate fourth grade reading skills; and~~

~~(b)(c)~~ Has met any additional requirements, such as satisfactory achievement in other curriculum areas, as determined by the policies of the district school board.

(2) Standards that provide a reasonable expectation that the student has met the requirements of paragraphs (1)(a)-(b) of this rule including ~~include~~ the mastery of reading skills, ~~consistent with the month of promotion to fourth grade,~~ as presented in the scope and sequence of the school district's core reading program. Evidence of demonstrated mastery is as follows:

(a) Successful completion of portfolio elements that meet state criteria in subsection (3) of this rule; or

(b) Satisfactory performance on a locally selected standardized assessment measuring English Language Arts Standards as specified in subsection (4) of this rule.

(3) To promote a student mid-year using a student portfolio, as provided for in paragraph (2)(a) of this rule, there must be evidence of the student's mastery of third grade English Language Arts Florida Standards. ~~Sunshine State Standard Benchmarks for Language Arts and beginning mastery of the Benchmarks for fourth grade as specified in subsection (2) of this rule.~~ The student portfolio must meet the following requirements:

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

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

(c) Include evidence of mastery of the standards benchmarks assessed by the grade 3 Reading FCAT or the statewide English Language Arts assessment when implemented; as required by Rule 6A-1.094221, F.A.C.; and

~~(d) Include evidence of beginning mastery of fourth grade benchmarks that are assessed by the grade 4 Reading FCAT. This includes multiple choice items and passages that are approximately fifty (50) percent literary text and fifty (50) percent information text, and that are between 100-900 words with an average of 500 words. Such evidence could include chapter or unit tests from the district's/school's adopted core reading curriculum or teacher prepared assessments that are aligned with the Sunshine State Standards. For each benchmark, there must be two (2) examples of mastery as demonstrated by a grade of seventy (70) percent or better; and~~

~~(d)(e)~~ Be signed by the teacher and the principal as an accurate assessment of the required reading skills.

(4) To promote a student mid-year based on performance on using a locally selected standardized assessment measuring English Language Arts Florida Standards, as provided for in paragraph (2)(b) of this rule, there must be evidence that the student scored at or above 3rd grade level in reading comprehension, ~~as demonstrated by standard scores or percentiles, consistent with the month of promotion to fourth grade.~~

(5) The Progress Monitoring Academic Improvement Plan (AIP) for any retained third grade student who has been promoted mid-year to fourth grade must continue to be implemented for the entire academic year and if necessary for additional school years.

Rulemaking Authority 1008.25(9) FS. Law Implemented 1008.25(7)(b)4. FS. History—New 12-19-04, Amended 4-21-11.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 21, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.053 RULE TITLE: K-12 Comprehensive Research-Based Reading Plan

PURPOSE AND EFFECT: The purpose of this rule amendment is to eliminate any unnecessary language as it pertains to the end of year outcome assessment and to better align the rule with Sections 1001.215 and 1011.62, Florida Statutes.

SUMMARY: The proposed rule revision is to eliminate any unnecessary language, align the rule to statute and includes the necessary edits concerning the end of year outcomes assessment.

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 amendment is not expected to have any impact on the factors found in Section 120.541(2)(a), F.S. The amendments remove obsolete reporting requirements and update references, and thus, do not impose any new substantive requirements.

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(2)(n), 1001.215, 1011.62 FS.

LAW IMPLEMENTED: 1001.215, 1011.62 FS.

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

DATE AND TIME: January 14, 2015, 8:30 a.m.

PLACE: Highlands County School Board Office, 426 School Street, Sebring, Florida 33870

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Stevens, Executive Director, Just Read, Florida!, 325 West Gaines St., Suite 1432, Tallahassee, FL 32399, Wendy.Stevens@flode.org or (850)245-0503

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.053 K-12 Comprehensive Research-Based Reading Plan.

(1) Annually, school districts shall submit a K-12 Comprehensive Research-Based Reading Plan for the specific use of the research-based reading instruction allocation in the format prescribed by the Department for review and approval by the Just Read, Florida! Office pursuant to Section 1011.62, F.S. The K-12 Comprehensive Research-Based Reading Plan must accurately depict and detail the role of administration (both district and school level), professional development, assessment, curriculum, and instruction in the improvement of student learning of the English Language Arts Florida Standards (LAFS). This information must be reflected for all schools and grade levels, including charter schools, alternative schools, and juvenile justice facilities. The K-12 Comprehensive Research-Based Reading Plan must ensure that:

- (a) Leadership at the district and school level is guiding and supporting the initiative;
- (b) The analysis of data drives all decision-making;
- (c) Professional development is systemic throughout the district and is targeted at individual teacher needs as determined

by analysis of student performance data and includes lesson study and professional learning communities;

(d) Measurable student achievement goals are established and clearly described; and

(e) Appropriate research-based instructional materials and strategies are used to address specific student needs.

(2) Research-Based Reading Instruction Allocation. Districts will submit a budget for the K-12 Comprehensive Research-Based Reading Plan, including salaries and benefits, professional development costs, assessment costs, and programs/materials costs. Budgets must be in accordance with the district approved plan.

(3) Reading Leadership Teams. Districts must describe the process the principal will use to form and maintain a Reading Leadership Team ~~and report rosters of Reading Leadership Team members to the Just Read, Florida! Office in the fall of each school year.~~

(4) Professional Development. The plan must make adequate provisions to require principals to:

(a) Target specific areas of professional development need based on assessment data and reflect those goals in the Individual Professional Development Plan (IPDP);

(b) Differentiate and intensify professional development for teachers based on progress monitoring data;

(c) Identify mentor teachers and establish model classrooms within the school;

(d) Ensure that time is provided for teachers to meet weekly for professional development including lesson study and professional learning communities; and

(e) Provide teachers with the information contained in the K-12 Comprehensive Research-Based Reading Plan.

(5) Charter schools. Charter schools must be given the opportunity to participate in the district plan, but may opt not to participate. Charter schools that choose to participate in the plan must meet the requirements outlined in the District K-12 Comprehensive Research-Based Reading Plan; however, they may meet these requirements through methods that differ from those in the district plan. One plan must be submitted for each district that includes charter schools that choose to participate. The district will maintain documentation of the following:

(a) through (6)(b) No change.

~~(c) All reading/literacy coaches must report their time to the Progress Monitoring and Reporting Network (PMRN) on a biweekly basis. Principals will be required to log onto the PMRN prior to the start of each school year to enroll their reading/literacy coach(es). Principals must provide the funding source(s) for each coach at the beginning of the school year.~~ Any reading/literacy coach who is funded through the Research-Based Reading Instruction Allocation in the Florida Education Finance Program (FEFP) as part of the K-12 Comprehensive Research-Based Reading Plan must be a full-

time coach. Reading/literacy coaches who split their time between two (2) schools are considered full-time coaches.

(d) through i. No change.

~~j. Report their coach logs bi-weekly through the Progress Monitoring and Reporting Network (PMRN);~~

~~j.k.~~ Work with all teachers (including ESE, content area, and elective areas) in the school they serve, prioritizing their time to those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in classrooms;

~~k.l.~~ Work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms;

~~l.m.~~ Not be asked to perform administrative functions that will confuse their role for teachers; and

~~m.n.~~ Spend limited time administering or coordinating assessments.

(f) through (g) No change.

(7) District level monitoring of the District K-12 Comprehensive Research-Based Reading Plan Implementation. The plan must demonstrate adequate provisions for:

(a) through (b) No change.

(c) Ensuring that data from formative assessments are used to guide differentiation of reading instruction.

~~(d)(e)~~ Incorporating reading and literacy instruction by all content area teachers into subject areas to extend and build discussions of text in order to deepen understanding. This must include a description of the utilization of leveled classroom libraries and independent reading practice.

~~(e)(4)~~ Reporting of data elements as required by the K-12 Comprehensive Research-Based Reading Plan (as indicated in Section 1001.215, F.S.) within the Automated Student and Staff Data Base System for survey periods 2, 3, and 5. These data elements include:

~~1. Progress Monitoring assessment scores not reported to PMRN;~~

~~1.2.~~ Student Enrollment in Reading Intervention,

~~2.3.~~ Reading Endorsement competency status for teachers,

~~3.4.~~ Reading Certification progress status for teachers, and

~~4.5.~~ CAR-PD or NGCAR-PD status for teachers, in accordance with Rule 6A-5.090, F.A.C.

(8) School-level monitoring of District K-12 Comprehensive Research-Based Reading Plan Implementation.

(a) through (9)(a) No change.

(b) A Comprehensive Core Reading Program (CCRP) must be taught as the major instructional tool for reading instruction. Districts are provided a performance-based flexibility option which may exempt schools from the use of the CCRP. Districts implementing this flexibility must describe their plan for reading instruction, including the intervention for students reading below grade level in grades K-5 or K-6 as applicable. It

is a district decision whether to implement the following performance-based flexibility option. Elementary schools meeting all of the following criteria are not required to implement a Comprehensive Core Reading Program:

1. A current school grade of an A or B;

~~2. Adequate Yearly Progress (AYP) in reading met for all subgroups;~~

~~2.3.~~ Ninety (90) percent of students meeting high standards in reading (a satisfactory or above score on the statewide English Language Arts assessment ~~an FCAT score of Level 3 or above~~).

(c) ~~The second performance-based flexibility option may exempt elementary schools from the use of the CCRP as well as the ninety (90) minute reading block. Districts implementing this flexibility must report the reading instruction that will be provided, including the time allotted for reading instruction.~~ It is a district decision whether to implement the following performance-based flexibility option: For students in grades four and five scoring Level 4 or 5 on FCAT or above satisfactory on the statewide English Language Arts assessment reading, districts shall offer enrichment programs that include core steeped in content that continues to develop the child's literacy reading skills. These students are not required to receive instruction from a Comprehensive Core Reading Program, nor are they required to receive ninety (90) minutes of reading instruction.

(d) K-12 reading instruction will align with Florida's Formula for Success, 6+4+ii+iii, which includes six (6) components of reading: oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; four (4) types of classroom assessments: screening, progress monitoring, diagnosis, and outcome measures; initial instruction (ii) including considerations for background knowledge, motivation, and the provision for print rich, explicit, systematic, scaffolded, and differentiated instruction, and the reading/writing connection; immediate, intensive intervention (iii): including extended time, flexible grouping, accommodations, and more frequent progress monitoring. Data from the results of formative assessments will guide differentiation of instruction in the classroom.

(e) Instructional Materials Charts:

1. Districts are required to submit Instructional Materials Charts that address all research-based instructional materials used to provide reading instruction with a description of how they will be integrated into the overall instructional design:

a. Comprehensive Core Reading Programs (CCRP) – elementary school level only,

b. Middle School Grades Developmental Reading Programs,

c. Supplemental Intervention Reading Programs (SIRP),

d. ~~Intensive~~ Comprehensive Intervention Reading Programs (CIRP) (~~HRP~~),

e. Educational technology.

2. through (f) No change.

(g) Districts are required to develop Assessment/Curriculum Decision Trees to demonstrate how assessment data from progress monitoring and other forms of assessment will be used to determine specific reading instructional needs and interventions for students in grades K-12. The chart must include:

1. Name of assessment(s),

2. Targeted audience,

3. Performance criteria ~~benchmark~~ used for decision-making,

4. Assessment/curriculum connection,

5. An explanation of how instruction will be modified for students who have not responded to a specific reading intervention with the initial intensity (time and group size) provided.

Rulemaking Authority 1001.02(2), 1011.62(9) FS. Law Implemented ~~1001.02~~, 1001.215, 1011.62 FS. History--New 6-19-08, Amended 4-21-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 21, 2014

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.0342
RULE TITLE: Career and Technical Education Program Performance Reporting

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish current year performance standards for career education programs as required in Section 1008.43, F.S. The new standards are determined based on the calculation process described in the rule and will affect both the school districts and Florida colleges. The effect is to align performance standards so that they will be consistent with the state’s plan under the Carl D. Perkins Career and Technical Education Improvement Act, under which the state receives federal funding.

SUMMARY: This amendment establishes the 2013-14 and 2014-15 performance standards to be adopted in order to evaluate career education programs as required in Section 1008.43(1)(a), F.S.

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 will not require legislative ratification and is not expected to have any impact on the factors found in Section 120.541(2)(a), F.S. The performance standards in the amendment have been previously agreed upon.

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: 1008.43 FS.

LAW IMPLEMENTED: 1008.43 FS.

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

DATE AND TIME: January 14, 2015, 8:30 a.m.

PLACE: Highlands County School Board Office, 426 School Street, Sebring, Florida 33870

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Budget, Accountability and Assessment, 325 West Gaines Street, Tallahassee, Florida, 32399-0400, (850)245-9002, tara.goodman@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0342 Career and Technical Education Program Performance Reporting.

(1) The Department will annually calculate and publish secondary and postsecondary program improvement targets for each of the performance measures for which career and technical education programs are to be accountable.

(2) For the completion and placement rate calculations, “career and technical education concentrator” is defined as the following:

(a) Secondary – A secondary student who has earned three (3) or more credits in a single career and technical education program, or two (2) credits in a single career and technical education program, but only in those programs where two (2) credit sequences at the secondary level are recognized by Rule 6A-6.0571, F.A.C., Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks, which rule is hereby incorporated by reference and/or its local eligible recipients.

(b) Postsecondary Clock Hour Programs – A postsecondary student who completes at least one-third of the academic and/or technical hours in a clock hour career and technical education program that terminates in the award of an industry-recognized credential, certificate or degree.

(c) Postsecondary Credit Hour Programs – A postsecondary student who completes at least one-third of the academic and/or technical hours in a college credit career and technical education program that terminates in the award of an industry recognized credential, certificate or degree.

(3) The completion rate for secondary programs shall be calculated as follows: The numerator shall be the number of senior career and technical education concentrators who attained a 1) standard high school diploma, 2) State of Florida High School Diploma General Educational Development (GED) credential or Adult High School diploma, or 3) proficiency credential, certificate or degree, in conjunction with a secondary school diploma. The denominator shall be the number of senior career and technical education concentrators who have left secondary education in the reporting year. The 2013-14 2011-12 target shall be 95.18 96%. For 2014-15 2012-13 and subsequent years the target shall be 95.68 97%.

(4) The placement rate for secondary programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators from the prior year who completed secondary school and who were placed in postsecondary education, employment, and/or military service in the 2nd quarter (October-December) after leaving secondary education during the reporting year. The denominator shall be the number of career and technical education concentrators from the prior year who completed secondary school. The 2013-14 2011-12 target shall be 80.28 81%. For 2014-15 2012-13 and subsequent years the target shall be 80.78 82%.

(5) The completion rate for postsecondary clock hour programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators who received an industry-recognized credential or a certificate during the reporting year. The denominator shall be the number of career and technical education concentrators who left postsecondary education during the reporting year. The 2013-14 2011-12 target shall be 58.75%. For 2014-15 2012-13 and subsequent years the target shall be 59.25 58.25%.

(6) The placement rate for postsecondary clock hour programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators from the prior year who received a credential, degree or certificate who were placed in postsecondary education, employment and/or military service in the 2nd quarter (October-December) after leaving postsecondary education. The denominator shall be the number of career and technical education concentrators from the prior year who received a credential, degree or certificate. The 2013-14 2011-12 target shall be 76.43 84.55%. For 2014-15 2012-13 and subsequent years the target shall be 75.77 84.60%.

(7) The completion rate for postsecondary credit hour programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators who received an industry-recognized credential, a certificate, or a degree during the reporting year. The denominator shall be the number of career and technical education concentrators who left postsecondary education during the reporting year. The 2013-14 2011-12 target shall be 47.5 49%. For 2014-15 2012-13 and subsequent years the target shall be 49 50%.

(8) The placement rate for postsecondary credit hour programs shall be calculated as follows: The numerator shall be the number of career and technical education concentrators from the prior year who received a credential, degree or certificate who were placed in postsecondary education, employment and/or military service in the 2nd quarter (October-December) after leaving postsecondary education. The denominator shall be the number of career and technical education concentrators from the prior year who received a credential, degree or certificate. The 2013-14 2011-12 target shall be 85.5 88%. For 2014-15 2012-13 and subsequent years the target shall be 86 89%.

(9) If a program fails to achieve both the completion and placement targets and the average full-time/full-quarter earnings of completers is below the 25th percentile in the state for that program, the program will be flagged in performance reports produced by the Department and the school district or college will be notified by the Department.

Rulemaking Authority 1008.43 FS. Law Implemented 1008.43 FS. History—New 10-4-93, Amended 2-16-94, 10-25-11, _____.

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: December 16, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 19, 2014

DEPARTMENT OF EDUCATION**Florida's Office of Early Learning**

RULE NO.: RULE TITLE:
6M-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups

PURPOSE AND EFFECT: The purpose of the proposed rules is to update the rule to align with statute and rule chapter terminology.

SUMMARY: VPK Class Size.

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: Regarding rule 6M-8.400, a SERC is not required because it does not alter current practice of VPK providers. It merely brings the rule in alignment with statutory class size requirements.

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: 1001.213(2), 1002.79 FS.

LAW IMPLEMENTED: 1002.53(3)(f), 1002.61(7), 1002.63(7) 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: Monday, January 12, 2015, 1:00 p.m. – 3:00 p.m. or at the conclusion of business whichever is earlier

PLACE: via GoToWebinar; information regarding registration may be found at: http://www.floridaeearlylearning.com/oel_resources/rules_guidance_technical_assistance.aspx

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: Tara Huls, (850)717-8550. 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: Tara Huls, Bureau Chief, VPK Program

and Policy, Office of Early Learning, 250 Marriott Dr., Tallahassee, Florida 32399, (850)717-8550 or tara.huls@oel.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.

(1) Blended classes.

(a) A private provider or public school may organize a VPK class as a blended class, instructing children enrolled in the VPK program together with children not enrolled in the program.

(b) A blended class may include children of any age. A private provider or public school, however, may not organize a blended class in a multi-age arrangement that prevents the provider or school from implementing a developmentally appropriate curriculum in accordance with Section 1002.67(2)(b), F.S.

(2) Minimum class size. A VPK class must be composed of at least four children enrolled in the VPK program.

(a) An early learning coalition may not issue the initial ~~advance payment~~ ~~prepayment~~ for a VPK class unless at least four children in the class are enrolled in the VPK program.

(b) A private provider or public school does not violate the minimum class size, if:

1. Fewer than four children enrolled in the VPK program attend a VPK class on a particular day; or

2. After the ~~advance payment~~ ~~initial prepayment~~ is issued, fewer than four children in a VPK class remain enrolled in the VPK program (e.g., withdrawals).

~~(c) If a VPK class is composed of four or fewer children enrolled in the VPK program, the VPK provider may not dismiss a child enrolled in the program, unless, within 3 business days after the child's dismissal, the VPK provider submits to the coalition written documentation of the child's noncompliance with the conduct or attendance policies of the provider.~~

(3) Maximum class size. A VPK class may not exceed 20 ~~18~~ children for a school-year program or 12 ~~10~~ children for a summer program. Children enrolled in the VPK program, and children not enrolled in the program, are both counted toward the 20-child ~~18-child~~ or 12-child ~~10-child~~ maximum class size. A VPK class may not exceed the maximum class size in enrollment or attendance on a particular day.

(4) Multi-class group. A private provider or public school may instruct two or more VPK classes as one ~~group in a single classroom~~. A VPK class within a multi-class group may not exceed the maximum class size described in subsection (3).

(5) Compliance with other requirements. This rule does not allow a private provider or public school to exceed a staff-to-

children ratio, square footage per child, licensing requirements under Sections 402.301-.319, F.S., or other state or local requirement.

Rulemaking Authority 1001.213(2), 1002.79(2) FS. Law Implemented 1002.55(3)(f)(e), 1002.61(7)(6), 1002.63(7) FS. History—New 8-17-06, Amended 5-24-07, Formerly 60BB-8.400, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tara Huls, Bureau Chief, VPK Program and Policy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Rodney MacKinnon, Interim Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2014
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 14, 2014

**AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing**

RULE NO.: 59A-17.118 RULE TITLE: Dietary and Nutrition Services
PURPOSE AND EFFECT: The purpose is to revise an outdated rule reference and remove language that suggests that these are Agency requirements.

SUMMARY: The Agency proposes to amend subsection 59A-17.118(1), F.A.C. to update the reference from Rule 10D-23.006 to Rule 64E-12.004, F.A.C. and to delete language stating that the facility shall comply with these requirements.

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: A SERC has not been prepared by the agency. For Rule 59A-17.118, F.A.C., a checklist was prepared to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require 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: 400.805 FS.
LAW IMPLEMENTED: 400.805 FS.

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

DATE AND TIME: Wednesday, January 7, 2014, 9:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, FL 32308 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: Terrosa Buie, Bureau of Health Facility Regulation, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida, (850)412-4339. 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: Jacqueline Williams, Long Term Care Unit, Agency for Health Care Administration, 2727 Mahan Drive, MS #33, Tallahassee, Florida 32308, Email: LTCStaff@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-17.118 Dietary and Nutrition Services.

(1) The facility shall ensure proper nutritional care for its residents, whether provided by the facility or a third party, ~~and~~ ~~The facility~~ shall provide education and training in proper nutrition and ~~the~~ planning and preparation of meals consistent with the individualized resident rehabilitation plan as required by Rule 64E-12.004. ~~The facility shall comply with Rule 10D-23.006, F.A.C.~~

(2) The Recommended Dietary Allowances established by the Food and Nutrition Board—National Research Council, adjusted for age, sex, and activity level, shall be the standard used to evaluate meals.

(3) No more than 14 hours shall lapse between the end of an evening meal and the beginning of the following morning meal containing a protein food. Intervals between other meals shall be not less than four hours no more than 6 hours.

(4) Menus shall be dated, corrected as served and kept on file for 6 months.

(5) A one week supply of non-perishable food based on the number of weekly meals the facility has contracted to serve, shall be on hand at all times.

Rulemaking Specific Authority 400.805 FS. Law Implemented 400.805 FS. History—New 9-28-92, Amended 10-19-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jacqueline M. Williams
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Elizabeth Dudek, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 1, 2014
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: July 18, 2014

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-33.007 RULE TITLE:
 AHCA Forms Availability, Information and
 Website

PURPOSE AND EFFECT: The Agency proposes to repeal a rule related to health care clinic licensure requirements.

SUMMARY: The Agency proposes to repeal a rule which notes the location of all forms, contact information, and website addresses referenced in this chapter. The Agency proposes to repeal this rule, because it does not meet the definition of a rule as provided in Section 120.52(16), F.S., and it is duplicative of information found elsewhere in the chapter.

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 no SERC is required and that no legislative ratification pursuant to subsection 120.541(3), F.S. is required based upon the Agency’s review of information at the time of analysis and the preparation of a checklist for each rule to determine the need for the creation of a SERC.

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 no SERC is required and that no legislative ratification pursuant to subsection 120.541(3), F.S. is required based upon the Agency’s review of information at the time of analysis and the preparation of a checklist for each rule to determine the need for the creation of a SERC.

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

RULEMAKING AUTHORITY: 400.9925 FS.
 LAW IMPLEMENTED: 120.54 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 DATE AND TIME: January 12, 2015, 3:30 p.m. – 4:30 p.m.
 PLACE: Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tom Jones via e-mail: Tom.Jones@ahca.myflorida.com or by phone: (850)412-4409. 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: Tom Jones via e-mail: Tom.Jones@ahca.myflorida.com or by phone: (850)412-4409

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-33.007 AHCA Forms Availability, Information and Website.
Rulemaking Specific Authority 400.9925 FS. Law Implemented 120.54 FS. History--New 8-28-06, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Tom Jones
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2014
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 6, 2014

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007 RULE TITLE:
 List of Approved Forms; Incorporation
 PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised physician assistant licensure application into the Board’s forms rule.
 SUMMARY: The proposed rule amendment incorporates the revised physician assistant licensure application form into the Board’s forms rule.

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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013, 456.0276, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3137, 458.3145, 458.315(2) 458.3151, 458.317, 457.319, 358.317, 358.319, 458.320(8), 458.321(2), 458.345(3), (8), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.50, 456.0635, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board

office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (14) No change.

(15) DH-MQA 2000, entitled “Application for Licensure as a Physician Assistant,” (10/14) ~~(8/12)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-02473>.

(16) No change.

Rulemaking Authority 456.013, 456.0276, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3137, 458.3145, 458.315(2), 458.3151, 458.317, 458.319, 458.320(8), 458.321(2), 358.345(3), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.50, 456.0635, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09, 10-7-09, 1-7-10, 2-2-10, 12-6-10, 12-27-11, 2-28-12, 1-27-13, 8-5-13, 11-10-13, 1-9-14, 3-10-14, 7-15-14, 9-10-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Council on Physician Assistants

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 10, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: December 2, 2014

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: **RULE TITLE:**

64B8-30.003 Physician Assistant Licensure

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised physician assistant licensure application into the licensure rule.

SUMMARY: The proposed rule amendment incorporates the revised physician assistant licensure application form into the licensure rule.

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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013, 456.031(2), 456.033, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 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: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.003 Physician Assistant Licensure.

(1) Requirements for Licensure.

(a) All applicants for licensure as physician assistants shall apply on Form DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (revised 10/14 8/12), hereby adopted and incorporated by reference, and can be obtained from the website at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02173> or <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>.

(b) No change.

(2) through (5) No change.

Rulemaking Authority 456.013, 456.031(2), 456.033, 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, 12-12-05, 10-30-06, 2-25-07, 5-20-09, 2-2-10, 12-6-10, 1-27-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 2, 2014

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-6.003 RULE TITLE: Physician Assistant Licensure

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised physician assistant licensure application into the licensure rule.

SUMMARY: The proposed rule amendment incorporates the revised physician assistant licensure application form into the licensure rule.

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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board 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: 458.347(7), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 459.022 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: Christy Robinson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.003 Physician Assistant Licensure.

(1) Requirements for Licensure.

(a) All applicants for licensure as physician assistants shall apply on Form DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (revised 10/14 8/42), hereby adopted and incorporated by reference, and can be obtained from the website at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02175> or <http://www.doh.state.fl.us/mqa/PhysAsst/index.html>.

(b) No change.

(2) through (5) No change.

Rulemaking Authority 458.347(7), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, 2-23-04, 10-30-06, 2-25-07, 5-20-09, 2-2-10, 12-6-10, 1-27-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 2, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.003
 RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program

PURPOSE AND EFFECT: The proposed amendment to Rule 68-1.003, F.A.C., would add a new part to the rule to address Non-Traditional Section 6 grants programs, clarify and add detail to the Boating Safety and Education Grant Program Guidelines, and address minor changes to Guidelines and forms

for the State Wildlife Grants Program and the Florida Boating Improvement Program.

SUMMARY: The Non-Traditional Section 6 grants are Federal Grants that provide flow-through funds from the U.S. Fish and Wildlife Service to non-federal entities. The Non-Traditional Section 6 grants to be included are Habitat Conservation Planning Grants, Habitat Conservation Plan Land Acquisition Grants, and Recovery Lands Acquisitions Grants programs. The proposed addition to the rule will allow FWC the ability to provide guidance to applicants and assure that project packages are complete and appropriately detailed in budget and scope prior to being submitted to the U.S. Fish and Wildlife Service. The intent is to standardize the application, tracking and reporting processes for these grant programs.

Proposed revisions to the Boating Safety and Education Grant Program Guidelines include eligible and ineligible uses of grant funds, eligible participants, the minimum grant award, the evaluation criteria, and the evaluation committee.

Proposed revisions to the Florida Boating Improvement Program Guidelines include project type categories and eligible uses of program funds; distribution of funds; evaluation criteria, compliance requirements regarding construction permits, and changes to the application form to clarify pre-award costs and cost share and the instructions for submitting attachments to the application.

The proposed amendment would also address revisions and reformatting to Florida's State Wildlife Grants Program Guidelines, Budget Form, and Application Form. These revisions would remove obsolete language and references, provide updated language and references, clarify changes to the grants program regarding targeted and general grant types, and include new requirements for complete proposals to address reporting needs for the federal Tracking and Reporting Actions for the Conservation of Species (TRACS) system.

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

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

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

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 327.04, 327.47, 379.106 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution 327.47, 328.72, 379.106 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: Boating Safety and Education Grant Program: Captain Tom Shipp, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, Bryant Building Headquarters, 620 S. Meridian St., Tallahassee, FL 32399, (850)488-5600

Florida Boating Improvement Program: Tim Woody, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, Bryant Building Headquarters, 620 S. Meridian St., Tallahassee, FL 32399, (850)488-5600.

Non-traditional Section 6: Tom Ostertag, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)488-3831.

State Wildlife Grants Program: Andrea Alden, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)488-3831.

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.003 Florida Fish and Wildlife Conservation Commission Grants Program.

(1) through (7) No change.

(8) Florida Boating Safety and Education Grant Program grants shall meet all additional program requirements set forth in the Boating Safety and Education Grant Program Guidelines (dated January 2015 ~~Jan. 2008~~), which are hereby incorporated by reference. The following form is hereby adopted and incorporated by reference: FWC/FBSEG, Florida Boating Safety and Education Grant Application, 07/08. The guidelines and form are available from the Commission at 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600 or <https://www.flrules.org/Gateway/reference.asp?No=Ref->.

(9) Florida Boating Improvement Program grants shall meet all additional program requirements set forth in the Florida Boating Improvement Program Guidelines (January 2015 ~~Mar. 2012~~), which are hereby incorporated by reference. The following forms are hereby adopted and incorporated by reference: FWC/FBIP-A, Florida Boating Improvement Program Grant Application for Recreational Channel Markers and Other Uniform Waterway Markers, 01/15 ~~03/12~~; FWC/FBIP-B, Florida Boating Improvement Program Grant Application for Boating Access Facilities, 01/15 ~~03/12~~;

FWC/FBIP-C, Florida Boating Improvement Program Grant Application for Derelict Vessel Removal, 01/15 ~~03/12~~; FWC/FBIP-D, Florida Boating Improvement Program Boater Education Grant Application, 01/15 ~~03/12~~; FWC/FBIP-E, Florida Boating Improvement Program Grant Application for ~~Economic Initiatives and~~ Other Local Boating Related Projects, 01/15 ~~03/12~~. The guidelines and forms are available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> and <https://www.flrules.org/Gateway/reference.asp?No=Ref-> or from the Commission at 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600.

(10) No change.

(11) Florida's State Wildlife Grants Program grants shall meet all additional program requirements set forth in Florida's State Wildlife Grants Program Guidelines (dated November 2014 ~~February 2010, revised July 2011~~), which are hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref->. The following forms are hereby adopted and incorporated by reference: FWC/SWG-1, entitled "Florida State Wildlife Grants Program Budget Form," November 2014, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> ~~June 2008~~, and FWC/SWG-2, entitled "Florida State Wildlife Grants Program Application Form," November 2014, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-> ~~June 2008~~. The guidelines and forms are also available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(12) No change.

(13) Non-Traditional Section 6 Grants Program grants shall meet all additional program requirements set forth in Florida's Non-Traditional Section 6 Grants Program Guidelines (November 2014.) FWC/NTS6-1, which are hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref->. The following forms are hereby adopted and incorporated by reference: FWC/NTS6-2, entitled "Florida's Non-Traditional Section 6 Grants Program Application Form," dated November 2014 and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref->; FWC/NTS6-3 "Florida's Non-Traditional Section 6 Grants Program Task Schedule and Timeline," dated November 2014 and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref->; and FWC/NTS6-4 "Florida's Non-Traditional Section 6 Grants Program Budget Sheet," dated November 2014 and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref->. The guidelines and forms are also available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Rulemaking Authority 206.606, 327.04, 327.47, 379.106 FS. Law Implemented 206.606, 327.47, 328.72, 379.106 FS. History—New 4-4-04, Amended 3-15-05, Formerly 68A-2.015, Amended 5-22-07, 7-6-08, 1-18-09, 3-21-10, 6-30-10, 5-20-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Boating Safety and Education Grant Program:

Captain Tom Shipp, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, Bryant Building Headquarters, 620 S. Meridian St., Tallahassee, FL 32399, (850)488-5600

Florida Boating Improvement Program: Tim Woody, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, Bryant Building Headquarters, 620 S. Meridian St., Tallahassee, FL 32399, (850)488-5600

Non-traditional Section 6: Tom Ostertag, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)488-3831

State Wildlife Grants Program: Andrea Alden, Division of Habitat and Species Conservation

Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)488-3831.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 26, 2014

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
12A-1.0215 Veterinary Sales and Services
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40, No. 225, November 19, 2014 issue of the Florida Administrative Register.

These changes are in response to written comments received from a taxpayer, requesting that the Department revise references to “pet food” to “animal food,” in accordance with the statutory exemption. The proposed revisions modify the rule

language as requested. The language being modified is in new subsection (6) of Rule 12A-1.0215, and will now read as follows:

(6) ANIMAL FOOD SOLD TO CONSUMERS.

(a) Animal foods that are required by federal or state law to be dispensed only by a prescription are exempt from tax.

(b) Animal foods which are therapeutic veterinary diets are exempt from tax. For the purpose of this rule, “therapeutic veterinary diets” means those animal foods that are specifically formulated to aid in the management of illness and disease of a diagnosed health disorder in an animal and which are only available from a licensed veterinarian.

(c) Even when sold by a veterinarian, animal foods which are not required by federal or state law to be dispensed only by a prescription and animal foods that are not therapeutic veterinary diets are subject to tax.

In addition, the Law Implemented section of the rule will be revised to remove references to Section 212.18(3) and 465.186, F.S., and current subparagraph (4)(e)(5) will be renumbered to subparagraph (4)(e)(4), to account for the striking of current subsection (4).

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.038	Consumer's Certificate of Exemption; Exemption Certificates
12A-1.039	Sales for Resale

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40, No. 225, November 19, 2014 issue of the Florida Administrative Register.

The following changes are made in response to written comments received from the staff of the Joint Administrative Procedures Committee:

The Department removes the following statutory references from the Law Implemented provision of Rule 12A-1.038, F.A.C.: Sections 212.05(a)(j), 212.06(1)(c), 212(16), 212.0601, and 21208(5)(m), F.S.

The Department withdraws the proposed removal of the effective date from a taxpayer’s Annual Resale Certificate in Rule 12A-1.039, F.A.C. By retaining the effective date on the certificate, conflicting language in Rule 12A-1.038 is resolved. The stricken language in paragraph (2)(a) of Rule 12A-1.039, as proposed in the Notice of Proposed Rule published November 19, 2014, is hereby withdrawn, and paragraph (2)(a) will have no changes upon adoption.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-33.002	Licensure, Application Process, General Requirements
59A-33.006	Certificates of Exemption and Exempt Status
59A-33.008	Medical or Clinic Director
59A-33.012	Survey Requirements and Process
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40, No. 194, October 6, 2014 issue of the Florida Administrative Register.

The following sections of the proposed rule should be changed to read:

59A-33.002 Licensure, Application Process, General Requirements.

(1) The applicant or licensee shall make application for an initial, change of ownership, or renewal license to operate a health care clinic and shall provide all of the information required by this rule and Chapter 400, Part X, F.S., on the Health Care Licensing Application, Health Care Clinics, AHCA Form 3110-0013, July 2014, incorporated herein by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> and available from the Agency for Health Care Administration website at: <http://ahca.myflorida.com/HQALicensureforms>.

(2) The following shall be included with the application:

(a) License Fee. A nonrefundable \$2,000 application fee payable to AHCA; and

(b) Fictitious Name. When an applicant intends to operate under a fictitious name, a copy of an Affidavit of Compliance with Fictitious Name pursuant to Section 865.09, F.S., or a copy of a registration form from the Division of Corporations, Secretary of State, showing registration of the applicant’s fictitious name; and

(c) Evidence of Incorporation. When an applicant is a corporation or other entity, a copy of the registration of the applicant entity on file with the Division of Corporations, Secretary of State, State of Florida; and

(d) Proof of financial ability to operate. Proof of financial ability to operate must be demonstrated for initial licensure and change of ownership applications as required in Section 408.810(8), F.S. and Rule 59A-35.062, F.A.C.; and

(e) Accreditation. Each clinic engaged in magnetic resonance imaging (“MRI”) services shall provide documentation that it is accredited by a national accrediting organization that is approved by the Centers for Medicare and Medicaid Services for magnetic resonance imaging and

advanced diagnostic imaging services within 1 year after licensure or one year after beginning MRI services to patients or placing a new magnet for an existing MRI. This period may be extended in accordance with Section 400.9935(7)(a), F.S. ~~Clinics that are accredited by the Accreditation Association for Ambulatory Health Care prior to July 1, 2013, shall be accredited by an approved accrediting organization on or before July 1, 2014; and~~

(f) Background Screening. Applicants must submit evidence of compliance with level 2 background screening requirements as required in Section 400.991, F.S. and Section 408.809, F.S., and

(g) Medical/Clinic Director Attestation, AHCA Form 3110-1028 (Sept 2014), incorporated herein by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> and available from the Agency for Health Care Administration website at: <http://ahca.myflorida.com/HQALicensureforms>.

Rulemaking Authority 400.991(1), ~~400.991(7)(d), 400.995(3), 400.9925, 408.809, 408.810(8), 408.819~~ FS. Law Implemented 400.9925, 400.991(1)(a), (4), ~~(7)(d), 408.806, 408.809, 408.810(8), 435.04~~ FS. History–New 8-28-06, Amended_____.

59A-33.006 Certificates of Exemption and Exempt Status.

(1) through (2) No change.

(3) When a change to the exempt status occurs to an exempt facility or entity that causes it to no longer qualify for an exemption, any exempt status claimed or reflected in a certificate of exemption ceases on the date the facility or entity no longer qualifies for a certificate of exemption. In such case, the health care clinic must file with the Agency a license application under ss. 400.990-400.995, F.S. the Act within 5 days of becoming a health care clinic and shall be subject to all provisions ~~of the Act~~ applicable to unlicensed health care clinics. Failure to timely file an application for licensure within 5 days of becoming a health care clinic will render the health care clinic unlicensed and subject the owners, medical or clinic directors and the health care clinic to sanctions under ss. 400.990-400.995, F.S. the Act.

(4) through (10) No change.

Rulemaking Authority 400.9925 FS. Law Implemented 400.9905(4), ~~400.9925, 400.9935(2), (9)~~ FS. History–New 8-28-06, Amended_____.

59A-33.008 Medical or Clinic Director.

(1) through (2) No change.

(3) The Agency shall issue an emergency order suspending the license of any health care clinic operated or maintained without a medical or clinic director as required by ss. 400.990-400.995, F.S. the Act and this rule for such period of time as the health care clinic is without a medical or clinic director. The Agency shall assess a civil fine of up to \$5,000 for operating or

maintaining a health care clinic without a medical or clinic director. Each day of operation following receipt of Agency notice is considered a separate offense. Operation and maintenance of a health care clinic without a medical or clinic director shall be grounds for revocation of the license in addition to the assessment of fines pursuant to Section 400.995 (1), F.S.

Rulemaking Authority 400.9925(1), (2) FS. Law Implemented ~~120.542, 120.60(6),~~ 400.9905(5), 400.9915(3), 400.993, 400.9935(1) (a)-(g), 400.9935(3), 400.995(1), ~~(6)~~ FS. History—New 8-28-06, Amended_____.

59A-33.012 Inspection Requirements and Process.

(1) through new (2) No change.

(3) To facilitate a licensure survey, the health care clinic shall have the following materials readily available for review at the time of the survey:

(a) The professional license or facsimile of the license for the medical or clinic director.

(b) Copy of medical or clinic director’s written agreement with the health care clinic assuming the responsibilities for the statutory activities in Sections 400.9935(1)(a)-(i), F.S. If the medical or clinic director signs the Medical/Clinic Director Attestation, AHCA Form 3110-1028 (~~Sept 2014~~), incorporated by reference ~~referenced~~ in Rule 59A-33.002, F.A.C., acknowledging these responsibilities as specified in Section 400.9935, F.S., this requirement is met.

(c) Written policies, protocols, guidelines and procedures used or to be used by the facility staff in day-to-day operations. This includes, ~~but is not limited to~~ protocols for physician assistants and advanced registered nurse practitioners plus a copy of the supervision form submitted to the Department of Health by the physician supervisor.

New (3)(d) through (3)(s) No change.

Rulemaking Authority 400.9925, 408.806, 408.811, 408.819 FS. Law Implemented ~~120.542, 120.60(6),~~ 400.9905(5), ~~400.9915(3), 400.993(6),~~ 400.9935(1)(a)-(i), ~~400.9935(3), 400.995(1), (6), (8),~~ 408.806, 408.811 FS. History—New 8-28-06, Amended_____.

The following changes have been made to Health Care Licensing Application, Health Care Clinics, AHCA Form 3110-0013, July 2014:

Page 4

The definition of “nonimmigrant” in the form has been removed and replaced with a reference to 8 U.S.C. §1101.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: RULE TITLE:
61E14-2.001 Standards of Professional Conduct.

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40, No. 192, October 2, 2014, issue of the Florida Administrative Register and are in response to written comments submitted by the Joint Administrative Procedures Committee staff:

1. First paragraph shall end: “services.”

2. Paragraph (1)(a) shall read:

(a) “Licensee” means a person licensed pursuant to Sections 468.432(1) and (2), F.S.

3. Paragraph (1)(b) shall read:

(b) “Community Association Management Services” means performing any of the practices requiring specialized knowledge, judgment, and management skill as defined in Section 468.431(2), F.S.

4. Paragraph (1)(c) shall read:

(c) “Funds” as used in this rule includes money and negotiable instruments including checks, notes and securities.

5. Subsection (2) as adopted shall be deleted and shall now read:

(2) Professional Standards. During the performance of community association management services, a licensee shall do the following:

(a) Comply with the requirements of the governing documents by which a community association is created or operated.

(b) Only deposit or disburse funds received by the community association manager or management firm on behalf of the association for the specific purpose or purposes designated by the board of directors, community association management contract or the governing documents of the association.

(c) Perform all community association management services required by the licensee's contract to professional standards and to the standards established by Section 468.4334(1), F.S.

(d) In the event of a potential conflict of interest, provide full disclosure to the association and obtain authorization or approval.

6. Subsection (3) as adopted shall be deleted and shall now read:

(3) Records. During the performance of community association management services pursuant to a contract with a community association, a licensee shall not:

(a) Withhold possession of the association's official records, in violation of Section 718.111(12), 719.104(2) or 720.303(5), F.S., or original books, records, accounts, funds, or other property of a community association when requested by the association to deliver the same to the association upon reasonable notice. Reasonable notice shall extend no later than 10 business days after termination of any management or

employment agreement and receipt of a written request from the association. The manager may retain those records necessary for up to 20 days to complete an ending financial statement or report. Failure of the association to provide access or retention of accounting records to prepare the statement or report shall relieve the manager of any further responsibility or liability for preparation of the statement or report. The provisions of this rule apply regardless of any contractual or other dispute between the licensee and the association.

(b) Deny or delay access to association official records to an owner or his or her authorized representative who is entitled to access within the timeframe and under the procedures set out in Section 718.111(12), 719.104(2) or 720.303(5), F.S.

(c) Create false records or alter the official records of an association in violation of Section 718.111(12), 719.104(2) or 720.303(5), F.S., or of the licensee except in such cases where an alteration is permitted by law (e.g., the correction of minutes per direction given at a meeting at which the minutes are submitted for approval).

(d) Fail to maintain the records for a community association manager or management firm or the official records of any applicable association, as required by Section 718.111(12), 719.104(2) or 720.303(5), F.S.

7. Subsections (4) through (8) as adopted shall be deleted.

8. "Law Implemented" shall read: 468.431(2), 468.4315(2), 468.4334, 468.436 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Regulatory Council of Community Association Managers, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
65C-29.001 Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 40, No. 181, September 17, 2014 issue of the Florida Administrative Register has been withdrawn.

**Section IV
Emergency Rules**

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-75.003 Minimum Technical Qualification Standards by Type of Work

NOTICE IS HEREBY GIVEN that on December 11, 2014, the Department of Transportation, received a petition for Variance from Castle Bay Design Studio, LLC. The Petition seeks a variance of subparagraph 14-75.003(5)(m)2, F.A.C., which requires at least 5 years post-registration experience in landscape architecture projects for qualification in Standard Work Type 15.0, Landscape Architecture, based on Castle Bay Design Studio, LLC's landscape architects' 7 and 9 years of pre-registration experience respectively.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Patricia A. Parsons, Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458, trish.parsons@dot.state.fl.us.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 10, 2014, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from Sanna located in Bay Lake. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink in the second floor bar.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-20.0015 Application for Licensure by Endorsement
 NOTICE IS HEREBY GIVEN that on December 9, 2014, the Board of Professional Engineers received a petition for Variance or Waiver, filed by Louis M. Kneip. The Petitioner seeks the Variance or Waiver from subsection 61G15-20.0015(5), F.A.C., with respect to the requirement that each applicant for a Florida engineers license must demonstrate that the applicant meets the current criteria listed in Section 471.013, F.S., and the requirement that an applicant for licensure by endorsement who has an engineering equivalency to an EAC/ABET accredited has demonstrated substantial equivalency to an EAC/ABET accredited engineering program, as required by Rule 61G15-20.007, F.A.C., when such applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.

The Board will address this Petition at its next meeting.

Comments on this petition should be filed with the Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, at the above address or telephone: (850)521-0500.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.001 Licensure as a Physical Therapist by Examination
 The Board of Physical Therapy Practice hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Gavin Hammer, filed on July 18, 2013. The Notice of Petition for Variance or Waiver was published in Vol. 39, No. 141, of the July 22, 2013, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting held on August 9, 2013. The Petitioner sought a permanent variance or waiver of Rule 64B17-3.001, Florida Administrative Code, with regards to the requirement that foreign graduates receive a determination that their educational credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by a Board approved Credentialing Agency.

The Board's Order, filed on August 29, 2013, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the purpose of the underlying statute has been met by other

means, and that application of the rule would cause a substantial hardship and would violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.001 Licensure as a Physical Therapist by Examination
 The Board of Physical Therapy Practice hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Luiza Caparelli, filed on July 9, 2013. The Notice of Petition for Variance or Waiver was published in Vol. 39, No. 136, of the July 15, 2013, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting held on August 9, 2013. The Petitioner sought a variance or waiver of subparagraphs 64B17-3.001(3)(b)1.-3., F.A.C., which require foreign graduates to have received a determination that their educational credentials are equivalent to the education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy or other Board-approved credentialing agency.

The Board's Order, filed on August 29, 2013, denies the Petition for Variance or Waiver. Section 120.542, Florida Statutes, and Rule 28-104.001, Florida Administrative Code, only authorize the Board to grant a variance or wavier of the Board's rules, and do not allow the Board to waive a statutory requirement. Accordingly, the Board is without jurisdiction to grant the Petition for Variance or Waiver.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: RULE TITLE:

64B21-500.002 Application Form Required for Licensure
 NOTICE IS HEREBY GIVEN that on December 9, 2014, the Department of Health received a Petition for Variance from Luz Martha Callum seeking a variance of Rule 64B21-500.002 and subsection 64B21-500.011(4), F.A.C. Petitioner requests that the Department accept her documentation of supervised and general experience in school psychology due to the unavailability of former supervisors, and requests that the Department accept her original examination score because the scores are no longer retained by the exam provider.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice to: Office of School Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Elections

The Elections Canvassing Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 30, 2014, 9:00 a.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Elections Canvassing Commission will meet to certify the official results for the December 16, 2014 Special Primary Election for State House District 13 in accordance with Sections 100.101 and 100.141, Florida Statutes.

A copy of the agenda may be obtained by contacting: Kristi Bronson, (850)245-6240 or Kristi.bronson@dos.myflorida.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: Kristi Bronson, (850)245-6240 or Kristi.bronson@dos.myflorida.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).

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

The Criminal Justice Professionalism Division and the Officer Discipline Penalty Guidelines Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 21, 2015, 8:30 a.m. – Open

PLACE: Seminole State College, Sanford/Lake Mary Campus, 100 Weldon Boulevard, Room AT102, Automotive Building, Sanford, Florida 32773

GENERAL SUBJECT MATTER TO BE CONSIDERED: AMENDED – The Criminal Justice Standards and Training Commission Officer Discipline Penalty Guidelines Taskforce will discuss possible revisions to the officer discipline penalty guidelines in Rule Chapter 11B-27.

A copy of the agenda may be obtained by contacting: Stacy Lehman at (850)410-8645 or email: StacyLehman@fdle.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 14 days before the workshop/meeting by contacting: Stacy Lehman at (850)410-8645 or email: StacyLehman@fdle.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).

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, January 7, 2015; Thursday, January 8, 2015; Wednesday, January 14, 2015; Thursday, January 15, 2015; all times 9:00 a.m.

PLACE: Florida Commission on Offender Review, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850)488-1293.

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: Florida Commission on Offender Review at ada@fcor.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.

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The Comprehensive Economic Development Strategy (CEDS) Committee Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 8, 2015, 10:00 a.m. – 12:00 Noon

PLACE: City of Ft. Walton Beach, 107 Miracle Strip Parkway SW, Fort Walton Beach, FL 32548

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to review the final CEDS Update draft, any public comments received during the comment period, and to adopt the 2014 CEDS Update.

A copy of the agenda may be obtained by contacting: kate.daniel@wfrpc.org, 1(800)226-8914, ext. 245.

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: kate.daniel@wfrpc.org, 1(800)226-8914, ext. 245. 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: kate.daniel@wfrpc.org, 1(800)226-8914, ext. 245.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

The Board of Orthotists and Prosthetists announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 30, 2015, 9:00 a.m.

PLACE: Four Points by Sheraton Downtown, 316 West Tennessee Street, Tallahassee, Florida 32301, (850)422-0071

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Edith Rogers, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or by accessing the board's website at: <http://floridasorthotistsprosthetists.gov/meetinginformation/>

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: Edith Rogers at edith.rogers@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Edith Rogers at edith.rogers@flhealth.gov.

METRIC ENGINEERING, INC.

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

DATE AND TIME: Tuesday, January 6, 2015, 5:30 p.m. – 6:30 p.m., CST

PLACE: Hilton Garden Inn, 1144 Airport Boulevard, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public information meeting concerning the proposed development of an Action Plan for State Road (S.R.) 750 (Airport Boulevard) from S.R. 8A (I-110) to the Pensacola International Airport (North 12th Avenue) in Escambia County, Florida. The meeting will be held Tuesday, January 6, 2015 from 5:30 p.m. to 6:30 p.m. CST, at the Hilton Garden Inn, 1144 Airport Boulevard, Pensacola. There will be no formal presentation; however, an open house format with an informational video will be provided. The intent of this meeting will be to provide current information on the project process and schedule. Representatives from FDOT will be available to discuss the project, answer questions, and receive comments. The purpose of the Action Plan is to guide the development of a multi-modal transportation system that will serve the transportation needs of the corridor; provide for the efficient and effective movement of freight, and foster economic growth and development in the region. The plan will also seek enhancement of regional mobility, while minimizing other environmental impacts that might occur from roadway construction. The intent of the plan is to define and recommend improvements to bring S.R. 750 (Airport Boulevard) into compliance with the Strategic Intermodal System (SIS) Standards of the FDOT, as well as to analyze alternatives to preserve the traffic level of service in the study area through the year 2040.

State Road 750 (Airport Boulevard) is currently designated as a SIS Connector from I-110 to the Pensacola International Airport (North 12th Avenue). The alternatives have been analyzed and two recommendations are being considered. The first is to improve the infrastructure along the S.R. 750 corridor to be compliant with the Americans with Disabilities Act (ADA). The second is the reconstruction of the S.R. 750 corridor utilizing a raised median based on the Administrative Rules for an Access Class 5 roadway.

A copy of the agenda may be obtained by contacting: Victoria Wilson, FDOT Project Manager, toll-free at 1(888)638-0250, extension 1279 or by email: victoria.wilson@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 seven days before the workshop/meeting by contacting: Victoria Wilson, at the number listed above. 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: Victoria Wilson, FDOT Project Manager, toll-free at 1(888)638-0250, extension 1279 or by email: victoria.wilson@dot.state.fl.us.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received a Petition for Declaratory Statement from Steel Fabricators, LLC, on December 8, 2014. The petition seeks the agency's opinion as to the applicability of Part I of Chapter 489, Florida Statutes, as it applies to the petitioner.

The Petitioner seeks a declaratory statement as to whether licensure is required pursuant to Part I of Chapter 489, Florida Statutes, in order to perform structural steel and architecturally exposed structural steel work in Florida. 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: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

NOTICE IS HEREBY GIVEN that The Board of Physical Therapy Practice has declined to rule on the petition for declaratory statement filed by Brittany DeCroes, P.T. on February 14, 2014. The following is a summary of the agency's declination of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 40, No. 11, of the January 16, 2014, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting held on February 14, 2014. The Petitioner is requesting the Board's interpretation of Section 486.161(2)(b), Florida Statutes, regarding specific activities that could be performed during a conference and remain within the scope of the statutory exemption to requirements for licensure as a Physical Therapist in Florida. The Board's Order,

filed on March 5, 2014, declines to issue a Declaratory Statement. The Board determined that Petitioner has failed to provide sufficient facts regarding the activities to be performed such that the Board can make a fully informed decision. The cited statute, Section 486.161, Florida Statutes, may not be applicable, but rather Section 486.021(11), Florida Statutes may be more applicable to Petitioner's circumstances, as the Board understands them from the limited facts presented.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services (the "Department") has issued an Order disposing of the Petition for Declaratory Statement (the "Petition") filed by Anthony C. Apfelbeck, Fire Marshal/Building Official, City of Altamonte Springs (the "Petitioner") on September 22, 2014. The following is a summary of the Department's disposition of the Petition:

The Notice of Petition for Declaratory Statement was published October 10, 2014, in Vol. 40, No. 198 of the Florida Administrative Register.

The Petition seeks the Department's interpretation of subparagraph 69A-39.009(1)(b)1, Florida Administrative Code, as applied to certified Firesafety Inspectors who must comply with recertification requirements. It further seeks to clarify which courses and course content criteria qualify as meeting the requirements of "education or training related to the application of the Florida Fire Prevention Code" and the submission method to the State Fire Marshal Office for an instructor to ensure that a course meets the rule requirements.

The Petition was answered: Courses, workshops, or seminars that require research, interpretation and application of the FFPC including NFPA 1 and NFPA 101 with Florida specific amendments are within the recertification requirements. Submission methods for course approval include, registering the course in the electronic database, obtaining specific approval for courses that fulfill the requirements and indicating the specific hours applicable to the research, interpretation and application of the FFPC.

A copy of the Final Order Petition for Declaratory Statement may be obtained by contacting: Melissa E. Dembicer, Assistant General Counsel, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333 or by email: Melissa.dembicer@myfloridacfo.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF HEALTH

Board of Massage Therapy

Notice of Emergency Action

On December 16, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Jing Cai, L.M.T., License #: MA 73446. 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 (2013-2014). 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 Massage Therapy

Notice of Emergency Action

On December 16, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Yan Hong Liu, L.M.T., License #: MA 66299. 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 (2013-2014). 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 Massage Therapy

Notice of Emergency Action

On December 16, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Queen Spa, Inc., License #: MM 32546. 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 (2013-2014). 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

Notice of Emergency Action

On December 16, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Jared Duane Slay, R.N., License #: 9238696. 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 (2013-2014). 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

Notice of Emergency Action

On December 16, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Erich George Englmann, R.N., License #: RN 9324506. 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 (2013-2014). 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

Notice of Emergency Action

On December 16, 2014, the State Surgeon General issued an Order of Emergency Restriction of Certification with regard to the certificate of Heather L. Ferguson, C.N.A., Certification #: CNA 284997. 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 (2013-2014). 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 Pharmacy

Notice of Emergency Action

On December 16, 2014, State Surgeon General issued an Order of Emergency Suspension of Registration with regard to the

registration of Wendy Rosario, R.P.T., Registration #: RPT 19845. 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 (2013-2014). 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 Pharmacy

Notice of Emergency Action

On December 16, 2014, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Treshena L. Dixon, R.Ph., C.Ph., License #: PS 3057, PU 6018. 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 subsections 456.073(8) and 120.60(6), Florida Statutes (2013-2014). 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.
