

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Corporations

RULE NOS.:	RULE TITLES:
1N-5.001	Definitions
1N-5.002	Notary's Electronic Signature

PURPOSE AND EFFECT: In 2007 the Legislature initiated electronic notarization in Florida by enacting Chapter 2007-257, Laws of Florida. This was codified as Section 117.021, Florida Statutes. Subsection (5) of this Section authorizes the Department of State to adopt rules to insure security, reliability, and uniformity of signatures and seals to be utilized in the electronic notarization process. This rule establishes the manner in which a signature and a seal must be electronically affixed and the assurance level of security needed to insure reliability and uniformity. The law and the rule do not assign any regulatory responsibilities on the Department. The rule establishes a mechanism by which a duly commissioned notary public is enabled to notarize documents electronically in a secure, reliable, and uniform manner.

SUBJECT AREA TO BE ADDRESSED: Electronic Notarization.

RULEMAKING AUTHORITY: 117.021(5) FS.

LAW IMPLEMENTED: 117.021 FS.

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

DATE AND TIME: August 28, 2009, if requested. Please referred to the Department's website at www.dos.state.fl.us for notice of cancellation

PLACE: Auditorium, R. A. Building, 500 South Bronough Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jay Kassees, Director, Division of Corporations; Executive Center Circle, Tallahassee, Florida 32301; (850)245-6000. 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: Jay Kassees, Director, Division of Corporations, Executive Center Circle, Tallahassee, Florida 32301; (850)245-6000

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.004	Voting Machine Equipment Regulation/Purchase, Use and Sale

PURPOSE AND EFFECT: Last amended in 1986, the rule is out of sync with current practices and procedures governing procurement, use and routine assessment of voting systems and equipment. The proposed revision establishes procedures for purchasing, selling, using, and assessing voting equipment and systems.

SUBJECT AREA TO BE ADDRESSED: Procurement, Use and Assessment of Voting Systems and Equipment.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 101.293, 101.294 FS.

LAW IMPLEMENTED: 101.292, 101.293, 101.294, 101.294, 101.015, 101.5604 FS.

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

DATE AND TIME: August 31, 2009, 1:00 p.m.

PLACE: Florida Department of State, Room 307, R. A. Gray Building, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Administrative Assistant, Florida Department of State, nlshotwell@dos.state.fl.us; (850)245-6536. 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: Maria Matthews, Assistant General Counsel, Florida Department of State, Office of General Counsel, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399; mimatthews@dos.state.fl.us; (850)245-6536

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.041	FVRS Address and Records Maintenance

PURPOSE AND EFFECT: This is the third workshop scheduled this yet to vet proposed rule language that codifies a number of practices and procedures as pertains to statutory requirements to conduct address list maintenance and voter registration records maintenance. These proposed uniform procedures are for the purpose of ensuring that the official list of registered voters in the Florida Voter Registration System is accurate and and current as to the addresses and eligibility of registered voters.

SUBJECT AREA TO BE ADDRESSED: FVRS Address Eligibility REcords Maintenance Activities.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 98.015(10), 98.015(11), 98.015(12), 98.035(5), 98.0655, 98.075(1) FS.

LAW IMPLEMENTED: 98.035, 98.065, 98.0655, 98.075 FS. A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 31, 2009, 1:00 p.m. PLACE: Florida Department of State, R. A. Gray Building, 307 Room, 500 S. Bronough Street, Tallahassee, Florida 32399 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, Florida Department of State at nlshotwell@dos.state.fl.us or (850)245-6536. 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: Maria Matthews, Assistant General Counsel, Office of the General Counsel, Florida Department of State, mimatthews@dos.state.fl.us or (850)245-6536

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.043 RULE TITLE: Electronic Reporting of Voting Activity, Voter Information and Election Results

PURPOSE AND EFFECT: The primary purpose of the proposed rule is to codify in current practices and practices that relate to uniform electrThe primary purpose of the proposed rule is to codify in current practices and procedures that relate

to uniform electronic format, procedures and timelines for statutorily required reports on data relating to absentee ballot request information, voting history, voter information and precinct-level election results. These reports are mandated by provisions adopted in 2005 (ch. 2005-277 and 2005-278, Laws of Florida), in 2007 (ch. 2007-30, Laws of Florida, and in 2008 (ch. 2008-95, Laws of Florida) and involve primarily data captured at the local level and transferred from the Supervisor of Elections to the Division of Elections. One report pertains to a legislative report to be compiled by the Division of Elections for the Florida Legislature. The proposed rule incorporates only one form by reference (DS-DE #70) which is an application that is necessary to obtain a password to access absentee ballot request information whose access is limited by law only to certain authorized personnel. This is the second workshop scheduled this year for this rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule establishes content and format requirements for reporting precinct-level elections results, voting history and voter information.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS.

LAW IMPLEMENTED: 98.0981, 101.62, 101.657, 102.141 FS.

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

DATE AND TIME: August 31, 2009, 1:00 p.m. PLACE: Florida Department of State, R. A. Gray Building, 307 Room, 500 S. Bronough Street, Tallahassee, Florida 32399 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Administrative Assistant, Department of State, Office of General Counsel, (850)245-6536; e-mail: nlshotwell@dos.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6536; mimatthews@dos.state.fl.us

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-6.001	Purpose
5I-6.002	Approved Best Management Practices BMPs
5I-6.003	Presumption of Compliance
5I-6.004	Notice of Intent to Implement
5I-6.005	Record Keeping

PURPOSE AND EFFECT: The purpose of these rule amendments is to make technical revisions to the rules and to incorporate the 2008 revisions to the Silviculture BMP manual which include the following amendments:

- (1) New Best Management Practices (BMP) for Mat (Shovel Logging) in wetlands.
- (2) Updated information on seeding rates for vegetative stabilization.
- (3) Provide a current list of special waterbodies in Florida as obtained from the Florida Department of Environmental Protection (i.e. Outstanding Florida Waters, Outstanding National Resource Waters, and Class I Waters).

SUBJECT AREA TO BE ADDRESSED: The subject area for this rule amendment is the adoption of the 2008 revision to the Silviculture BMP Manual.

RULEMAKING AUTHORITY: 403.067(7)(c)2., 570.07(23) FS.

LAW IMPLEMENTED: 403.067(7)(c), 589.04(1)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeffery L. Vowell, Florida Division of Forestry, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, Telephone (850)414-9969

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.0943	Statewide Assessment for Students with Disabilities

PURPOSE AND EFFECT: The purpose of this rule development is to update statutory references, update procedures related to the administration of statewide assessments for students with disabilities, revise criteria related to participation in statewide alternate assessment, and establish procedures for exemption from participation in the statewide

assessment when extraordinary circumstances occur. The effect will be a rule that reflects current statutory citations, updated assessment procedures, criteria for use by district staff to determine students for whom the alternate assessment is the appropriate statewide assessment, and specific procedures to exempt a student from participation in statewide assessment in the event of extraordinary circumstances.

SUBJECT AREA TO BE ADDRESSED: Participation in statewide assessment for students with disabilities to include the provision of accommodations, criteria for determining participation in the statewide alternate assessment, procedures for requesting a special exemption from the Commissioner of Education for participation in the statewide assessment when extraordinary circumstances occur.

RULEMAKING AUTHORITY: 1003.428(5), 1003.43(8), 1008.22(3), (11) FS.

LAW IMPLEMENTED: 1003.428(5), 1003.43(8), 1008.22(3), (11) FS.

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

DATE AND TIME: August 28, 2009, 3:00 p.m.

PLACE: Via conference call at (866)372-5781, Conference Code 21589175; Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 605, Tallahassee Florida, at the time provided above

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, FL 32399; (850)245-0475. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6A-1.0943 follows. See Florida Administrative Code for present text.)

6A-1.0943 Statewide Assessment for Students with Disabilities.

(1) The Department of Education shall assure the participation of students with disabilities as defined by Section 1003.01(3)(a), F.S., or subsection 6A-19.001(6), F.A.C., in the statewide assessment program, develop the test instruments required herein and provide technical assistance to school districts in the implementation of the requirements of this rule including appropriate accommodations for students participating in statewide assessment procedures as required by Sections 1008.22(3)(c)6., 1003.428(5), and 1003.43(8), F.S.

(2) All students with disabilities will participate in the statewide student achievement testing program based on state standards, pursuant to Rule 6A-1.09401, F.A.C., without accommodations unless the individual educational plan (IEP) team or team that develops the plan required under Section 504 of the Rehabilitation Act determines and documents that:

(a) The student requires allowable accommodations during instruction and for participation in the statewide student achievement testing program; or

(b) The student meets the criteria for participating in the statewide alternate assessment described in subsection (4) of this rule.

(3) Provision of accommodations for students with disabilities participating in the statewide student achievement testing program.

(a) Each school board shall utilize appropriate and allowable accommodations to the statewide assessment instruments and procedures, within the limits prescribed herein and current state test administration manuals, published by the Florida Department of Education, Office of Assessment. Accommodations are defined as adjustments to the presentation of the assessment questions, method of recording examinee responses to the questions, schedule for administration of the assessment to include amount of time for administration, setting for administration of the assessment, or use of assistive technology/devices to facilitate the student's participation in the assessment. Statewide assessment accommodations may be used only if they do not alter the underlying content that is being measured by the assessment or negatively affect the assessment's reliability or validity. Within the limits specified in this rule, allowable assessment accommodations are based on those current instructional accommodations and accessible instructional materials used by the student in the classroom.

(b) The accommodations described in paragraph (3)(a) of this rule are authorized for any student who has been determined to be an eligible student with disabilities pursuant to Section 1003.01(3)(a), F.S., and Rule 6A-6.0331, F.A.C., and has a current IEP, or who has been determined to be a student with a disability pursuant to subsection 6A-19.001(6), F.A.C. The accommodations must be identified on the student's IEP or plan developed under Section 504 of the Rehabilitation Act.

(c) The need for any unique accommodations for use on state assessments not outlined in the state's test administration manual published by the Florida Department of Education, Office of Assessment, must be approved by the Commissioner of Education.

(d) District personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a

particular response. In no case shall the accommodations authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(e) Students with disabilities who are not currently enrolled in public schools or receiving services through public school programs and require accommodations in order to participate in the statewide student achievement testing program may have access to accommodations identified in paragraph (3)(a) of this rule if the following information is provided:

1. Evidence that the student has been found eligible as a student with a disability as defined by Section 1003.01(3)(a), F.S., or subsection 6A-19.001(6), F.A.C.; and,

2. Documentation that the requested accommodations are regularly used for instruction.

(4) The decision for a student to participate in the statewide alternate assessment based on alternate achievement standards is made by the IEP team and recorded on the IEP. Students will participate in the statewide alternate assessment based on alternate achievement standards if all of the following criteria are met:

(a) The student is unable to master the grade-level general state standards pursuant to Rule 6A-1.09041, F.A.C., as a result of the student's intellectual disability, even with appropriate and allowable instructional accommodations, assistive technology, and accessible instructional materials;

(b) The student is participating in a modified curriculum based on competencies in the general state standards access points, pursuant to Rule 6A-1.09401, F.A.C., for all academic areas; and

(c) The student requires direct instruction in academics based on access points, pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

(5) A student with a disability may be eligible for consideration of a special exemption from the graduation test requirement under extraordinary circumstances that create a situation where the results of administration of the graduation test would reflect a student's impaired sensory, manual, or speaking skills rather than the student's achievement, if they meet the requirements pursuant to Rule 6A-1.09431, F.A.C.

(6) Pursuant to Section 1008.22(3)(c)6., F.S., a student with a disability, as defined in Section 1003.01(3)(a), F.S., may be eligible for consideration of a special exemption from participation in the statewide student achievement testing program under extraordinary circumstances that create a situation where the results of administration of the assessment would reflect a student's impaired sensory, manual, or speaking skills rather than the student's achievement upon approval of the Commissioner. The procedure for consideration of this special exemption must originate with receipt of a written request from the district school superintendent by the end of the semester prior to the

assessment administration window. The Commissioner shall determine whether the exemption shall be granted based upon the documentation provided by the district school superintendent which shall include:

(a) Written description of the student’s disabling condition, including a specific description of the student’s impaired sensory, manual or speaking skills and the extraordinary circumstances for the exemption request;

(b) Written documentation of the most recent evaluation data and psychological reports;

(c) Written description of the disability’s effect on the student’s achievement;

(d) Written evidence that the student has had the opportunity to learn the skills being tested; and,

(e) Written evidence that the manifestation of the student’s disability prohibits the student from responding to the test even when appropriate accommodations are provided so that the result of the testing reflects the student’s impaired sensory, manual or speaking skills rather than the student’s achievement.

This determination must be submitted annually and approved by the Commissioner.

(7) Only students who participate in the statewide general assessment will be eligible for a standard high school diploma, except as described in subsection (5) of this rule.

(8) The test scores of students with disabilities, as defined in Section 1003.01(3)(a), F.S., and Rule 6A-19.001, F.A.C., will be included in the state’s accountability system as determined by the Commissioner of Education.

Rulemaking Specific Authority 1003.428(5), 1003.43(8), 1008.22(3), (11) 229.57, 232.246 FS. Law Implemented 1003.428(5), 1003.43(8), 1008.22(3) 229.57 FS. History—New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90, 9-17-01,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099811 **RULE TITLE:** Differentiated Accountability State System of School Improvement

PURPOSE AND EFFECT: The purpose of this rule development is to further define the Differentiated Accountability State System of School Improvement, including but not limited to, categorization of schools, level of assistance provided to schools, and the support systems and strategies to be implemented by schools and districts. The effect is to ensure all Florida schools are monitored and assisted by the district and state in compliance with the law with the common mission of raising student achievement and promoting continuous improvement.

SUBJECT AREA TO BE ADDRESSED: Differentiated Accountability State System of School Improvement implementation.

RULEMAKING AUTHORITY: 1008.33 FS.

LAW IMPLEMENTED: 1008.33 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: August 31, 2009, 12:00 Noon – 3:00 p.m.; September 1, 2009, 9:00 a.m. – 12:00 Noon; September 3, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: August 31st, Hillsborough Community College, Dale Mabry Campus, Student Services Building #113, Rooms 108-110, 4001 Tampa Bay Blvd., Tampa, FL 33614. September 1st, Miami-Dade College, Wolfson Campus, Building 2000, Room 2106, 300 N.E. 2nd Avenue, Miami, FL 33132. September 3rd, Florida Department of Education, Turlington Building, 325 West Gaines St., Room 1721/25, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nikolai Vitti, Deputy Chancellor for School Improvement and Student Achievement, Division of Public Schools, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400; (850)245-0509

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.03012	Exceptional Education Eligibility for Students with Speech Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Speech Services
6A-6.030121	Exceptional Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services

PURPOSE AND EFFECT: The purpose of this rule development is to revise Rule 6A-6.03012, F.A.C., to address evaluation and eligibility procedures for students suspected of having a speech impairment; revise procedures consistent with current practices in the field; and clarify the responsibilities and qualifications for speech-language pathologists providing speech services and to establish new Rule 6A-6.030121, F.A.C., to address evaluation and eligibility procedures for students suspected of having a language impairment; establish procedures consistent with current practices in the field; and clarify the responsibilities and qualifications for speech-language pathologists providing language services. The

effect will be rules that reflect current practices in the field of speech/language pathology to improve identification of, and services to, students in need of exceptional education services. SUBJECT AREA TO BE ADDRESSED: Definitions, general education activities and intervention, evaluation and eligibility criteria for students suspected of having a speech or language impairment; responsibilities of the speech-language pathologist related to eligibility and individual educational plan meetings; qualifications for speech-language pathologists; requirements for districts when services are provided by a speech-language associate.

RULEMAKING AUTHORITY: 1003.01(3), 1003.57, 1012.44 FS.

LAW IMPLEMENTED: 1003.01(3), 1003.57, 1012.44 FS.

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

DATE AND TIME: August 31, 2009, 3:00 p.m. – 4:45 p.m.

PLACE: Via conference call – (866)372-5781, Conference Code 21588745; Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 605, Tallahassee, Florida at the time provided above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Division of Public Schools, 325 West Gaines Street, Suite 614, Tallahassee, FL 32399; (850)245-0475

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6A-6.03012 follows. See Florida Administrative Code for present text.)

6A-6.03012 Exceptional Education Eligibility for Students with Speech Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Speech Services.

(1) Definitions. Speech impairments are defined as disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance and/or functioning in the educational environment, and result in the need for exceptional student education services.

(a) Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, and/or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

1. Phonological disorder. A phonological disorder is impairment in the system of phonemes and phoneme patterns within the context of spoken language.

2. Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

(b) Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, and/or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

(c) Voice disorder. A voice disorder is characterized by the atypical production and/or absence of vocal quality, pitch, loudness, resonance, and/or duration of phonation that are not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

(2) General education procedures and activities. Prior to referral for evaluation, the requirements in subsection (1) of Rule 6A-6.0331, F.A.C., related to general education procedures for kindergarten through grade twelve (12) students, and subsection (2) of Rule 6A-6.0331, F.A.C., related to procedures prior to initial evaluation for prekindergarten children, must be met.

(3) Evaluation. In addition to the procedures identified in subsection (5) of Rule 6A-6.0331, F.A.C., the minimum student evaluation shall include all of the following:

(a) Speech evaluation. A speech sound evaluation must include all of the following:

1. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods including interviews, checklists, and/or questionnaires;

2. Documented and dated observation(s) of the student's speech characteristics must be conducted by the speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion;

3. An examination of the oral mechanism structure and function must be conducted; and,

4. One or more standardized, norm-referenced instruments designed to measure speech sound production must be administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) and/or phonological (phonemic) in nature.

(b) Fluency evaluation. A fluency evaluation must reflect a multidimensional process and must include all of the following:

1. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, to address the areas identified in subparagraph

(3)(b)4. of this rule. This may be completed through a variety of methods including interviews, checklists, and/or questionnaires;

2. Documented and dated observations of the student's speech and secondary behaviors must be conducted by the speech-language pathologist in more than one setting, including the typical learning environment. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subparagraph (3)(b)4. of this rule;

3. An examination of the oral mechanism structure and function must be conducted;

4. An assessment of all of the following areas:

- a. Motor aspects of the speech behaviors;
- b. Student's attitude regarding the speech behaviors;
- c. Social impact of the speech behaviors; and,
- d. Educational impact of the speech behaviors.

5. A speech sample of a minimum of 300-500 words must be collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300-500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

(c) Voice evaluation. A voice evaluation must include all of the following:

1. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods including interviews, checklists, and/or questionnaires;

2. Documented and dated observation(s) of the student's voice characteristics must be conducted by the speech-language pathologist in more than one setting, including the typical learning environment. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion;

3. An examination of the oral mechanism structure and function must be conducted; and,

4. A report of a medical examination of laryngeal structure and function conducted by a physician licensed to practice in Florida, to include a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

(4) Criteria for eligibility. A student is eligible as a student with a speech impairment in need of exceptional student education if the student meets the following criteria in one or more of the following disorders as determined by the procedures prescribed in this rule and Rule 6A-6.0331, F.A.C.

(a) Speech sound disorder. A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological and/or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, and/or omissions. Evaluation results must reveal all of the following:

1. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts;

2. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data;

3. The speech sound disorder must have an adverse effect on the student's ability to achieve and/or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education services; and,

4. The speech sound disorder is not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

(b) Fluency disorder. A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

1. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables and phonemes, prolongations, blocks, and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present;

2. The fluency disorder must have an adverse effect on the student's ability to achieve and/or function in the educational environment, thereby demonstrating the need for exceptional student education services; and,

3. The dysfluency is not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

(c) Voice disorder. A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

1. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, and/or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, and/or harshness;

2. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's

ability to achieve and/or function in the educational environment and is amenable to improvement with therapeutic intervention;

3. The voice disorder must have an adverse effect on the student's ability to achieve and/or function in the educational environment, thereby demonstrating the need for exceptional student education services; and,

4. The atypical voice characteristics are not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

(5) Speech services.

(a) A speech-language pathologist shall be a member of any eligibility staffing committee reviewing speech evaluation data.

(b) A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a related service for an otherwise eligible student with a disability.

(c) Speech services shall be provided by a speech-language pathologist, pursuant to Rule 6A-4.0176, F.A.C., a licensed speech-language pathologist pursuant to Section 468.1185, Florida Statutes, or a speech-language associate, pursuant to Rule 6A-4.01761, F.A.C.

(d) Speech-language associate.

1. Speech services provided by a speech-language associate, as specified in Rule 6A-4.01761, F.A.C., must be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher. Services can be provided for a period of three (3) years as described in Section 1012.44, Florida Statutes, in districts that qualify for the sparsity supplement as described in Section 1011.62(7), Florida Statutes.

2. Districts shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:

a. The model, specifying the type and amount of direction including, direct observation, support, training, and instruction;

b. The rationale for using this model;

c. The manner in which the associate will be required to demonstrate competency;

d. The process for monitoring the quality of services;

e. The process for measuring student progress; and

f. The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel.

Rulemaking Specific Authority 1003.01(3), 1003.57(1)(e), 1012.44 FS. Law Implemented 1003.01(3), 1003.57(1)(e), 1012.44 FS. History--New 7-1-77, Amended 7-13-83, Formerly 6A-6.3012, Amended 8-1-88, 9-17-01, _____.

6A-6.030121 Exceptional Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services.

(1) Definition. Language impairments are defined as disorders of language that interfere with communication, adversely affect performance and/or functioning in the student's typical learning environment, and result in the need for exceptional student education services.

(a) A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken and/or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the rules that govern the sound combinations;

2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms;

3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence;

4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences; and/or

5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

(b) The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, and/or spelling. A language impairment is not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

(2) Procedures prior to initial evaluation for prekindergarten children. Prior to initial evaluation, the requirements in subsection 6A-6.0331(2), F.A.C., must be met.

(3) Evaluation procedures for children in prekindergarten. In addition to the procedures identified in subsection (5) of Rule 6A-6.0331, F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

(a) Information gathered from the child's parent(s) or guardian(s) and others as appropriate, such as teacher(s), service providers, and caregivers regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, and/or questionnaires;

(b) One or more documented and dated observation(s) of the child's language skills must be conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age; and,

(c) One or more standardized norm-referenced instruments designed to measure language skills must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

(4) Criteria for eligibility for prekindergarten children. A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

(a) There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

1. Listening comprehension;
2. Oral expression;
3. Social interaction; or
4. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts).

(b) One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance and/or functioning in the typical learning environment;

(c) Results of standardized norm-referenced instrument(s) reveal a significant language deficit in one or more of the areas listed in paragraph (1)(a) of this rule, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in paragraph (1)(a) of this rule. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes;

(d) Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, and/or caregivers must support the results of the standardized instruments and observations conducted;

(e) The language impairment must have an adverse effect on the student's ability to achieve and/or function in the typical learning environment, thereby demonstrating the need for exceptional student education services; and,

(f) The language impairment is not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

(5) General education intervention procedures and activities for students in kindergarten through grade twelve. In addition to the requirements in Rule 6A-6.0331, F.A.C., and in order to ensure that the decreased performance and/or

functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, a group of qualified professionals must consider:

(a) Data that demonstrate that the student was provided well-delivered scientific, research based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and

(b) Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance and/or functioning at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

(c) General education activities and interventions conducted prior to initial evaluation in accordance with subsection (1) of Rule 6A-6.0331, F.A.C., may be used to satisfy the requirements of subsection (5) of this rule.

(6) Evaluation procedures for students in kindergarten through grade twelve.

(a) The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs exceptional student education services in the following circumstances:

1. Prior to obtaining consent for evaluation, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or

2. Prior to obtaining consent for evaluation, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of exceptional student education services; and

3. Whenever a referral is made to conduct an evaluation to determine the student's need for exceptional student education services and the existence of a disability.

(b) In addition to the procedures identified in subsection (5) of Rule 6A-6.0331, F.A.C., minimum student evaluation shall include all of the following:

1. Information gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and a description of language skills. This may be completed through a variety of methods, including interviews, checklists, and/or questionnaires;

2. Documented and dated observation(s) of the student's language skills must be conducted by the speech-language pathologist in one or more setting(s);

3. One or more standardized norm-referenced instruments designed to measure language skills must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the

rationale for use of an alternative instrument, the results obtained, and the basis for recommendations. With the exception of the observation required by sub-subparagraph (7)(a)3.d. of this rule, if any of these evaluation components were conducted prior to obtaining consent for evaluation, they may be used to meet these criteria.

(7) Criteria for eligibility for students in kindergarten through grade twelve. A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

(a) Evidence of a language impairment. The student's parent(s) or guardian(s) and a group of qualified personnel may determine that a student has a language impairment if there is evidence of each of the following:

1. Due to deficits in the student's language skills, the student does not achieve and/or function adequately for the student's chronological age or to meet state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

- a. Oral expression;
- b. Listening comprehension;
- c. Social interaction;
- d. Written expression;
- e. Phonological processing; or,
- f. Reading comprehension.

2. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in subparagraph (7)(a)1. of this rule when using a process based on the student's response to scientific, research-based intervention;

3. Evidence of a language impairment is documented, based on a comprehensive language evaluation, including all evaluation components as specified in paragraph (6)(b) of this rule. Evaluation results must reveal all of the following:

a. Documented and dated observations reveal significant language deficits that interfere with performance and/or functioning in the educational environment;

b. Results of standardized norm-referenced instrument(s) reveal a significant language deficit in one or more of the areas listed in paragraph (1)(a) of this rule, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in paragraph (1)(a) of this rule. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes;

c. Information gathered from the student's parent(s) or guardian(s), teacher(s), and the student must support the results of the standardized instruments and observations conducted; and,

d. When a language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s), the language impairment may be established through the results of subparagraphs (6)(b)1. and 2. of this rule, and at least one additional observation conducted by the speech-language pathologist subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or guardian(s), teacher(s), and the student must support the results of the observation(s) conducted; and,

4. The group determines that its findings under paragraph (7)(a) of this rule are not primarily the result of factors related to age, gender, culture, ethnicity, or limited English proficiency.

(b) Members of the group determining eligibility. The determination of whether a student suspected of having a language impairment is a student who demonstrates a need for exceptional student education services and meets the eligibility criteria must be made by the student's parent(s) or guardian(s) and a team of qualified professionals, which, in addition to those required by Rule 6A-6.0331, must include, the following:

1. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age; and,

2. A speech-language pathologist and other professionals, as appropriate, such as a school psychologist or reading specialist, qualified to conduct and interpret individual diagnostic examinations of students; and,

3. The district administrator of exceptional student education or designee.

(8) Documentation of determination of eligibility. For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

(a) The basis for making the determination, including an assurance that the determination has been made in accordance with subsection (6) of Rule 6A-6.0331, F.A.C.;

(b) Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning;

(c) The educationally relevant medical findings, if any;

(d) Whether the student has a language impairment as evidenced by response to intervention data confirming the following:

1. Performance and/or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, in level of performance and/or functioning based on multiple sources of data when compared to multiple groups of typical peers or expectations at the peer subgroup, classroom, school, district, and/or state level comparison groups; and,

2. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled; and,

3. Educational need. The student continues to need interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education services due to the adverse effect of the language impairment on the student's ability to achieve and/or function in the educational environment.

(e) The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance and/or functioning; and,

(f) Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions including:

1. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected; and,

2. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance and/or functioning data that would be collected and the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

(9) Language services.

(a) A speech-language pathologist shall be a member of any eligibility staffing committee reviewing language evaluation data.

(b) A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for language services, whether as special education or as a related service for an otherwise eligible student with a disability.

(c) Language services shall be provided by a speech-language pathologist, pursuant to Rule 6A-4.0176, F.A.C., a licensed speech-language pathologist pursuant to Section 468.1185, Florida Statutes, or a speech-language associate, pursuant to Rule 6A-4.01761, F.A.C.

(d) Speech-language associate.

1. Language services provided by a speech-language associate, as specified in Rule 6A-4.01761, F.A.C., must be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher. Services under this subsection can be provided for a period of three (3) years as described in Section 1012.44, Florida Statutes, in districts that qualify for the sparsity supplement as described in Section 1011.62(7), Florida Statutes.

2. Districts shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:

a. The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction;

b. The rationale for using this model;

c. The manner in which the associate will be required to demonstrate competency;

d. The process for monitoring the quality of services;

e. The process for measuring student progress; and,

f. The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel.

Rulemaking Authority 1003.01(3), 1003.57, 1012.44 FS. Law Implemented 1003.01(3), 1003.57, 1012.44 FS. History—New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.03013	Exceptional Student Educational Eligibility for Students who Are Deaf or Hard-of-Hearing
6A-6.030151	Exceptional Student Education Eligibility for Students with Orthopedic Impairment
6A-6.030152	Exceptional Student Education Eligibility for Students with Other Health Impairment
6A-6.030153	Exceptional Student Education Eligibility for Students Students with Traumatic Brain Injury

- 6A-6.03016 Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities
- 6A-6.03022 Special Programs for Students who are Dual-Sensory Impaired
- 6A-6.03023 Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder
- 6A-6.03027 Special Programs for Children Three Through Five Years Old who are Developmentally Delayed
- 6A-6.03028 Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities
- 6A-6.0331 General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services

PURPOSE AND EFFECT: The purpose of rule development for Rules 6A-6.03013, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03023, F.A.C., is to conform cross references to rules that have been recently revised and to include content related to evaluation procedures that are currently included in the ESE Policies and Procedures document in accordance with Rule 6A-6.03411, F.A.C. The effect will be rules that include applicable cross references, and improved access to information on the required content of evaluations for school district personnel and families. The purpose of rule development for Rule 6A-6.03022, F.A.C., is to conform cross references to a rule that has recently been revised and to delete a section of rule related to a funding methodology that is now obsolete. The effect will be a rule that includes applicable cross references and accurate content. The purpose of rule development for Rule 6A-6.03027, F.A.C., is to align requirements for general education interventions and activities prior to evaluation with Rule 6A-6.0331, F.A.C., which was recently revised. The effect will be the consistent alignment of requirements across these two rules. The purpose of rule development for Rule 6A-6.03028, F.A.C., is to change the requirement related to when an individual educational plan (IEP) team must give consideration to a student’s need for information and instruction in the area of self determination from age 16 to age 14. The effect will be earlier consideration of the student’s needs for skills that will support active participation in the development of the student’s IEP. The purpose of rule development for Rule 6A-6.0331, F.A.C., is to include a recent change in the Individuals with Disabilities Education Act (IDEA) with regard to revocation of parent consent. The effect will be policies and procedures that align with the requirements of IDEA.

SUBJECT AREA TO BE ADDRESSED: Evaluation procedures for students being determined as eligible students who are deaf or hard-of-hearing, orthopedically impaired, other health impaired, traumatic brain injured, emotionally/behaviorally disabled, or having an autism spectrum disorder; general education interventions and procedures prior to evaluation for children three through five years of age who are suspected of being developmentally delayed; reevaluation procedures for students with dual sensory impairment and obsolete funding methodology; requirements for consideration of instruction in self determination by IEP teams; and, revocation of parental consent.

RULEMAKING AUTHORITY: 1003.01, 1003.57, 1003.571 FS.

LAW IMPLEMENTED: 1003.01, 1003.57, 1003.571 FS.

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

DATE AND TIME: September 2, 2009, 3:00 p.m.

PLACE: Via conference call: (866)372-5781; Conference ID #21683908. Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 605, Tallahassee, Florida, at the time provided above

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399; (850)245-0475. WRITTEN COMMENTS WILL BE ACCEPTED THROUGH SEPTEMBER 4, 2009

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.03013 Exceptional Student Educational Eligibility for Students who are Deaf or Hard-of-Hearing.

(1) No change.

(2) General education interventions and activities. ~~Activities prior to referral.~~ Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions of subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include all of the following: a student must also include the procedures identified in the district’s Policy and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.

(a) Audiological evaluation;

(b) Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses;

(c) Evaluation of social development;

(d) Evaluation of receptive and expressive communication; and.

(e) A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven.

(4)(a) No change.

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

(5) Reevaluation shall occur at least every three (3) years and shall include at a minimum an audiological evaluation, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with subsection (3) of this rule.

~~(6)(5)~~ A screening for Usher's Syndrome shall be administered to each student who is deaf or hard-of-hearing at least once during grades 6-12.

Rulemaking Specific Authority 1000.01, 1001.42(4)(l)(+), 1003.01, 1003.57 FS. Law Implemented 1000.01, 1001.42(4)(l)(+), 1003.01, 1003.21, 1003.57(5), 1011.62(1)(c) FS. History--New 7-1-77, Amended 9-11-84, Formerly 6A-6.3013, Amended 7-1-94, 7-1-07, _____.

6A-6.030151 Exceptional Student Education Eligibility for Students ~~Who are Physically Impaired~~ with Orthopedic Impairment.

(1) Definition. Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g. including but not limited to skeletal deformity or spina bifida), and impairments resulting from other causes (e.g., including but not limited to cerebral palsy or amputations).

(2) General education interventions and activities. ~~Activities prior to referral.~~ Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include all of the following: a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.

(a) A report of a medical examination, within the previous twelve-month (12) period, from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, Florida Statutes, who is qualified to assess the student's orthopedic impairment. The physician's report must provide a description of the impairment and any medical implications for instruction; and.

(b) An educational evaluation that identifies educational and environmental needs of the student.

(4) Criteria for eligibility. A student with an orthopedic impairment is eligible for exceptional student education, if the following criteria are met:

(a) Evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills, and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

Rulemaking Specific Authority 1001.02(1), 1003.01, 1003.57(1)(e) FS. Law Implemented 1001.03, 1003.01(3), 1003.21(1), 1003.57(1)(e), 1011.62 FS. History--New 7-1-07, Amended _____.

6A-6.030152 Exceptional Student Education Eligibility for Students ~~Who are Physically Impaired~~ with Other Health Impairment.

(1) Definition. Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

(2) General education interventions and activities. ~~Activities prior to referral.~~ Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include all of the following: a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.

(a) A report of a medical examination, within the previous twelve-month (12) period, from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, Florida Statutes, who is qualified to assess the student's health impairment. The physician's report must provide a description of the impairment and any medical implications for instruction; and.

(b) An educational evaluation that identifies educational and environmental needs of the student.

(4) Criteria for eligibility. A student with ~~other another~~ health impairment is eligible for exceptional student education if the following criteria are met:

(a) Evidence of an other another health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment, and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

Rulemaking Specific Authority 1001.02(1), 1003.01, 1003.57(1)(e) FS. Law Implemented 1001.03, 1003.01(3), 1003.21(1), 1003.57(1)(e), 1011.62 FS. History–New 7-1-07, Amended _____.

6A-6.030153 Exceptional Student Education Eligibility for Students ~~Who Are Physically Impaired~~ with Traumatic Brain Injury.

(1) Definition. A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe, open or closed head injuries resulting in impairments in one (1) or more areas such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

(2) General education interventions and activities. ~~Activities prior to referral.~~ Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(5)(4), F.A.C., the evaluation for determining eligibility shall include at a minimum the components identified in paragraphs (3)(a)-(c) of this rule; ~~a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.~~

(a) A report of medical examination, within the previous twelve-month (12) period from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, Florida Statutes, who is qualified to assess the student's traumatic brain injury. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction;

(b) Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre-and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities, psychosocial behavior; physical functions; information processing or speech; and,

(c) An educational evaluation that identifies educational and environmental needs of the student.

(d) The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

(4) Criteria for eligibility. A student with a traumatic brain injury is eligible for exceptional student education, if the following criteria are met:

(a) Evidence of a traumatic brain injury that impacts one or more of the areas identified in subsection (1) of this rule.

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(~~kk~~)(e), F.A.C.

Rulemaking Specific Authority 1001.02(1), 1003.01, 1003.57(1)(e) FS. Law Implemented 1001.03, 1003.01(3), 1003.21(1), 1003.57(1)(e), 1011.62 FS. History–New 7-1-07, Amended _____.

6A-6.03016 Exceptional Student Education Eligibility for Students with Emotional/Behavioral Disabilities.

(1) No change.

(2) General education interventions and activities. ~~Activities prior to referral.~~ Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(5)(4), F.A.C., the evaluation components include the following: ~~for a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.~~

(a) The minimum components of the evaluation shall include all of the following:

1. A functional behavioral assessment (FBA) must be conducted. If a formal functional behavioral assessment has not been completed, one must be completed as part of the evaluation. If a FBA has already been conducted, it must be reviewed as a component of the evaluation and revised as needed, to assist in the development of individual interventions. The FBA must identify the conditions under which the behavior is most and least likely to occur, identify the functions of the student's behavior, and document the student's response to implemented interventions;

2. A social/developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical/health, and environmental factors impacting learning and behavior, and which identifies the relationship between social/developmental and socio-cultural factors, and the presence or non-presence of emotional/behavioral responses beyond the school environment;

3. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional/behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral

functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of evidence-based interventions that have already been implemented and the criteria used to evaluate their success; and,

4. A review of educational data which includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional/behavioral disability; additional academic evaluation may be completed if needed.

(b) A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional/behavioral responses may be precipitated by a physical problem.

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

(d) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

(e) through (5) No change.

Rulemaking Specific Authority 1000.01, 1001.42(4)(l)(+), 1003.01, 1003.57 FS. Law Implemented 1000.01, 1001.42(4)(l)(+), 1003.01, 1003.57(5), 1011.62(1)(c) FS. History--New 7-1-77, Amended 10-23-79, 11-25-80, 1-6-83, 9-27-84, 3-10-85, Formerly 6A-6.3016, Amended 7-1-07,_____.

6A-6.03022 Special Programs for Students who are Dual-Sensory Impaired.

(1) through (3) No change.

(4) Re-evaluation. Re-evaluation shall occur at least every three (3) years and shall include a minimum of the evaluations required in paragraph (3)(b) of this rule, and any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent re-evaluations of the student in accordance with subsections 6A-6.0331(7) and (8), subparagraph 6A-6.03411(2)(i)1., F.A.C. The medical aspect of re-evaluation for students with bilateralanophthalmia may be waived by a written recommendation of a physician.

(5) through (6) No change.

~~(7) Funding. Students eligible for programs for students with dual sensory impairments may be reported for FTE generation purposes at the weight for profoundly handicapped students any time they are served in classes with other handicapped students.~~

Rulemaking Specific Authority 1000.01, 1001.42(4)(l)(+), 1003.01, 1003.57, 1011.62(1)(c) FS. Law Implemented 1000.01, 1001.42(4)(l)(+), 1003.01, 1003.21, 1003.57(5), 1011.62(1)(c) FS. History--New 7-2-79, Formerly 6A-6.3022, Amended 10-3-91,_____.

6A-6.03023 Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder.

(1) Definition. Students with Autism Spectrum Disorder. Autism Spectrum Disorder is defined to be a range of pervasive developmental disorders that adversely affects a student's functioning and results in the need for specially designed instruction and related services. Autism Spectrum Disorder is characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and the presence of restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities. These characteristics may manifest in a variety of combinations and range from mild to severe. Autism Spectrum Disorder may include Autistic Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Asperger's Disorder, ~~Aspergers Syndrome~~, or other related pervasive developmental disorders.

(2) General education interventions and activities. Activities prior to referral. Prior to referral for evaluation the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the procedures identified in subsection 6A-6.0331(5)(4), F.A.C., the evaluation components include the following: must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.

(a) The minimum components of the evaluation shall include all of the following:

1. Documented and dated behavioral observations conducted by members of the evaluation team targeting social interaction, communication skills, and stereotyped patterns of behavior, interests, or activities, across settings. General education interventions and activities conducted prior to referral may be used to meet this criterion, if the activities address the elements identified in this subparagraph;

2. A comprehensive social/developmental history compiled with the parents(s) or guardian(s) that addresses the core features of autism spectrum disorder;

3. A comprehensive psychological evaluation to identify present levels of performance and uneven patterns of development in language, social interaction, adaptive behavior, and cognitive skills; and,

4. A comprehensive speech/language evaluation.

(b) Medical information provided shall be considered.

(4) Criteria for eligibility. A student with Autism Spectrum Disorder is eligible for exceptional student education if all of the following criteria are met:

(a) Evidence of all of the following:

1. Uneven developmental profile as evidenced by inconsistencies across or within the domains of language, social interaction, adaptive behavior, and/or cognitive skills; and

2. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to people or the environment; and

3. Impairment in verbal and/or nonverbal language or social communication skills, and

4. Restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities; and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(kk)(e), F.A.C.

Rulemaking Specific Authority 1000.01, 1001.42(4)(l)(+), 1003.01, 1003.57, 1011.62(1)(c) FS. Law Implemented 1000.01, 1001.42(4)(l)(+), 1003.21, 1003.57(5), 1011.62(1)(c) FS. History—New 7-2-79, Formerly 6A-6.3023, Amended 7-1-07, _____.

6A-6.03027 Special Programs for Children Three Through Five Years Old who are Developmentally Delayed.

(1) No change.

(2) Criteria for eligibility. A child is eligible for the special program for children who are developmentally delayed when the following criteria are met:

(a) The child is three (3) through five (5) years of age.

(b) Documentation of one of the following:

1. A score of two (2) standard deviations (SD) below the mean or a twenty-five (25) percent delay on measures yielding scores in months in at least one (1) area of development; or

2. A score of 1.5 standard deviations (SD) below the mean or a twenty (20) percent delay on measures yielding scores in months in at least two (2) areas of development; or

3. Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed.

(c) The eligibility staffing committee in accordance with subsection paragraph 6A-6.0331(6)(2)(b), F.A.C., has made a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

(3) General education intervention activities and procedures prior to initial evaluation for prekindergarten children shall be in accordance with subsections (1) and (2) of Rule 6A-6.0331, F.A.C. Procedures for referral. Before a child is referred for evaluation, the following activities shall occur:

(a) A review of existing social, psychological, and medical data with referral for a health screening when need is indicated; and

(b) A screening for vision, hearing, and communication functioning with referral for complete evaluations when need is indicated.

(4) Procedures for evaluation.

(a) Delay is documented by a multidisciplinary team ~~in accordance with paragraph 6A-6.0331(2)(e), F.A.C.,~~ utilizing multiple measures of assessment which include:

1. Standardized instruments, judgement based assessments, criterion referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or

2. Informed clinical opinion utilizing qualitative and quantitative information to determine the need for early intervention services; and

3. Parent report which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.

(b) When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical ~~a typical~~ functioning in any one (1) or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

(5) Instructional program.

(a) As appropriate, the ~~The~~ family support plan or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.

(b) Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for family support plans or IEP modifications.

(6) Continued eligibility. Continued eligibility for special programs shall be determined before the child is six (6) years old.

Rulemaking Specific Authority 1000.01, 1001.42(4)(l), 1001.62(1)(c), 1003.01(3), 1003.57 229.053(1), (2)(i), 230.23(4)(m), 232.01(1)(e), ~~236.081(1)(e)~~ FS. Law Implemented 1000.01, 1001.42(4)(l), 1001.62(1)(c), 1003.01(3), 1003.57 228.041(18), (19), 232.01(1)(e), 229.053(2)(i), 230.23(4)(m), 236.081(1)(e) FS. History—New 7-13-93, Amended _____.

6A-6.03028 Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities.

(1) through (3)(h)8. No change.

9. In order to ensure quality transition planning and services, IEP Teams shall begin the process of identifying transition services needs of students with disabilities, to include consideration of the student's need for instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, beginning no later than age fourteen (14), so that needed postsecondary goals may be identified and in place by age sixteen (16).

10. Beginning not later than the first IEP to be in effect when the student turns sixteen (16), or younger, if determined appropriate by the IEP Team and updated annually:

a. A statement of appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills and the transition services (including courses of study) needed to assist the student in reaching those goals.

~~b. Consideration of instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP meetings and self-advocate, if appropriate.~~

~~b.e.~~ If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including Division of Vocational Rehabilitation Services, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

~~11.40.~~ Beginning at least one (1) year before the student's eighteenth (18th) birthday, a statement that the student has been informed of his or her rights under Part B of the IDEA, if any, that will transfer from the parent to the student on reaching the age of majority, which is eighteen (18) years of age.

(i) through (t) No change.

~~Rulemaking Specific Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57 FS. Law Implemented 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57, 1011.62(1)(c), (e), 1001.03(8) FS. History--New 7-13-93, Amended 10-17-04, 12-22-08, _____.~~

6A-6.0331 General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services.

Introductory paragraph – No change.

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

(e) If, at any time subsequent to the initial provision of special education and related services, the parent of a student revokes consent in writing for the continued provision of special education and related services, the school district may not continue to provide special education and related services to the student, but must provide prior written notice before ceasing the provision of special education and related services. The school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the services may be provided to the student.

(f) If a parent of a student revokes consent in writing for the continued provision of special education and related services, the school district:

1. Will not be considered to be in violation of the requirement to make FAPE available to the student for its failure to provide the student with further special education and related services; and

2. Is not required to convene an IEP Team meeting or develop an IEP for the student for further provision of special education and related services.

(g) If a parent of a student with a disability revokes consent in writing for their child's receipt of special education services after the initial provision of special education and related services to the student, the school district is not required to amend the student's education records to remove any references to the student's receipt of special education and related services because of the revocation of consent.

~~Rulemaking Specific Authority 1001.02(1), (2); (n), 1003.01(3)(a), (b), 1003.57, 1003.571 FS. Law Implemented 1001.42(4)(l), 1003.01(3)(a), (b), 1001.02(2)(n), 1003.57, 1003.571 FS. History New 6-17-74, Repromulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A-6.331, Amended 7-13-93, 1-2-95, 9-20-04, 12-22-08, _____.~~

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-10.001	Composition of Value Adjustment Board
12D-10.002	Appointment and Employment of Special Magistrates
12D-10.003	Powers, Authority, Duties and Functions of Value Adjustment Board
12D-10.004	Receipt of Taxpayer's Petition to be Acknowledged
12D-10.0044	Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners
12D-10.005	Duty of Clerk to Prepare and Transmit Record
12D-10.006	Public Notice of Findings and Results of Value Adjustment Board

PURPOSE AND EFFECT: The purpose of these proposed rule changes is to set forth administrative review procedures and standards for making board decisions and special magistrate recommended decisions including the value of property, the denial of exemptions, classifications, portability assessment difference transfers and deferrals. Additional changes will be necessary to this chapter based on recent legislation and based on the promulgation of Chapter 12D-9, F.A.C. A notice of rule development was published on December 5, 2008 (see Vol. 34,

No. 49. pp. 6352-6353 of the Florida Administrative Weekly/F.A.W). Notices for rule development workshops at which versions of these proposed new and amended rules were also discussed were published on: July 11, 2008, for a workshop that was held in Ft. Lauderdale, Florida, on July 28, 2008 (see Vol. 34, No. 28. pp. 3613-3614 of the Florida Administrative Weekly/F.A.W.); July 18, 2008, for a workshop that was held in Live Oak, Florida, on August 6, 2008 (see Vol. 34, No. 29, p. 3668 of the F.A.W.); July 18, 2008, for a workshop that was held in Tallahassee, Florida, on August 12, 2008 (see Vol. 34, No. 29, p. 3668 of the F.A.W.); September 19, 2008, for a workshop that was held in Tampa, Florida, on October 13, 2008 (see Vol. 34, No. 38, p. 4803, of the F.A.W.); September 19, 2008, for a workshop that was held in Panama City, Florida, on October 17, 2008 (see Vol. 34, No. 38, p. 4803, of the F.A.W.); October 31, 2008, for a workshop that was held in Orlando, Florida, on November 19, 2008 (see Vol. 34, No. 44, pp. 5709-5711 of the F.A.W.); and, October 31, 2008, for a workshop that was held in Miami, Florida, on November 20, 2008 (see Vol. 34, No. 44, pp. 5709-5711 of the F.A.W.). Members of the public attended each of these workshops and made comments on the proposed rules. In addition, written comments have been submitted to the Department by email, and to an Internet site at: <http://dor.myflorida.com/dor/property/vabwb/vabws.html>, which was created specifically to give the public access to all versions of public a site to submit comments, and to view the comments submitted by others. The preliminary text of the proposed rules will be available from the contact person listed below or from the Department's website stated above on or about September 30, 2009. The deadline for submitting written comments on the draft is October 22, 2009. General comments, questions, or suggestions about the value adjustment board process may be submitted to the Department at VAB@dor.state.fl.us.

The effect of these proposed rule changes is to set forth clear, equitable, and uniform administrative review procedures and standards for taxpayers who petition property tax matters to Value Adjustment Boards, including the value of property, the denial of exemptions, and the denial of classifications and deferrals.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the property tax value adjustment board process.

RULEMAKING AUTHORITY: 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: Ch. 2008-197, Laws of Florida., 193.122, 194.011, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.301, 195.002, 195.022, 195.096, 196.011, 197.122, 200.069, 213.05 FS.

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

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: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-33.002
RULE TITLE: Florida Road Numbering Plan

PURPOSE AND EFFECT: Rule 14-33.002, F.A.C., is being amended in order to simplify the classification and numbering plan of public roads.

SUBJECT AREA TO BE ADDRESSED: The amendments address the types of roads that will be affected by the numbering plan.

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.03(2), 334.044(11), 335.01, 335.02, 335.08 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-33.002 Florida Road Numbering Plan.

(1) Numbering Plan. The Florida road numbering plan will generally prescribe numbers in accordance with road orientation and geographic location within the state. Extended roads of state-wide or inter-regional significance will maintain one-digit or two-digit road numbers. Roads of regional significance will be assigned three-digit road numbers. Roads of generally local significance may be assigned four-digit numbers.

(a) All roads extending leading from north to south shall bear odd numbers with ~~the~~ number 1 assigned to the extreme easterly road. All roads extending leading from east to west shall bear even numbers with ~~the~~ number 2 assigned to the extreme northerly road.

(b) Certain control roads have been selected for the purpose of dividing the state into segments. The north-south control roads are one-digit and two-digit numbers ending in 5; the east-west control roads are two-digit numbers ending in zero. (See figure 1.)



(c) Major connecting roads are assigned two-digit numbers between the control routes. For example, Road 77 is a north-south route located between control routes 75 and 85 and is found near the westernmost portion of the state. Minor connecting routes are assigned three-digit or four-digit numbers between the control routes. For example, Road 510 is an east-west route located between control routes 50 and 60 and would be found near the central portion of the state.

(d) Connecting roads which cross control routes will not be required to change numbers, but will retain the number assigned at the beginning of the route to ensure route continuity.

(2) Assignment of Numbers and Responsibility for Signs.

(a) The Department will assign numbers, and erect and maintain corresponding signs for roads on the State Highway System.

(b) The Department will assign numbers for other public roads upon request by the county or municipality having jurisdiction. The county or municipality that requests the number assignment will be responsible for erecting and maintaining the corresponding sign.

~~(a) Category I, State Highway System. The Department will assign numbers and erect and maintain corresponding signs.~~

~~(b) Category II, roads on the county road system and city street system functionally classified as collector roads and arterial roads. The Department will assign numbers for Category II roads; however, the jurisdictions maintaining these roads will have the responsibility for erecting and maintaining corresponding signs.~~

~~(c) Category III, the state park roads system and county roads or streets not functionally classified as collector or arterial roads. The Department will number a Category III road upon request by the entity having jurisdiction over the road; however that jurisdiction would have responsibility for erecting and maintaining corresponding signs.~~

(3) Signs and Symbols. Signs and symbols to be utilized in the uniform state numbering plan will be in accordance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), the Florida Department of Transportation, and the National Association of Counties as referenced in the *Manual of Uniform Traffic Control Devices*, which is incorporated by reference under Rule 14-15.010, F.A.C. Appropriate symbols will be employed with the road numbers for usage on the Official State Highway Map and the County General Highway Map series.

(4) Renumbering of Roads. The Florida Road Numbering Plan will generally utilize existing state road numbers. In cases where the existing state road numbers cause public confusion, e.g., multiple usage of the same road number in a region, or where the road numbering plan in a region might be improved by a general revision of the existing numbering scheme, changes in the existing road numbers shall be

instituted however, where such numbers have caused public confusion, e.g., multiple usage of the same road number in a region, or where the road numbering plan in a region might be improved by a general revision of the existing numbering scheme. In such instances, when revisions to the existing state road numbers are proposed, it shall be the policy of the Department to conduct a public hearing in accordance with Section 335.02, F.S.

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.03(2), 334.044(11), 335.01, 335.02, 335.08 FS. History—New 3-18-76, Formerly 14-33.02, Amended 8-5-96, 4-9-07,_____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-48.0011
 RULE TITLE: Safety Inspection of Bridges

PURPOSE AND EFFECT: This is an amendment to Rule Chapter 14-48, F.A.C., which incorporates the newest revisions to federal standards of bridge inspection. The amendments also update the criteria for bridge inspector certification.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-48, F.A.C., is being amended to update the criteria and standards for bridge safety inspections.

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 335.074 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-48.0011 Safety Inspection of Bridges.

(1) Purpose. The purpose of this rule is to establish standards for safety inspection of bridges, as well as certification requirements for bridge inspectors.

(2) The Manual for Bridge Evaluation, 2008, First Edition, Condition Evaluation of Bridges, 1994, Second Edition, as revised by the 1995, 1996, 1998, and 2000, interim revisions, published by the American Association of State Highway and Transportation Officials (AASHTO), is hereby incorporated by reference and made a part of this rule. Copies of this manual are available from AASHTO, 444 North Capitol Street Northwest, Suite 249, Washington, DC 20001.

(3) The Federal Highway Administration *Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges*, December 1995, is hereby incorporated by reference and made a part of this rule. This manual is available on line and can be downloaded at <http://www.fhwa.dot.gov/bridge/mtguide.pdf>.

(4) Training Course. Bridge inspectors must complete and pass the final examination for the Safety Inspection of In-Service Bridges course provided by the National Highway Institute. Information regarding this training can be obtained by contacting the National Highway Institute at its website: <http://www.nhi.fhwa.dot.gov/home.aspx> <http://www.nhi.fhwa.dot.gov/default.asp>.

(5) The Department will certify persons with a minimum of five years of bridge construction or maintenance inspection experience working in a responsible capacity, who have completed the training course as bridge inspectors. The five years of ~~constructive~~ experience must include at least one year of experience conducting bridge safety inspections which meet ~~meeting~~ the requirements of the National Bridge Inspection Standards, 23 C.F.R., Part 650, Subpart C, incorporated herein by reference. To receive bridge inspection experience, the inspections must have been done under the supervision of an onsite P.E. or CBI. Also incorporated herein by reference is the *Bridge Inspector's Reference Manual*, U.S. Department of Transportation Publication No. FHWA NHI 03-001, December, 2006 ~~October, 2002~~, which is available for review and downloading at: <http://www.fhwa.dot.gov/bridge/bripub.html>.

The other four years ~~shall~~ may include credit for any combination of the following: engineering education, structure design, bridge construction, bridge maintenance, materials testing, or additional bridge safety inspection. Credit for engineering education is as follows:

(a) An individual who holds a bachelor's degree in engineering from an accredited college or university, which is determined to be substantially equivalent by the Accreditation Board for Engineering and Technology, and has passed the National Council of Examiners for Engineering and Surveying Fundamentals of Engineering Exam, will receive 3 years credit;

(b) An individual who has an associate's degree in engineering or engineering technology from an accredited college or university, or is determined to be substantially equivalent by the Accreditation Board for Engineering and Technology, will receive 1 year credit.

The Application for Bridge Inspection Certification, DOT Form 850-010-16, Rev. ~~06/09~~ 09/04, is hereby incorporated by reference and made a part of this rule. Copies of this form can be downloaded from the Department's Office of Forms and Procedures website at: <http://www.dot.state.fl.us/>

procedural documents/ obtained from State Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

(6) Effective January 1, 2012, and every 4 years thereafter, all individuals serving as a bridge inspection team leader must have successfully completed the Safety Inspection of In Service Bridge course. If the course was not taken in the previous 4 years, the individual must have successfully completed at least 12 personal development hours in bridge inspection training within the previous 4 years. An individual not meeting this requirement will be ineligible to serve as a bridge inspection team leader until this requirement is met. The Office of Maintenance will maintain a list of courses that meet the continuing education requirements. This list can be found at: <http://www.dot.state.fl.us/statemaintenanceoffice/Safety%20Bridge%20Inspection%20Team%20Leader%20Requirements%20in%20Florida.pdf>.

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.044(28), 335.074 FS. History—New 1-30-05, Amended.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-4.001 Application

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the updated form for the Florida Prepaid College Plan Master Covenant.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan New Enrollment Application and Master Covenant.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(1) 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: September 1, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to Thomas J.

Wallace, Executive Director, Florida Prepaid College Board, at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2009-10a ~~2009-10~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2009-02a ~~2009-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002
 RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SUBJECT AREA TO BE ADDRESSED: The Florida College Investment Plan application for participation.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: September 1, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to Thomas J.

Wallace, Executive Director, Florida Prepaid College Board, at (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2009-10a ~~2009-10~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 11-18-08, 1-28-09, 4-5-09, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.105
 RULE TITLE: Community Corrections Mail
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to create a procedure for the handling of incoming and outgoing community corrections mail.
 SUBJECT AREA TO BE ADDRESSED: Community Corrections Mail.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.105 Community Corrections Mail.

(1) Only Department of Corrections mail or mail concerning the activities of the department will be processed by Community Corrections staff. Community Corrections

employees shall not receive personal mail at the office. Personal mail includes any mail dealing with the personal affairs of the employee not directly related to department matters.

(2) The person in charge of each office or bureau shall designate employees to open and distribute mail received.

(3) Mail marked "personal" or "confidential" will be opened by the designated staff in the presence of the receiving employee.

(4) Staff are prohibited from using Department postage to mail personal mail.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.105
 RULE TITLE: Restoration of Forfeited Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the procedure by which an inmate requests restoration of forfeited gain time.

SUBJECT AREA TO BE ADDRESSED: Gain time.

RULEMAKING AUTHORITY: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.105 Restoration of Forfeited Gain Time.

(1) through (2) No change.

(3) How processed.

(a) through (b) No change.

(c) If an inmate believes that he or she is eligible for restoration of forfeited gain time, the inmate must make a request for restoration on Form DC6-236, Inmate Request, and submit the request to his or her classification officer. Requests submitted to other department staff will not be processed. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(d) through (g) No change.

Rulemaking Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History--New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02, 4-10-08, 7-15-09, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-1.139	Americans With Disabilities Act and Discrimination in Federally Funded Programs Public Grievance Procedures

PURPOSE AND EFFECT: The rule is being repealed because it is not necessary for the District to implement its compliance with the referenced federal programs by rule.

SUBJECT AREA TO BE ADDRESSED: Agency Procedures.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.083 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori.Tetreault@watermatters.org, or Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4659

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-1.607	Permit Processing Fee

PURPOSE AND EFFECT: To increase each permit application fee authorized under the Environmental Resource Permitting part of Chapter 373, F.S., (F.S.), to require a minimum fee of \$250 for a Noticed General Permit or Individual permit, to require a minimum fee of \$100 for verification that an activity is exempt from regulation under Section 403.813, F.S. or Part IV of Chapter 373, F.S., and to provide for the periodic adjustment of those fees, in accordance with the requirements of Section 373.109, F.S.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permit application fees.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dianne.Lee@watermatters.org or Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.322 RULE TITLE: 20 Year Permit Requirements

PURPOSE AND EFFECT: The rulemaking is intended to set forth the reporting and compliance requirements for water use permits issued for 20 years or longer. Related rules addressing permit durations and permit fees for water use permits were previously noticed. This proposed new rule was developed during that rulemaking process, and was approved by the Governing Board at its July 2009 Board meeting along with the other 20 year permit rule amendments, but has not yet been included in a notice of development of rulemaking.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to Chapter 40D-2, F.A.C., to adopt a new rule numbered 40D-2.322, providing for the reporting and compliance requirements for water use permits for 20 years or longer as proposed in related rulemaking which were included in a previous notice for development of rulemaking.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.103, 373.171, 373.236 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dianne.Lee@watermatters.org, or Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4657

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

Division of Hotels and Restaurants

RULE NO.: 61C-1.005 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule development will update the rules to reflect changes made to Chapter 509, F.S., by House Bill 425. The proposed rules will eliminate Hospitality Education Program disciplinary training requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address changes to the Hospitality Education Program's purpose by eliminating disciplinary training requirements.

RULEMAKING AUTHORITY: 455.2273, 509.032 FS.

LAW IMPLEMENTED: 386.207, 509.032, 509.261, 509.281, 509.292 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133

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

Division of Hotels and Restaurants

RULE NO.: 61C-8.004 RULE TITLE: Program Requirements

PURPOSE AND EFFECT: The proposed rule development will update the rules to reflect changes made to Chapter 509, F.S., by House Bill 425. The proposed rules will update the Hospitality Education Program grants administered by the program and school-to-career grant specifications and forms.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address changes to the Hospitality Education Program grants made by House Bill 425.

RULEMAKING AUTHORITY: 509.032, 509.302 FS.

LAW IMPLEMENTED: 509.302 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Department of

Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133

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 Landscape Architecture

RULE NO.: 61G10-18.001
 RULE TITLE: Continuing Education Credit Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule to consider awarding CE credit for exam writing.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credit Requirements.

SPECIFIC AUTHORITY: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.410
 RULE TITLE: Pharmacy Technician 1:1 Ratio

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide a substantial re-write of the rule.

SUBJECT AREA TO BE ADDRESSED: Registered pharmacy technician to Pharmacist ratio.

RULEMAKING AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.014, 893.07(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.140
 RULE TITLE: Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/ Enteral, and Nuclear Permits

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide a substantial re-write of the rule.

SUBJECT AREA TO BE ADDRESSED: Record Maintenance.

RULEMAKING AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.033(14), 465.022, 465.026, 893.07 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.303
 RULE TITLE: Destruction of Controlled Substances All Permittees (excluding Nursing Homes)

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify requirements and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.501 RULE TITLE: Institutional Permit – Consultant Pharmacist of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form into the rule and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Institutional Permit – Consultant Pharmacist of Record.

RULEMAKING AUTHORITY: 465.005, 465.0125, 465.022 FS.

LAW IMPLEMENTED: 465.0125, 465.019, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.840 RULE TITLE: Special – Non Resident (Mail Service)

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate provision of Section 465.0156, F.S., and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Special – Non Resident (Mail Service).

RULEMAKING AUTHORITY: 465.005, 465.022, 465.0156 FS.

LAW IMPLEMENTED: 465.0156 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.021 RULE TITLE: Revocation of Registration of Political Committees

PURPOSE AND EFFECT: The primary purpose of the proposed amendments is to update the rule to reflect additional ways in which political committees may be dissolved and have their registrations canceled. The proposed rule also amends a current basis for revocation (failing to file campaign treasurers’ report) by reducing the time for failure to file from more than 12 months to more than 6 months. The amendments also modify the notification and appeal procedures involving the revocations of political committees’ registrations.

SUMMARY: The rule provides the conditions under which a political committee’s registration can be revoked. It further provides the procedures for notifying the political committee of the intended revocation action and how the committee may appeal the decision to revoke its registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.