

RULEMAKING AUTHORITY: 624.308(1), 624.316(1)(c) FS.
 LAW IMPLEMENTED: 624.316(1)(c) FS.

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

DATE AND TIME: July 27, 2010, 9:30 a.m.
 PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

~~(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook (2006) is hereby adopted and incorporated by reference.~~

~~(1)(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2010 2009 is hereby adopted and incorporated by reference.~~

(2) through (3) No change.

~~Rulemaking Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

6A-1.099811 Differentiated Accountability State System of School Improvement.

The purpose of this rule is to set forth the Differentiated Accountability State System of School Improvement, to set forth the framework for categorizing how well schools are meeting Adequate Yearly Progress criteria, to define the level of assistance provided to schools, and to identify the support systems and strategies to be implemented by schools and districts.

(1) Definitions. The following definitions shall be used in this rule:

(a) "Adequate Yearly Progress" or "AYP" means that the AYP criteria for demonstrating progress toward state proficiency goals were met by each subgroup.

(b) "Annual goals" or "state proficiency goals" means the annual targets for the percent of students who meet grade level proficiency in reading and mathematics as established in "Adequate Yearly Progress Benchmarks in Florida" of the 2009 Guide to Calculating Adequate Yearly Progress (AYP), Technical Assistance Paper dated June 2009, which is hereby adopted by reference and made part of this rule and accessible at <http://schoolgrades.fldoe.org/pdf/0809/2009AYPTAP.pdf>. Proficiency on the FCAT is attained at scoring level 3 or higher in reading and mathematics on a 5-level range. Proficiency on the Florida Alternate Assessment is attained at scoring level 4 or higher on a 9-level range.

(c) "AYP Count" means the value assigned to a school that did not achieve AYP for two (2) consecutive years, starting from the 2002-03 school year. The school is assigned a value of one (1) AYP count if the school failed to make AYP for two (2) consecutive years and increases by one (1) for each year that the school fails to achieve AYP.

(d) "Benchmark Baseline Assessment" means a diagnostic assessment given at the beginning of the year to evaluate students' strengths and weaknesses on grade-level skills in reading, mathematics, science, and writing.

(e) “Benchmark Mid-Year Assessment” means a diagnostic assessment given at the mid-point of a school year to evaluate students’ progress on grade-level skills in reading, mathematics, science, and writing.

(f) “Benchmark Mini-Assessments” means diagnostic assessments given at frequent intervals used to monitor student learning of recently taught skills, and to guide teachers’ instructional focus.

(g) “Common planning time” means the time provided to teachers to meet regularly with common grade-level or subject-area teachers to collaborate.

(h) “Community Assessment Team” or “CAT” means a team consisting of stakeholders including, but not limited to, parents, business representatives, teachers, administrators, district level personnel, and Department of Education staff, who advocate for low-performing schools within their community, as set forth in Section 1008.345, Florida Statutes.

~~(i) “D Former F” means a “D” graded school that improved from a grade of “F” the previous academic year.~~

~~(i)(+)~~ “Data chats” means the process of teachers or administrators meeting with students to discuss the results of students’ ~~student’s~~ assessments.

~~(j)(+)~~ “Department” means the Florida Department of Education (FDOE).

~~(k)(+)~~ “Differentiated Accountability State System of School Improvement,” “Differentiated Accountability,” and “DA” mean the accountability system used by Florida to meet conditions for participation in the Elementary and Secondary Education Act, 20 U.S.C. ss 6301 et seq. that requires states to hold public schools and school districts accountable for making adequate yearly progress toward meeting state proficiency goals.

~~(l)(+)~~ “Direct instructional support” means support provided by a district curriculum specialist who visits the school frequently to provide onsite professional development and support to classroom teachers.

~~(m)(+)~~ “District” means the school district responsible for collaborating with the Department and schools to ensure the state system of school improvement is implemented ~~with~~ fidelity.

~~(n)(+)~~ “District Improvement and Assistance Plan” means a district level plan, submitted to the Department, that includes strategies for improving school performance and increasing student achievement (Form DIAP-1, District Improvement and Assistance Plan, effective as of the date of this rule, is incorporated by reference and can be obtained through the Department of Education website www.flbsi.org/DA/index.htm or by contacting the Bureau of School Improvement in the Department).

~~(o)(+)~~ “Florida Continuous Improvement Model” or “FCIM” means a method for effectuating improvement that is based on the principle that student and teacher success requires

a continuous effort. Key elements include analyzing data, developing timelines, quality instruction, and frequently assessing students.

~~(p)(+)~~ “Fully released coach” means a full time reading and mathematics or science coach who is devoted full time to coaching duties.

~~(q)~~ “High school” means a school with grade levels 9-12.

~~(r)~~ “High school combination school” means a school with grade levels K-12 or 6-12.

~~(s)(+)~~ “Individual Professional Development Plan” or “IPDP” means the plan for each instructional employee assigned to a school as set forth in Section 1012.98, Florida Statutes.

~~(t)(+)~~ “Instructional monitoring process” means a process for monitoring instructional programs and practices and ensuring that they are implemented.

~~(u)(+)~~ “Lesson Study Group” or “LSG” means a small group of teachers who collaborate to plan an actual classroom lesson (called a “research lesson”), observe how the lesson works in practice, and report on the results for the benefit of other teachers.

~~(v)~~ “Lowest 5% schools” means the persistently lowest achieving schools identified in Appendix B – Lowest 5% of Title I Schools and Appendix C – Lowest 5% of Title I Eligible Schools, to the document entitled Participating Local Education Agency Memorandum of Understanding, drafted for Florida’s Race to the Top, Phase II Application; these documents are incorporated by reference and can be obtained through the Department of Education website <http://www.fldoe.org/ARRA/pdf/phase2mou.pdf>.

~~(w)~~ “Mid-Year Narrative Report” means a narrative of data analysis of student achievement from the Benchmark Baseline to the Benchmark Mid-Year Assessment

~~(x)(+)~~ “Next Generation Sunshine State Standards” or “NGSSS” means the state’s public K-12 curriculum standards adopted pursuant to Section 1003.41, Florida Statutes.

~~(y)(+)~~ “Peer Review” means the process by which school staff reviews and provides feedback on another school’s improvement plan.

~~(z)(+)~~ “Response to Intervention” or “RtI” means the practice of providing services and interventions matched to individual student needs as determined by an analysis of student data and feedback from observations.

~~(aa)(+)~~ “School Advisory Council” means the council set forth in Section 1001.452, Florida Statutes.

~~(bb)(+)~~ “School grade” means the grade assigned to a school pursuant to Section 1008.34, Florida Statutes, and Rule 6A-1.09881, F.A.C., except that a high school’s grade will be established solely by the FCAT scores and AYP for purposes of Differentiated Accountability.

~~(cc)(z)~~ “School improvement plan” or “SIP” means a school level plan, submitted to the district and the Department, that includes strategies for improving school performance and increasing student achievement

~~(dd)(aa)~~ “State adopted material” means textbooks and instructional materials that are aligned to the Next Generation Sunshine State Standards and approved for use in the state’s schools under Section 1006.34, Florida Statutes.

~~(ee)(bb)~~ “Subgroup” means a demographic group whose performance on the state assessment is measured to determine AYP and includes American Indian, Asian, black or African American, Hispanic, white, economically disadvantaged students, English language learners, students with disabilities, and all students.

(2) Adequate Yearly Progress.

(a) Every public school is expected to make adequate yearly progress towards state proficiency goals for each subgroup.

(b) AYP shall be calculated in accordance with Part II, 1.-5. of the 2009 Guide to Calculating Adequate Yearly Progress (AYP) Technical Assistance Paper, June 2009, which is hereby adopted by reference in this rule and accessible at <http://schoolgrades.fldoe.org/pdf/0809/2009AYPTAP.pdf>.

(c) AYP is comprised of thirty-nine (39) criteria as follows:

1. The first nine (9) criteria are met by determining whether the participation rate for each subgroup being evaluated in reading is at least ninety-five (95) percent.

2. The second nine (9) criteria are met by determining whether the participation rate for each subgroup being evaluated in mathematics is at least ninety-five (95) percent.

3. The third nine (9) criteria are met by determining whether the annual goals for reading proficiency are met by each subgroup being evaluated.

4. The fourth nine (9) criteria are met by determining whether the annual goals for mathematics proficiency are met by each subgroup being evaluated;

5. The thirty-seventh criterion is met if school-wide performance in writing improved by at least one (1) percent or is at a rate of ninety (90) percent or higher;

6. The thirty-eighth criterion is met if the school does not earn a grade of D or F; and

7. The thirty-ninth criterion is met if a high school improved its graduation rate or has a graduation rate of eighty-five (85) percent or higher.

(d) If a criterion is not applicable to a school because the subgroup is not of sufficient number to meet the state’s minimum subgroup-size requirement for Adequate Yearly Progress reporting or if the school is not a high school, that criterion will be considered as having been met.

(e) The percentage of AYP criteria met is calculated by determining what percent of the thirty-nine (39) criteria was met by the school.

(3) Categories. The Department shall place each school into one of six categories annually. Beginning with the highest performing, the categories are entitled: Schools Not Required to Participate in Differentiated Accountability Strategies, Prevent I, Correct I, Prevent II, Correct II, and Intervene.

(a) Schools Not Required to Participate in Differentiated Accountability Strategies are schools in the highest-performing school category. A school shall be so categorized when the school:

1. Is an elementary or middle school graded “A”, “B”, “C”, or is ungraded; ~~or and~~

2. Is a high school or high school combination school with FCAT Performance Points of 435 or higher; and

~~3.2.~~ Has not failed to make AYP for two (2) consecutive years.

(b) A school shall be categorized as a Prevent I school when the school:

1. Is an elementary or middle school graded “A”, “B”, “C”, or is ungraded; ~~or and~~

2. Is a high school or high school combination school with FCAT Performance Points of 435 or higher; and

~~3.2.~~ Has an AYP count between one (1) and three (3); and

~~4.3.~~ Has met at least eighty (80) percent of AYP criteria for at least two (2) consecutive years.

(c) A school shall be categorized as a Correct I school when the school:

1. Is an elementary or middle school graded “A”, “B”, “C”, or is ungraded ~~or and;~~

2. Is a high school or high school combination school with FCAT Performance Points of 435 or higher; and

~~3.2.~~ Has an AYP Count of four (4) or greater; and

~~4.3.~~ Has met at least eighty (80) percent of AYP criteria for at least two (2) consecutive years.

(d) A school shall be categorized as a Prevent II school when the school:

1. Is a “D” elementary or middle school with AYP counts less than 4 that failed to meet AYP criteria for fewer than two (2) consecutive years; or

2. Is a high school or combination high school with FCAT performance points of 395 to 434 that failed to meet AYP criteria for at least two (2) consecutive years; with an AYP count of less than four (4) between one (1) and three (3); or

3. Is an elementary or middle school graded “A”, “B”, “C”, or is an ungraded school, or is a high school or high school combination school with FCAT performance points of 435 or higher; and

a. Has an AYP Count between one (1) and three (3); and

b. Has met less than eighty (80) percent of AYP criteria;

(e) A school shall be categorized as a Correct II school when the school:

1. Is an elementary or middle school graded "F" or a high school or high school combination school with FCAT performance points less than 395, regardless of AYP status; or

2. Is an elementary or middle school graded "D" or a high school or high school combination school with FCAT Performance Points from 395-434, and has an AYP Count of four (4) or greater; or

3. Is an elementary or middle school graded "A", "B", "C", or is an ungraded school or is a high school or high school combination school with FCAT Performance Points of 435 or higher; and

a. Has an AYP Count of four (4) or greater; and

b. Has met less than eighty (80) percent of AYP criteria.

(f) A school shall be categorized as an Intervene school when the school:

1. Is graded "F" and has earned at least four (4) "F" grades in the last six (6) school years; or

2. Is graded "D" and meets the criteria for a Correct II school, is graded "F", and meets the criteria for a Correct II school, and the school also meets at least three (3) of the four (4) following conditions:

a. The percentage of non-proficient students in reading has increased when compared to the percentage attained five (5) years earlier.

b. The percentage of non-proficient students in mathematics has increased when compared to the percentage attained five (5) years earlier.

c. Sixty-five (65) percent or more of the school's students are not proficient in reading.

d. Sixty-five (65) percent or more of the school's students are not proficient in mathematics.

3. Alternative schools are exempt from qualifying for the Intervene category.

(4) Notice to District of School Category. The Department shall notify each school district of the category of each school located within the district.

(5) Intervention and Support Strategies. The strategies and support interventions required of schools in need of improvement fall into seven (7) areas: school improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, the Florida Continuous Improvement Model, and monitoring plans and processes. The action required for each school category is set forth in the form entitled, Form DA-3 ~~DA2~~ – Strategies and Support for Differentiated Accountability, effective as of the effective date of this rule. For charter schools and alternative schools the action required for each school category is set forth in the forms entitled DA-4 ~~DA-3~~, 2009-2010 Strategies and Support for Differentiated Accountability – Alternative Schools and DA-5

~~DA-4~~, 2009-2010 Strategies and Support for Differentiated Accountability – Charter Schools as applied to charter schools and alternative schools. School districts are required to report on all schools in DA on the forms entitled DA-1, Baseline and Mid-Year Data Report and DA-2, Mid-Year Narrative Report, effective as of the effective date of this rule. Forms DA-1, DA2, DA-3, and DA-4 and DA-5 are hereby incorporated by reference in this rule and can be obtained through the Department of Education website www.flbsi.org/DA/index.htm or by contacting the Bureau of School Improvement in the Department. Should the implementation of any of the strategies imposed by this rule require collective bargaining, the district must promptly submit the issue for bargaining. The entity responsible for implementing the Differentiated Accountability strategies is as follows:

(a) For Prevent I schools:

1. The school implements interventions.

2. The district monitors progress and provides support to schools.

(b) For Correct I schools:

1. The school implements interventions.

2. The district directs interventions.

3. The district monitors progress and provides support to schools.

4. The district and Department provide intense support to the lowest 5% schools.

(c) For Prevent II schools:

1. The school implements interventions.

2. The district directs school interventions.

3. The district monitors progress and provides support to schools.

4. The Department monitors the district's support to schools.

(d) For Correct II schools:

1. The school implements interventions.

~~2. The district directs school interventions.~~

2.3. The district and Department monitor progress and support schools.

3.4. Intensive onsite support is provided by the district and the Department for schools graded "F, and the lowest 5% schools," "D Former F," and ~~Exiting Intervene schools.~~

(e) For Intervene schools:

1. The school implements interventions.

2. The district and Department conduct onsite monitoring of intervention implementations.

3. The district and Department provide intensive onsite support.

4. In the event the school does not make sufficient progress to exit the Intervene category within one (1) year, the district must choose one (1) of the four (4) reconstitution options described in subsection (8) of this rule.

(6) School Improvement Plan.

(a) Except for a school in the highest performing category, a school's improvement plan shall include the strategies and support activities found in the Department's Form DA-3 DA2—Strategies and Support for Differentiated Accountability. The School Improvement Plan template, Form SIP-1, is hereby ~~as~~ incorporated by reference in this rule to become effective with the effective date of this rule and 6A-1.09981, F.A.C., as Form SIP-1, is available at <http://www.flbsi.org>.

(b) Title I and Non-Title I A, B, or C schools may receive a waiver from FDOE if the district ~~or~~ school can demonstrate that their existing template provides strategies for subgroups that did not meet AYP in the area of data analysis, RtI, and increasing student achievement. Applications for waivers are submitted to the Department of Education, K-12 Public Schools, prior to the annual submission deadline of the School Improvement Plan. The Department shall approve or deny the waiver and notify the district.

(7) Progression and exiting from categories other than Intervene. A Prevent I, Correct I, Prevent II, or Correct II school may progress to a School Not Required to Participate in Differentiated Accountability Strategies when it meets AYP criteria for two (2) consecutive years.

(8) Intervene Status; exiting the Intervene category; consequences of failing to exit.

(a) In order to exit the Intervene category a school must make significant progress after one (1) year. Significant progress is defined as:

1. The school's letter grade improves to a "C" or better, and
2. The school's AYP performance improves so that at least one (1) subgroup in reading and at least one (1) subgroup in mathematics that previously did not make AYP has made AYP.

(b) In the event a school in the Intervene category fails to make significant progress within one (1) year and exit the Intervene category, the district and Department will provide assistance with the selection and implementation of one (1) of the four (4) following reconstitution options for the school:

1. Reassign students to another school and monitor the students' progress. This option requires the district to:
 - a. Close the school and assign the students to different locations.
 - b. Follow established procedures for attendance boundary changes and zoning requirements in reassigning students to different locations.

c. Ensure that teachers from the closed school who are responsible for teaching reading and mathematics are not assigned to any school where the students from the closed school are assigned unless the teacher is highly qualified as set forth in Section 1012.05, Florida Statutes, and sixty-five (65) percent or more of the teacher's students achieved learning gains on FCAT for reading and mathematics for elementary teachers or the appropriate content area for middle and high school teachers.

d. Identify students from the closing school who were reassigned and monitor their academic progress. Progress will be reported annually to the Department for three (3) years.

e. In addition to open house events, the school must offer a flexible number of meetings to inform parents of their child's performance at school. These meetings shall be held at convenient times for the teacher and parent such as morning, evening, or weekends.

2. Convert the school to a district-managed turnaround school. This option requires:

a. The district to assign a district employee who is responsible for managing the turnaround process.

b. The district to replace the principal, all assistant principals, and instructional coaches unless assigned to the school for less than one (1) year ~~and the school's failure to improve cannot be attributed, in whole or in part, to the individual~~. The Department shall provide recommendations to the superintendent ~~district~~ with respect to replacing the principal, assistant principals, and instructional coaches.

c. The district to employ a fair, consistent, transparent, and reliable system to reassign or replace the majority of the instructional faculty and staff whose students' failure to improve can be attributed to a lack in performance on the part of faculty and staff providing instruction. Reading and mathematics teachers may not be rehired at the school unless they are highly qualified and effective instructors as set forth in Section 1012.05, Florida Statutes, and as evidenced by sixty-five (65) percent or more of their students achieving learning gains on FCAT for reading and mathematics for elementary teachers or the appropriate content area for middle and high school teachers.

d. The district to undertake a comprehensive search to recruit a new principal with a record of turning around a similar school. The principal's contract must include differentiated pay in the form of a signing bonus and performance pay for raising student achievement. In order to implement differentiated principal pay, the district shall employ a fair, consistent, transparent, and reliable system to determine issues surrounding raising student achievement. The selection of the principal shall be informed by guidance from the Department.

e. The principal and new leadership team to select new faculty and staff with the Department's assistance. Differentiated pay may be offered to faculty through signing bonuses and compensation for mandatory professional development and involvement in additional parent and student functions after school. Performance pay may also be offered to teachers for raising student achievement. In order to implement differentiated faculty pay, the district shall employ a fair, consistent, transparent, and reliable system to determine issues surrounding raising student achievement. The hiring process shall be completed in time to ensure all teachers participate in summer professional development activities.

f. The district to provide the school with a fully released reading coach, ~~and~~ a fully released mathematics coach, and a fully released ~~or~~ science coach, and will provide additional coaches based on enrollment, unless the district provides direct instructional support services.

g. The district to assemble an advisory board comprised of district personnel, teachers, community members, and a representative of the Department. The advisory board shall report monthly to the superintendent regarding its activities, concerns, and recommendations. Only one advisory board is required for a district with more than one school in the Intervene category.

h. The district to make available to the school's administrators and teachers prior to the opening of school a summer professional development academy that is developed in conjunction with the Department.

i. The school to establish common planning time within the master schedule to allow meetings to occur ~~a minimum of two (2) times a week, by grade level in elementary school and by subject area at the secondary level. If the master schedule cannot allow all grade level or subject area teachers to participate at the same time, the district must establish weekly common planning time after school for a minimum of one (1) hour a week.~~

j. The district to enhance its school allocation formula to provide additional funds, resources, and personnel to the school.

~~k. The district to submit to the bargaining process the terms of any provision of a collective bargaining agreement that impede the district's efforts to make gains sufficient for its schools in the Intervene category to exit from that category.~~

~~k.†~~ In addition to open house events, the school must offer a flexible number of meetings to inform parents of their child's performance at school. These meetings shall be held at convenient times for the teacher and parent ~~such as morning, evening, or weekends.~~

3. Close the school and reopen the school as a charter school or multiple charter schools. This option requires the district to:

a. Close the school and follow procedures of Section 1002.33, Florida Statutes, to reopen the school as a charter or multiple charters.

b. Reassign students who do not choose to attend the charter to other schools.

c. Ensure that the charter includes the following provisions:

(I) The principal selected must have experience turning around a low-performing school;

(II) The principal, assistant principals, or coaches from the closed school may not be hired at the charter school unless assigned to the school for less than one (1) year and the school's failure to improve cannot be attributed, in whole or in part, to the individual;

(III) Reading and mathematics teachers from the closed school may only be hired if they are highly qualified and effective instructors as set forth in Section 1012.05, Florida Statutes, and as evidenced by sixty-five (65) percent or more of their students achieving learning gains on FCAT for reading and mathematics for elementary teachers or the appropriate content area for middle and high school teachers.

(IV) The district provides the school with a fully released reading coach, ~~and~~ a fully released mathematics coach, ~~or~~ and a fully released science coach and provides additional coaches based on enrollment, unless the charter provides direct instructional support services.

d. In addition to open house events, the school must offer a flexible number of meetings to inform parents of their child's performance at school. These meetings shall be held at convenient times for the teacher and parent ~~such as morning, evening, or weekends.~~

4. Contract with an outside entity to operate the school. This option requires the district to enter into a contract with a management company having a proven success record of improving low-performing schools. The contract must include the following:

a. The principal must have experience turning around a low-performing school.

b. The principal, assistant principals, or coaches from the closed school may not be hired at the new school unless assigned to the school for less than one (1) year and the school's failure to improve cannot be attributed, in whole or in part, to the individual.

c. Reading and mathematics teachers from the closed school may only be hired if they are highly qualified and effective instructors as set forth in Section 1012.05, Florida Statutes, and as evidenced by sixty-five (65) percent or more of their students achieving learning gains on FCAT for reading and mathematics for elementary teachers or the appropriate content area for middle and high school teachers.

d. The district provides the school with a fully released reading coach, ~~and~~ a fully released mathematics coach, ~~or~~ and a fully released science coach and provides additional coaches based on enrollment unless the charter provides direct instructional support services.

e. In addition to open house events, the school must offer a flexible number of meetings to inform parents of their child's performance at school. These meetings shall be held at convenient times for the teacher and parent ~~such as morning, evening, or weekends.~~

(c) If a school does not exit the Intervene category after one (1) year of implementing one (1) of the options for reconstitution, a different option will be selected by the district each year until all options are exhausted, in which case the school will be closed and students reassigned.

(d) If a school does not exit the lowest-performing category during the initial year of implementing one of the reconstitution options, the school district must submit a plan, for State Board of Education approval, that includes details for implementing a different reconstitution option at the beginning of the next school year, unless the provisions of paragraph (8)(e) of this rule apply.

(e) When a school district demonstrates that a school is likely to move from the lowest-performing category if additional time is provided to implement intervention and support strategies, the State Board of Education shall permit continuation of an implementation option beyond one year.

(f) Each year the Department shall publish notice of the deadline for the selection of a reconstitution option, as provided in paragraphs (8)(b) and (8)(d) of this rule and the submission of a plan for implementation of that option. The notice shall provide a district a minimum of thirty (30) days for selection of the implementation option and a minimum forty-five (45) days after that date for the submission of an implementation plan.

(9) Annual update of DA forms. DA forms will be annually updated and submitted for State board approval.

(10) The failure to comply with the requirements of this rule will subject a district to the remedies provided in Section 1008.22, F.S.

Rulemaking Authority 1001.02(1), 1008.33 FS. Law Implemented 1006.40(2), 1008.33 FS. History—New_____.

NOTE: Copies of the forms incorporated by reference as amended to be consistent with changes in the rule, may be obtained by contacting lynn.abbott@fldoe.org

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0788 Notice Requirements for Charter School Performance Data.

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 Florida Administrative Weekly has been continued from June 15, 2010 to September 21, 2010.

DEPARTMENT OF TRANSPORTATION

RULE NOS.: RULE TITLES:
14-10.0011 General Provisions
14-10.0022 Outdoor Advertising Sign Inventory
14-10.003 Licenses
14-10.004 Permits
14-10.0041 Annual Renewal Billing – Licenses and Permits

14-10.0042 Denial or Revocation of Licenses or Permits
14-10.0043 Outdoor Advertising License and Permit Fees
14-10.006 Additional Permitting Criteria
14-10.007 Maintenance of Nonconforming Signs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly.

The hearing on proposed amendments to Rule Chapter 14-10 will be held July 13, 2010. The time and place will remain as noticed.

DEPARTMENT OF TRANSPORTATION

RULE NOS.: RULE TITLES:
14-90.0041 Medical Examinations for Bus Transit System Drivers
14-90.007 Vehicle Equipment Standards and Procurement Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 22, June 4, 2010 issue of the Florida Administrative Weekly.

The term “certificate” will be replaced by “form” in Rule 14-90.0041(3)(b). The proposed language is shown below.

Rule 14-90.007 shows revision dates of October 2008, for all CFR standards to be incorporated. The correct revisions dates will be October 2009.

14-90.0041(3)(b)

Upon completion of the medical examination, the examiner shall complete, sign, and date the medical examination form and maintain the original at his or her office certificate report.

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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid
RULE NO.: RULE TITLE:
59G-4.160 Outpatient Hospital Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly.

The amendment to Rule 59G-4.160, F.A.C., Outpatient Hospital Services, incorporates by reference in rule the Florida Medicaid Hospital Services Coverage and Limitations Handbook, January 2010. The following changes have been made to the handbook.

CHAPTER 2

Page 2-2 Medicaid Reimbursement: Insert the following paragraph prior to Note at the bottom of the page:

In the outpatient hospital setting, the federal Emergency Medical Treatment and Labor Act (EMTALA) screening is reimbursed the Medicaid established technical component of \$24, not the line item rate. This service is identified by revenue code 0451 and HCPCS 99281.

APPENDIX B: 045X EMERGENCY ROOM

Page B-7 0450 General Classification: The bullets are changed to read as follows:

- Use General Classification code 0450 when recipients require emergency medical services or emergency treatment beyond the EMTALA emergency medical screening. Code 0450 cannot be used in conjunction with 0451(99281).
- All other appropriate and covered outpatient revenue codes can be billed with 0450 to reflect services rendered to the patient during the course of emergency medical services or emergency treatment.
- No MediPass authorization is required when billing 0450, if the type of admission in Form Locator 14 on the claim is "1" (Emergency). MediPass authorization is required when the condition of the patient is not an emergency.

Page B-8 0451(99281) EMTALA Emergency Medical Screening Services (Effective 7/1/96): The bullets are changed to read as follows:

- Report the EMTALA Medical Screening code 0451 (99281) when no further emergency medical services or emergency treatment are required. If ancillary services are needed to determine if emergency medical services are required, report the ancillary charges using the appropriate revenue center codes in conjunction with code 0451 (99281). Code 0451(99281) cannot be used in conjunction with 0450.
- The federal EMTALA screening is reimbursed the Medicaid established technical component of \$24, not the line item rate.
- Effective 10/16/03, HCPCS code 99281 replaces code W1700, used prior to 10/16/03, when billing revenue code 0451.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.010
RULE TITLE: Provider Enrollment
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule is changed as follows:

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-5.010, F.A.C., is to incorporate by reference The Florida Medicaid Provider Enrollment Guide and Forms, August 2010. The amendment updates the fiscal agent information, clarifies background screening procedures and associated fees, and simplifies the overall enrollment process.

SUMMARY: The Guide includes all the instructions and applicable forms necessary to enroll as a provider in Florida Medicaid. The forms are also now aligned with the new Florida Medicaid Management Information System (FMMIS). The rule text is changed as follows:

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in Chapter 59G-4, F.A.C., all providers and billing agents are required to enroll in the Medicaid program in accordance with requirements specified in the Florida Medicaid Provider Enrollment Guide and Forms, August 2010 and submit a completed Florida Medicaid Provider Enrollment Application, AHCA Form 2200-0003 (April 2010). AHCA Form 2200-0003 is the application to be completed by applicants and is incorporated by reference in Rule 59G-5.010, F.A.C. The Guide and Forms are AHCA Form 2200-0003 is available from the Medicaid fiscal agent's Web Portal Portal@http://mymedicaid-florida.com. Click on Public Information for Providers, then on Provider Support, and then on Enrollment.

(2) through (5) No change.

(6) "Approved application" means an accurately and fully completed application with all the requirements which includes background screenings and onsite inspections resolved and completed with approval of the agency or its designee.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.9071, 409.908, 409.912, 409.913 FS. History—New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, 7-10-00, 5-7-03, 7-7-05.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-9.070
RULE TITLE: Administrative Sanctions on Providers, Entities, and Persons

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs was prepared for the proposed rule.

The proposed rule applies primarily to persons that enter into voluntary agreements to become Medicaid providers, and violate the laws, rules or regulations governing the Medicaid

program. The proposed rule has limited application to other persons that violate the laws, rules or regulations related to the Medicaid program. Medicaid providers contract with Florida’s Medicaid program to deliver a broad range of goods and services in accordance with the laws, rules and regulations of the Medicaid program. Currently, there are approximately 100,000 Medicaid providers in Florida including businesses and public entities. Small businesses, small counties and small cities may be affected by the proposed rule. If a Medicaid provider, or other person, violates a Medicaid related law, rule or regulation, the proposed rule identifies the sanction applicable to the provider or person resulting from the violation. The sanctions authorized by the proposed rule include corrective actions, monetary penalties, suspension and termination of providers from the Medicaid program.

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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.010 Approved Advertising and Promotional Gifts

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

The following language is inserted immediately following the rule text:

“PROPOSED EFFECTIVE DATE: September 15, 2010.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.010 Approved Advertising and Promotional Gifts

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

61A-1.010 Approved Advertising and Promotional Gifts.

(1) Industry members are prohibited from furnishing, supplying, giving, renting, or lending, to a vendor, any equipment, fixtures, furniture, furnishings, signs, supplies, credit, money, compensation, rebates, accumulated rebates, fees of any kind including slotting fees, services, property, or other thing of value of any description not included in the exceptions specified in Title 61, F.A.C., or specifically

authorized by Florida Statutes, to vendors or their employees or agents acting within their scope of employment. In addition, vendors and their employees or agents acting within the scope of employment are prohibited from accepting such forms of assistance. This prohibition against assisting any vendor includes engaging in cooperative advertising – participating in or paying for any advertising in cooperation with a vendor.

(2) As used in Rules 61A-1.010 through 61A-1.0108, F.A.C., “industry member” means manufacturer; distributor; importer; primary American source of supply; brand owner or registrant; and any broker, sales agent, or sales person of any of the aforementioned licensees.

(3) For purposes of Rules 61A-1.010 through 61A-1.0108, F.A.C., a licensee is categorized based on its license, type of beverages it is dealing in, conduct, and the form of assistance being provided. For example, a wine distributor who is selling a malt beverage product must comply with the malt beverage restrictions in Rules 61A-1.010 through 61A-1.0108, F.A.C., and Section 561.42, F.S.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-1.10, Formerly, 7A-1.010, Amended 6-5-97, Formerly 61A-1.010, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.: RULE TITLES:
61A-1.01027 Merchandise Exception
61A-1.01028 Recordkeeping

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

The following language is inserted immediately following the rule text of each rule:

“PROPOSED EFFECTIVE DATE: September 15, 2010.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.: RULE TITLES:
61A-1.01027 Merchandise Exception
61A-1.01028 Recordkeeping

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

61A-1.01027 Merchandise Exception.

If an industry member is a bona fide producer, wholesaler, or retailer of other merchandise, such as groceries or pharmaceuticals, that industry member may sell that merchandise to vendors under the following conditions:

- (1) The merchandise is sold at fair market value, either wholesale or retail;
- (2) The merchandise is not sold in combination with alcoholic beverages except as provided in Rule 61A-1.0108, F.A.C.;
- (3) The industry member's cost for acquiring the merchandise appears in that industry member's invoices or other records;
- (4) The sale of merchandise is itemized separately from the sale of alcoholic beverages; and
- (5) No equipment, as referenced in subsection 61A-1.010(1), F.A.C., or vehicles may be sold as merchandise.

Rulemaking Authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

61A-1.01028 Recordkeeping.

(1) Industry members must keep ~~and maintain~~ records for ~~a three year period on their licensed premises, or other division approved location,~~ of all product displays, equipment and supplies, participation in retailer association activities, the acquisition or production cost and selling cost of specialties or any items given, sold, or loaned to vendors, or any other form of assistance limited as to quantity, frequency, or value by Rules 61A-1.010 through 61A-1.0108, F.A.C., or Section 561.42, F.S. These records must be maintained for three years on the industry member's licensed premises or other location so long as the division is notified in writing prior to the use of that location. The division must also be notified in writing of any change in location. The records may be in any format so long as they are available and legible to division personnel when the records are requested for review. A copy of any record produced in compliance with this rule shall be given to the vendor. The copy shall be in a format accessible and readable by the vendor, i.e. not provided in an electronic format that would require proprietary software unavailable to the vendor. These records must show:

- (a) The name and address of the vendor, vendor's employee or agent receiving the assistance;
- (b) The vendor's license number;
- (c) The date furnished, given, rented, loaned, or sold;
- (d) The description and quantity of assistance furnished, given, rented, loaned, or sold;
- (e) The cost of the industry member's assistance determined by the original purchaser's invoice price. This information is not required if no value restrictions exist;
- (f) The charges to the vendor for the assistance, if any; and

(g) The name, license number, and address of the industry member providing the credit, cash, or other form of assistance as described in subsection 61A-1.010(1), F.A.C.

(2) Pursuant to Section 561.42(8), F.S., vendors shall keep and maintain any record provided to the vendor under subsection (1) of this rule for a three-year period on their licensed premises, or other division approved location, of any credits, or any other form of assistance, as described in subsection 61A-1.010(1), F.A.C., limited as to quantity, frequency, or value by Rules 61A-1.010 through 61A-1.0108, F.A.C., or Section 561.42, F.S.

These records must show:

- (a) The name and address of the industry member providing the credit, cash, or other form of assistance as described in subsection 61A-1.010(1), F.A.C.
- (b) A description of the form of assistance received and quantity received, if applicable.

Rulemaking authority 561.11, 561.42 FS. Law Implemented 561.08, 561.42 FS. History--New_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-1.0101	Product Displays
61A-1.01010	Premium Offers
61A-1.01011	Sweepstakes, Drawings, or Contests
61A-1.01012	Vendor's Property Included in Contests or Sweepstakes
61A-1.01013	Vendor-Sponsored Tournaments
61A-1.01014	Gifts to Those Who Are Not Licensed Vendors
61A-1.01015	Private Labels
61A-1.01018	Trade Shows and Conventions
61A-1.0102	Point of Sale Advertising Items
61A-1.01021	Returns of Damaged Products
61A-1.01022	Returns of Undamaged Products
61A-1.01024	Split Cases
61A-1.0103	Consumer Advertising Specialty Items
61A-1.0104	Alcoholic Beverage Samples
61A-1.0105	Brand Images
61A-1.0106	Advertisements
61A-1.0107	Inside Signs Advertising Brands
61A-1.0108	Combination Packages

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

The following language is inserted immediately following the rule text of each rule:

“PROPOSED EFFECTIVE DATE: September 15, 2010.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
 61C-3.001 Sanitation and Safety Requirements
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 22, June 5, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: RULE TITLE:
 61G10-11.010 Seals
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule development, as noticed in Vol. 36, No. 8, of the February 26, 2010, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: RULE TITLE:
 61G10-12.001 Application for Examination Fees
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule development, as noticed in Vol. 36, No. 8, of the February 26, 2010, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:
 61J1-4.007 Renewal of Inactive Registrations,
 Licenses and Certifications
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (8) shall now read as follows:
 - (8) Any registration, license or certification which exceeds 4 years in the inactive status shall automatically expire and the person must meet all the requirements of Sections 475.615, 475.616 and 475.617, F.S., and Rules 61J1-2.001, 61J1-3.001, 61J1-4.001, 61J1-5.001, and 61J1-6.001, F.A.C., in order to be registered or certified again as an appraiser. Further, applicants

must meet the requirements of Rule 61J1-10.001, 61J1-10.003, or 61J1-10.004, F.A.C., depending upon the type of registration or certification sought.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas W. O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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 ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
 62-348.100 Purpose and Applicability
 62-348.200 Definitions
 62-348.300 Application Requirements
 62-348.700 Transfer of Permit

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 43, October 30, 2009 issue of the Florida Administrative Weekly.

62-348.100 Purpose and Applicability.

(1) No change.

(2) Florida's horticultural industry contributes to the economic strength of the state. High-quality peat is an important component of horticultural production in Florida. Obtaining high-quality peat typically and uniquely requires the mining of wetlands and other surface waters. Since high-quality peat is a limited resource, the use of recycled and renewable material to replace or reduce the use of natural peat is necessary for the future of the state's horticultural industry. This chapter shall be applied to the mining of peat from certain herbaceous freshwater wetlands, where no less than 80 percent of the extracted peat will be high-quality peat, and no less than 80 percent of the high-quality peat will be used in Florida by the horticultural industry in products that incorporate other renewable or recycled materials to replace or reduce the use of natural peat. Persons applying for use of this rule shall provide certification of the intended use of the resource by submitting Form 62-348.900(1), "Horticultural Use Certification for High-Quality Peat, [effective date]," incorporated by reference herein. A copy of Form 62-348.900(1) may be obtained from the Department in the manner described in Rule 62-348.900, F.A.C.

62-348.200 Definitions.

The definitions in Sections 373.019, 373.403, 378.403, 403.031 and 403.803, F.S., and the following definitions apply to this chapter:

(1) No change.

(2) "High-quality peat" means peat from a herbaceous freshwater wetland that is classified as H1 to H4 on the von Post Humification Scale and has a pH less than 7. The following method, incorporated herein by reference, shall be used to determine the classification on the von Post Humification Scale, for use in this chapter: American Society for Testing and Materials, D5715-00 (Reapproved 2006) Standard Test Method for Estimating the Degree of Humification of Peat and Other Organic Soils (Visual/Manual Method), Volume 04.08, Issued March 2000. This document may be reviewed at the Florida Department of Environmental Protection, Bureau of Mining and Minerals Regulation, Mail Station 715, 2041 East Paul Dirac Drive, Tallahassee, Florida, 32310-3760, or a copy obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, Pennsylvania, 19428-2959. The following method, incorporated herein by reference, shall be used to determine the pH for use in this chapter: U.S. Environmental Protection Agency, EPA 150.1, Methods for the Chemical Analysis of Water and Waste, EPA-600/4-79-020, Revised 1983. A copy of this document may be obtained by writing to the Florida Department of Environmental Protection, Bureau of Mining and Minerals Regulation, Mail Station 715, 2041 East Paul Dirac Drive, Tallahassee, Florida 32310-3760.

(3) through (5) No change.

(6) "Invasive Exotic" for purposes of this rule means those plant species listed in the Florida Exotic Pest Plant Council's 2009 List of Invasive Species Category I and II, which is incorporated herein by reference. A copy of this document may be obtained from the Department in the manner described in Rule 62-348.900, F.A.C.

(7) through (12) No change.

62-348.300 Application Requirements.

Applicants using this rule shall submit Form 62-343.900(1) for an environmental resource permit, or within the geographical jurisdiction of the Northwest Florida Water Management District Form 62-312.900(1) for a wetland resource permit and Form 62-346.900(1) for an environmental resource permit. In addition, applicants shall submit the following plans and reports for the high-quality peat extraction area that will be subject to the wetland mitigation provisions of this chapter:

(1) through (2) No change.

(3) Plans and aerial photography showing the existing land use and land cover (acreage and percentages) mapped to at least Level III of the *Florida Land Use, Cover and Classification System* (Florida Department of Transportation, 1999), incorporated by reference herein. A copy of this

document may be obtained from the Department in the manner described in Rule 62-348.900, F.A.C. Each mapped unit shall be sufficiently homogenous in character to be assessed as a single unit. No mapped unit shall be smaller than 0.1 of an acre.

(4) through (8) No change.

(9) Form 62-348.900(1), "Horticultural Use Certification for High-Quality Peat,;" as incorporated by reference in subsection 62-348.100(2), F.A.C.

62-348.700 Transfer of Permit.

In addition to the requirements for transfer of Chapter 62-312, F.A.C., for wetland resource permits, or Chapters 62-330, 62-343, and 62-346, F.A.C., for environmental resource permits, the application for transfer of a permit under this chapter shall include the following:

(1) The permittee shall provide a production report using Form No. 62-348.900(2) "Annual Production Report For High-Quality Peat, [effective date]," incorporated by reference herein, for that portion of the calendar year when production was under the control of the permittee. A copy of Form 62-348.900(2) may be obtained from the Department in the manner described in Rule 62-348.900, F.A.C.

(2) The transferee shall provide certification of the intended use of the resource by submitting Form 62-348.900(1), "Horticultural Use Certification for High-Quality Peat,;" which was incorporated by reference in subsection 62-348.100(2), F.A.C.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:
64B8-51.006

RULE TITLE:
Rule Governing Licensure and
Inspection of Electrolysis Facilities
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

The correction is response to the comments made in the Joint Administrative Procedures Committee letter dated May 27, 2010. The correction is as follows:

(2)(b) To obtain the license, the applicant shall provide information to the Department as required by this rule on a form provided by the Department and approved and incorporated herein by reference by the Board as Form DH-MQA 1213, 11/09, ~~DOH/MQA/EP APP/REV 7/97~~, entitled "Application for Electrolysis Facility Licensure," effective 11/09, which can be obtained from the Council at The Florida Department of Health, Electrolysis Council, Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256, and available on the web at: <http://www.doh.state.fl.us/mq>, address set forth in ~~paragraph 64B8-50.002(3)(b), F.A.C.~~ The applicant

must pay a \$100 application fee, which is nonrefundable, \$100 inspection fee, \$100 licensure fee and a \$5.00 unlicensed activity fee ~~and a.~~

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Allen Hall, Executive Director, Board of Medicine, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-4.003
 RULE TITLE: Standards of Practice; Discipline
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

The correction is being made in response to comments received from the Joint Administrative Procedures Committee on May 26, 2010. The correction is as follows:

This is an amended summary of the Statement of Estimated Regulatory Costs (SERC).

For the fiscal years of 2008 and 2009, there were 6, 947 occupational therapists and 2,225 occupational therapy assistants licensed in the State of Florida. For fiscal years 2008 and 2009, the agency received 446 occupational therapist applications for licensure and 299 occupational therapy assistant applications for licensure. All licensed occupational therapists, occupational therapy assistants, and applicants for licensure will be required to be familiar with the new disciplinary guidelines (“guidelines”). The guidelines will affect all occupational therapists, occupational therapy assistants, and applicants for licensure who violate them.

The agency will incur rule making costs and costs associated with enforcing the guidelines. Specifically, those costs incurred during each investigations and prosecution of each violator. The agency will also incur costs for compliance monitoring if a penalty is imposed and the violator receives probation or suspension of his/her license.

The proposed changes will have a significant impact on small businesses, especially occupational therapists in private practice that will be unable to continue practicing if they violate certain sections of the guidelines. Similarly, some applicants will be denied licensure for the first offense and will lose the opportunity to acquire any income in the profession.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THIS CORRECTION IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.601
 RULE TITLE: Standards for Approval of Courses and Providers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 21, May 25, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (2)(k)1.a. shall now read as follows:

(k) Violating a rule or order of the board or Department (Section 465.016(1)(n), F.S.)		
1. Rules of Board of Pharmacy		
a. 64B16-28.101 to 64B16-28.1035 64B16-27.100 64B16-28.109 64B16-27.103 64B16-27.104 64B16-26.400 64B16-26.2032 64B16-28.1081 64B16-26.301 64B16-28.114 64B16-27.105 64B16-27.211 64B16-28.113 64B16-28.2021 64B16-28.603 All other rules	\$500 fine and 12 hour Laws & Rules or MPJE	One (1) year probation and \$2,000 fine

2. Subsection (2)(k)1.b. shall now read as follows:

b. 64B16-28.102	Suspension until compliance	Revocation
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3. Subsection (2)(k)1.e. shall now read as follows:

e. 64B16-28.301, 64B16-28.303 (destruction of controlled substances) (violations)	\$500 fine and 12 hour laws and rules or MPJE	Revocation
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4. Subsection (2)(k)1.g. shall now read as follows:

g. 64B16-28.140 (Data processing systems)	\$1,000 fine	Revocation
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5. Subsection (2)(k)1.i. shall now read as follows:

i. Tendering a check payable to the Board of Pharmacy or to the Department of Health that is dishonored by the institution upon which it is drawn	\$500 and 12 hours Laws and Rules or MJPE	\$1000 fine plus payment of the check within 30 days
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6. Subsection (2)(k)1.l. shall now read as follows:

l. 64B16-28.202 and 64B16-28.203 (transfer of prescription files and drugs)	\$1,500	Revocation
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7. Subsection (2)(k)1.m. through t. have been added to the rule and shall read as follows:

m. Failure to complete the required continuing education during the biennial licensure period.		
1. Failure to complete less than ten (10) hours	\$500	\$1,500
2. Failure to complete ten (10) or more hours In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.	\$1,000	\$2,500
n. Failure to maintain program requirements for certification, training, or continuing education programs or providers.	\$500	Revocation
o. Failure to retain continuing education records	\$250	\$1,500
p. Failure to practice in accordance with established practice standards		

1. Pharmacist	\$500	Revocation
2. Pharmacy Technician	\$250	Revocation
3. Pharmacy Intern	\$250	Revocation
4. Permittee	\$500	Revocation
q. Failure to have current policies and procedures	\$500	Revocation
r. Failure to have or maintain standards for an automated fill system in a community pharmacy	\$500 and 12 hours Laws & Rules MJPE	Revocation
s. Failure to have or maintain standards for an institutional, special, or central fill pharmacy	\$500 and 12 hour Laws & Rules or MJPE	Revocation
t. Failure to maintain standards for animal control shelters.	\$500	Revocation

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.003
 RULE TITLE: Citations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (3)(l) has been added to the rule and shall read as follows:

(l) Failure to retain continuing education records	\$250
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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-26.005
 RULE TITLE: Sanitary System, Facilities and Fixtures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

The changes are made in response to comments received from the Joint Administrative Procedures Committee.

Paragraph 64E-26.005(4)(b) has been changed so that when adopted it will read:

“If public or contract garbage collection service is available, the detention facility shall subscribe to these services unless the facility seeks to recycle or dispose of solid waste on-site. If garbage and trash are recycled or disposed of on-site, the method of recycling or disposal shall not create sanitary nuisance conditions. Nothing in this section relieves a facility of being in compliance with requirements of the Florida Department of Environmental Protection that apply to recycling or on-site disposal of garbage and trash.

Paragraph 64E-26.005(5) has been changed so that when adopted it will read:

“Beds and bedding shall be cleaned and sanitized on a schedule established by the correctional facility that is consistent with this rule. Used mattress and pillow covers shall be laundered or washed and sanitized before issued. Laundering and sanitization procedures shall follow current (as of the effective date of this rule) Florida corrections industry practices, such as following the operating procedures listed in equipment operating manuals, following the laundry guidelines of the Association for Linen Management (ALM), and the use of chemical sanitizers registered with the United States Environmental Protection Agency. ALM guidelines can be purchased at cost through their website, <http://www.almnet.org/displaycommon.cfm?an=1&subarticlenbr=69>. Sanitizers shall be used in accordance with the label directions to achieve the intended effect. EPA registered disinfectants can be used instead of sanitizers as long as they are used in accordance with the directions on the product label. Sheets and personal clothing shall be washed at least weekly and blankets washed or dry cleaned at least quarterly. Sheets and blankets shall be stored in a clean, dry place between laundering and issue”.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NOS.:	RULE TITLES:
65D-31.001	Applicability
65D-31.002	Definitions
65D-31.003	Managing Entity Qualifications
65D-31.004	Functions of Managing Entities
65D-31.005	Managing Entity Policies Requiring Departmental Approval
65D-31.006	Department’s Responsibilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

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.”

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.”

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

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on June 16, 2010, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by Enery Castellanos. The rule requires officers to successfully complete firearms qualification every two years unless an officer is injured in the line of duty, which would grant the officer two additional years to complete the qualification. The Petitioner was in an off-duty automobile accident with injuries to her hands and could not complete firearms qualification by the deadline of June 30, 2010. The Petitioner would like to waive the operation of the rule in her case until such time as her physician certifies that she may participate in firearms training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on June 23, 2010, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.002(4), F.A.C., by Duane C. Miller. The Petitioner wishes to waive that portion of the rule requiring a candidate to pass basic recruit training,