

Rulemaking Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 FS. History—New 1-27-98, Amended 3-24-02, 9-8-03, 5-24-09, 3-1-10, _____.

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA 1187, (Revised 1/12 01/11), “Application for Psychologist Licensure,” which is incorporated herein by reference and which may be obtained from the Board office or on the Board’s website at <http://www.doh.state.fl.us/mqa/psychology>.

(2) through (4) No change.

Rulemaking Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b), 490.007(1) FS. History—New 6-25-02, Amended 5-24-09, 3-1-10, 5-23-10, 11-10-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2011 and January 20, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-14.117	Application for Examination for Pest Control Operator’s Certificate and Special Identification Card and Limited Certificate for Urban Landscape Commercial Fertilizer Application

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. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: The purpose and effect of these rule changes is to define requirements for individuals seeking the Limited Commercial Wildlife Management Certificate for individuals wishing to control commensal rodents in Florida. An applicant seeking certification will be required to submit an application on a form prescribed by the Department with an

examination fee of \$150. Certificate holders will be required to annually submit a recertification fee of \$75 with a completed recertification notice form prescribed by the Department.

SUMMARY: The proposed rule implements the provisions of newly adopted Florida Statutes, Section 482.157, which establishes a Limited Wildlife Commercial Certificate by setting forth a required examination fee of \$150 to be submitted and a prescribed form application to be completed and submitted by an applicant. It also provides for a recertification notice form that must be completed and submitted with a recertification fee of \$75 by a certificate holder annually for renewal of the certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

If adopted, the proposed rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes, (or any other statute) before becoming effective for the following reasons: 1) None of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered; and 2) Based on information received from wildlife professional association membership rolls and discussions with industry representatives the following was determined: The estimated number of individuals seeking certification is estimated to be approximately 600. There are minimal or no transaction costs estimated. The exam application requires readily available information about the applicant applying for the credential, their company, and a passport type photograph and can be completed without the need for additional staff or other professional help. The examination fee is \$150. Therefore, the estimated financial impact is approximately \$90,000.00. No other impacts to small business or governmental agencies are anticipated because the Department’s Bureau of Entomology and Pest Control is solely responsible for the administration of the Structural Pest Control Law.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.117 Application for Examination for Department Applicator Credentials.

(1) through (18) No change.

(19) Applicants for limited certification for commercial wildlife management shall submit an examination fee of \$150 with their completed application using the form entitled,

Limited Certification for Commercial Wildlife Management, DACS 13685, (rev.09/11), which may be obtained by visiting <http://www.flrules.org/Gateway/reference.asp?No=Ref-01053>. Certificate holders shall submit an annual recertification renewal fee of \$75.00 with their completed Recertification Renewal Notice Limited Commercial Wildlife Management, DACS 13684, (rev. 2/12 ~~4/14~~), which may be obtained by visting <http://www.flrules.org/Gateway/reference.asp?No=Ref-01052>.

(20) No change.

Rulemaking Authority 482.051, 482.1562 FS. Law Implemented 482.131, 482.132, 482.141, 482.151, 482.152, 482.156, 482.1562, 482.157 FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02, 7-11-07, 2-24-09, 5-12-10, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
5E-14.142 Responsibilities and Duties –
 Records, Reports, Advertising,
 Applications

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. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: The purpose and effect of this rule is to implement newly adopted amendments to Section 482.226 (6), Florida Statutes, increasing minimum financial responsibility in the required amounts of errors and omissions (pProfessional liability) insurance coverage or bond to \$500,000 in the aggregate and \$250,000 per occurrence or net worth to \$500,000 requirements for licensees performing wood-destroying organisms inspections as provided by Section 12 of Chapter 2011-206, Laws of Florida.

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

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

The Department’s analysis of the economic impact of the rule did not trigger any of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC). As part of this analysis, the

Department relied upon information received from insurance carriers that write pest control general liability insurance which indicated the carrier’s minimum limits have been meeting the new required limits and there have been no additional rate increases resulting from the new limits. Further, current procedures utilized to ensure licensees performing Wood-Destroying Organisms inspections comply with the new financial responsibility for errors and omissions coverage are adequate. Additionally, no interested party submitted additional information regarding the economic impact.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) through (8) No change.

Rulemaking Authority 482.051 FS. Law Implemented 482.021(21), 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h), 482.226(1), (6) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06, 7-23-08, 9-17-08, 9-17-08, 1-4-09, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
5E-14.149 Enforcement and Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: One of the purposes and effects of the proposed rule is to allow a person owing a fine to the Department to enter into an agreement with the Department to re-pay the fine, which will allow the person to apply for licensure. Another purpose and effect of the proposed rule is to comply with recent changes to Section 112.011, F.S., which prohibit the denial of a license solely because of an applicant’s lack of civil rights but permit the denial of a license to pursue an occupation, trade, vocation, profession or business to a person convicted of a felony or first degree misdemeanor if the denial is directly related to standards determined by the regulatory authority to be necessary and reasonably related to the protection of public health, safety and welfare for the specific occupation, trade, vocation, profession or business for which the license is sought. The proposed rule will allow persons convicted of a felony or first degree misdemeanor to obtain a license under Chapter 482, F.S., to perform pest

control, even if their civil rights have not been restored and restricts the issuance of such a license only for reasons directly related to standards determined by the Department to be necessary and reasonably related to the protection of the public health, safety and welfare. Revising criteria for the issuance of Department credentials to felons.

SUMMARY: The proposed rule is being developed to allow a person owing a fine to enter into an agreement with the Department to re-pay the fine, which will allow the person to apply for licensure under Chapter 482, F.S. and to adequately address changes to subsections 6 and 9 of the rule relating to denial, suspension or revocation of licensure, that will implement the change in the law set forth in Section 3 of 2011 SB 146, amending F.S. 112.011, which was enacted into law and will become effective January 1, 2012.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Based on the Department's experiences with regulatory activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a Statement of Economic Regulatory Costs (SERC) as set forth in Section 120.541(2)(a), Florida Statutes. More particularly, the proposed rule will not impose any increased cost on the pest control industry for applicants to obtain a license to perform pest control under Chapter 482, F.S., nor will it increase any other regulatory cost. Additionally, no interested party submitted additional information regarding the economic impact.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.149 Enforcement and Penalties.

(1) through (8) No change.

(9) Suspension and Revocation.

(a) Suspension will be imposed when:

1. through 7. No change.

(b) Revocation will be imposed when:

1. A violator does not comply with a suspension order, or if a licensee or certificate holder has been suspended twice in three years.

2. A person has obtained licensure of any kind under Chapter 482, F.S. and the Department subsequently determines that the person that is the holder of the licensure falls into any of the categories set forth in paragraph (6)(c) above that would be grounds for denying licensure under Chapter 482, F.S. and the person will not be able to correct or cure the grounds for denying licensure but suspension would not be an adequate remedy because the grounds for denying licensure could not be corrected or removed within a period of two years.

(10) through (14) No change.

Rulemaking Authority 482.051, 570.07(23) FS. Law Implemented 112.011, 482.161, 482.163 FS. History--New 7-13-06, Amended 7-11-07, 8-4-08,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:

RULE TITLE:

5E-14.150

Customer Contact Centers

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. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish an application form and fee for businesses applying for a license to operate a centralized customer contact center within or outside of the state's jurisdictional boundaries and to delineate regulatory requirements for businesses operating a customer contact center. The effect of this rule will be to provide pest control companies the ability to obtain a customer contact center license and allow the Department the authority to regulate the operational functions of pest control sales of Florida consumers. Establish a license for the operation of pest control customer contact centers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

The Department's analysis of the economic impact of the rule did not trigger any of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC). As part of this analysis, the Department relied upon information received from the pest

control industry’s professional associations and direct discussions with industry representatives. Based on that information the following was determined: The number of companies seeking the license is estimated to be 20 companies; No transactional costs are expected for the following reasons: the companies seeking this license have had customer contact center operations for years and will have no need for capital outlay; under Section 482.071, Florida Statutes, licensees are required to utilize credentialed certificate holders and employees to solicit pest control services. These requirements are more burdensome than those enacted under Section 482.072, Florida Statutes, which only requires supervision and training under the licensee. Enactment of the rule will allow companies to reduce overhead and operational costs by consolidating customer contact centers in a single location; the contact center license fee is \$600 and is good for two years. The financial impact to the industry in the first year based on an estimated 20 applicants would be \$12,000. Additionally, no interested party submitted additional information regarding the economic impact.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.150 Customer Contact Centers.

(1) Customer Contact Center business license application: In accordance with Section 482.072(2)(a), F.S., an applicant for a customer contact center business license shall submit a completed Pest Control Customer Contact Center License Application form, DACS 13686 (03/12 09/11), and application fee of \$600 in the form of a check or money order payable to the Florida Department of Agriculture and Consumer Services (FDACS) to the address indicated on the form. Form DACS 13686 (03/12 09/11), is hereby adopted and incorporated by reference and may be obtained by visiting <http://www.flrules.org/Gateway/reference>.

(2)(a) through (d) No change.

(e) Each licensed customer contact center shall designate a “Primary Contact Person” at the licensed location for purposes of communication with the Department. The name, email address (if any) and telephone number of the primary contact person shall be provided to the Department as part of the license application ~~for~~ adopted by subsection (1). If the Primary Contact person changes prior to license renewal, the new contact information shall be submitted to the Department by calling (850)617-7997.

(3) through (4) No change.

Rulemaking Authority 482.051, 482.072 FS. Law Implemented 482.072 FS. History—New_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
 RULE TITLE: Implementation of Florida’s System of School Improvement and Accountability

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. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly.

Subsection (1), sub-subparagraphs (1)(a)1.a.-c., sub-subparagraph (1)(a)2.b., subparagraph (1)(a)3., paragraph (2)(a), subparagraphs (3)(a)1.-2., subparagraph (4)(a)1., sub-subparagraph (4)(b)1.c., subparagraph (4)(c)2., subparagraphs (5)(a)2.-4., paragraph (5)(b), subparagraphs (5)(b)1.-2., and subparagraphs (6)(b)2.-3. of Rule 6A-1.09981 are amended to read:

(1) Policy Guidance. Accountability for student learning is the key focus of Florida’s system of school improvement. Requirements of Section 1008.34, F.S., shall form the basis of Florida’s system of school improvement and accountability. Student achievement data from the Florida Comprehensive Assessment Test (FCAT), FCAT 2.0 and end-of-course (EOC) assessments, and Florida Alternate Assessment (FAA) shall be used to establish both performance levels and annual progress for individual students, schools, districts, and the state. Results shall further be used as the primary criteria in calculating school grades, school rewards and recognition, and performance-based funding and shall be annually reported. Statewide assessments as required by Section 1008.22, F.S., shall be used to measure the annual learning gains of each student toward achievement of the Next Generation Sunshine State Standards appropriate for the student’s grade level and to inform parents of the educational progress of their public school children as specified by Section 1008.34(1), F.S. Each school is accountable for the performance of its entire student population. Student achievement data from the FCAT, FCAT 2.0, EOC assessments, and the Florida Alternate Assessment (FAA) shall be used to measure a school’s student performance for the subject areas of reading, mathematics, science, and writing. The FCAT, FCAT 2.0, and EOC assessment levels in the performance criteria in subsection (4) of this rule are those specified in Rule 6A-1.09422, F.A.C., for the year in which achievement data are used for accountability. The FAA performance levels for reading, mathematics, science, and writing are those specified in Rule 6A-1.09430, F.A.C.

(a)1. School grades shall be based on a combination of:

a. Student achievement scores, based on FCAT 2.0 Reading in grades 3 through 10, and FCAT 2.0 Mathematics in grades 3- through 8; FCAT 2.0 Science in grades 5 and 8; FCAT Writing in grades 4, 8, and 10; Florida Alternate Assessment; statewide high school end-of-course (EOC)

assessments in Algebra 1, Biology (beginning 2012-13), and Geometry (beginning 2012-13); and middle school statewide EOC assessment in Civics (beginning 2014-15). Statewide EOC assessment scores for students who pass statewide high school EOC assessments in middle school will be banked for inclusion in the high school performance measures addressed in this paragraph when these students enroll in grade 9. For school year 2011-12 only, the science component for high school will be based on FCAT science performance in 2010-11. Schools will receive the same number of points for the 2011-12 science component as they did in 2010-11 because achievement level standards will not have been set for the 2011-12 Biology EOC assessment.

b. Annual student learning gains as measured by FCAT 2.0 Reading and Mathematics (including Algebra 1 and Geometry EOC) and Florida Alternate Assessment assessments in applicable grades; and

c. Improvement of the FCAT 2.0 Reading and Mathematics (including Algebra 1 and Geometry EOC assessments) scores of students in the lowest twenty-five (25) percent unless they are performing at or above satisfactory, defined as FCAT 2.0 and EOC assessment Achievement Levels 3, 4 and 5. Current year retained elementary and middle school students whose prior year assessment scores are at Achievement Level 1 or 2 will be included in this group.

(1)(a)2.b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year. Beginning in the 2012-2013 school year, if a school that would otherwise be assigned a school grade of "B" or "C" does not meet the fifty (50) percent learning gains target for adequate progress of the lowest performing students, as defined above, in at least one (1) of two (2) consecutive years, or demonstrate adequate improvement in learning gains for the lowest performing students from the prior year to the current year as described above, the final school grade shall be reduced by one (1) letter grade. Beginning in the 2012-2013 school year, no school shall receive a school grade of "A" unless the adequate progress criteria in reading and mathematics are met in the current year. Adequate progress for the lowest performing students is calculated separately for reading and mathematics. Schools must meet criteria in both subject areas to meet the overall requirement for adequate progress of the lowest performing students.

3. Reading Performance Threshold. Beginning in the 2012-13 school year, a school that would otherwise qualify for a school grade of "D" or higher must have at least twenty-five (25) percent of their students' scoring at or above Achievement Level 3 on FCAT 2.0 Reading. A school that does not meet this requirements will have its grade reduced by one letter grade. Schools that do not meet this requirement will receive a final school grade of "F".

(2)(a) The reading and mathematics assessment (FCAT, FCAT 2.0, statewide EOC assessment, and FAA) scores of all students, except English language learners (ELLs) who have been in the United States for less than one (1) year, an English for Speakers of Other Languages (ESOL) program for up to one (1) year. Scores on the reading and mathematics FCAT, FCAT 2.0, and statewide EOC assessments, for students with disabilities and ELL students who have been in the ESOL program more than one (1) year, but not more than two (2) years, will be included as satisfactory if the student scored at level 3 or higher or made a learning gain as described in sub-subparagraphs (4)(a)2.a. through d. of this rule not counting in the calculation students from these groups who scored below level 3 and have no prior year test scores. Achievement data for Science and Writing (and, when available, Civics and U.S. History) will be based on scores on the FCAT, FCAT 2.0 FAA, and statewide EOC assessments for all students enrolled in standard curriculum courses, including the scores of students who are speech impaired, gifted, hospital homebound, and ELLs who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

(3)(a)1. Has at least thirty (30) eligible students with valid FCAT 2.0 or Florida Alternate Assessment assessment scores in reading in both the current and the previous years, and

(3)(a)2. Has at least thirty (30) eligible students with valid FCAT 2.0 or EOC or Florida Alternate Assessment assessment scores in mathematics in the current and previous years, if the school is an accountability school type other than a high school. High schools must have at least ten (10) eligible students with valid Algebra 1 EOC or Florida Alternate Assessment assessment scores and beginning in 2012-13, at least ten (10) eligible students with valid Geometry 1 EOC assessment scores in mathematics in the current and previous years in order to receive a school grade. Performance designations shall be made using school grades A, B, C, D, and F, as specified in Section 1008.34(2), F.S. School grades shall be based on the assessments and criteria as specified in subsection (4) of this rule.

(4) Criteria for Designating School Grades. School grades shall be based on a combination of the following components:

(a) Components that apply to all school types:

1. Student achievement scores, aggregated for each school, which indicate the percent of eligible students who score at or above Achievement Level 3 on FCAT 2.0 and statewide EOC assessments in reading, mathematics, and science, and the percent of students who score "4.0" or higher on the FCAT Writing assessment. These percentages will also include, for students with disabilities whose sole assessment results are FAA scores, students who score at FAA Performance Level 4 or higher.

Statewide EOC assessment scores used for the performance and learning gains measures in high schools' grades will be scores for the assessments administered to students for the first-time in high school. All other scores for high school students on the same assessment will be counted as retakes.

(4)(b)1.c. The count of other 8th graders in the school year who took the EOC assessment(s) and were enrolled in the appropriate course or its equivalent, ~~and~~

(4)(c)2. The school grading measures and requirements described in subparagraph (4)(c)1. of this rule, shall be applied to high schools for which there are at least ten (10) students included in the denominator of each component described in paragraph (4)(c) of this rule. For high schools in which there are fewer than ten (10) students in the denominator of any one of these components, except for the four-year graduation rate for at risk students and the five-year graduation rate the school grade shall be determined using the components described in paragraph (4)(a) of this rule and shall not include any of the components described in subparagraphs (4)(c)1. of this rule. However, for high schools in which their are fewer than ten (10) students in the denominator of the four-year high school graduation rate ~~or the five-year modified graduation rate~~ for academically at-risk students ~~component~~ (sub-subparagraph (4)(c)1.b. of this rule), the grade point component defined in sub-subparagraph (5)(c)1.a. of this rule shall be substituted for the grade point component defined in sub-subparagraph (4)(c)1.b. of this rule. For high schools with at least ten (10) students in the four-year graduation rate cohort but with fewer than ten (10) students in the five-year modified graduation rate cohort, the five-year modified graduation cohort will be replaced by a four-year graduation rate modified to count special diploma recipients as graduates.

(5)(a)2. One (1) point for each percent of students who score at or above Achievement Level 3 on FCAT 2.0 and statewide EOC assessments in mathematics and at or above Performance Level 4 on the FAA in mathematics. These results will include Algebra 1 EOC Assessment scores. Beginning in 2012-13, these results will include Geometry EOC Assessment scores. If a student has both an FCAT mathematics assessment and an Algebra I or Geometry end-of-course assessment score, the higher of the scores will be used.

3. One (1) point for each percent of students who score "4.0" or higher on the FCAT Writing Assessment or Level 4 or higher on the FAA Writing Assessment.

4. One (1) point for each percent of students who score at or above Achievement Level 3 on FCAT 2.0 and statewide EOC assessments in science and Level 4 or higher on the FAA Science Assessment. Beginning in 2012-13, these results will include scores on the Biology 1 EOC assessment.

(5)(b) Points for middle schools in addition to the points described in (5)(a) of this rule ~~(100 additional 900 points available,~~ 200 additional ~~1000 points available,~~ beginning in school year 2014-15).

1. Middle School Participation in High School EOC Assessments (50 points available): One point for each percent of students who participate in statewide high school EOC assessments, and beginning in 2012-13 industry certifications. Students taking more than one high school EOC assessment or industry certification receive an extra weighting of 0.1 points in the numerator for each additional EOC assessment taken. Total points, including the extra weighting for additional assessments taken, will be summed before multiplying by a factor of 0.5.

2. Middle School Performance on High School EOC Assessments (50 points available): One point for each percent of students who score at level 3 or higher on statewide EOC assessments and industry certifications. Students scoring at level 3 or higher on more than one EOC assessment receive an extra weighting of 0.1 points in the numerator for each additional EOC assessment scored at level 3 or higher and each industry certification received. Total points, including the extra weighting for additional EOC assessments with scores at level 3 or higher, will be summed before multiplying by a factor of 0.5.

(6)(b)2. For the 2011-12 school year only, the grade assigned based on the points in subparagraph (6)(b)1. shall be used unless removing the points specified in subparagraph (5)(b)1. would result in a higher grade. The higher grade shall be used for the 2011-12 school year.

3. Beginning in the 2014-15 school year, for middle schools the school grade shall be based on the sum of the eight (8) grade point components as defined in paragraph (5)(a) of this rule and the middle-school grade point components in subparagraphs (5)(b)1. through 3. of this rule. In addition to the requirements in subparagraph (1)(a)4. of this rule for minimum percent of students tested, the requirement for reading performance in subparagraph (1)(a)3., and the requirements in subparagraph (1)(a)2. of this rule for adequate progress of the lowest performing twenty-five (25) percent of students, the following scale shall be applied:

Rulemaking Authority 1001.02, 1008.22, 1008.34, 1008.345 FS. Law Implemented 1008.22, 1008.34, 1008.345, 1008.36 FS. History—New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06, 6-19-08, 11-26-08, 11-12-09, 6-21-11, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:
6A-1.099821

RULE TITLE:
Voluntary Prekindergarten (VPK)
Provider Kindergarten Readiness
Rate

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

Department. All data must be submitted to the Department within thirty (30) days after the administration of each assessment.

3. At a minimum, data must be provided for all years following the ~~first~~ ~~third~~ year of a provider having been placed on probation. Assessment results for all program completers who were assessed shall be included in the documentation provided. An explanation shall be included for any program completers who were not assessed.

(b) A provider who fails to meet the minimum readiness rate after having been placed on probation for two (2) consecutive years may submit a good cause exemption application at any time after the release of the annual preliminary VPK Readiness Rates. Supporting documentation submitted with the application must include a review of adherence to the provider improvement plan, fidelity of implementation of the required curriculum or staff development plan pursuant to Section 1002.67(3)(c)2., F.S., and feedback from the previous year Department's site visits. The good cause exemption application and all supporting documentation must be received by the Department no later than fourteen (14) days after the timely filed provider acknowledgment of failing to achieve ~~receive~~ the minimum readiness rate submitted pursuant to Rule 6A-1.099821, F.A.C. The following changes were made to Form VPK-GCE-02 to address comments of the Joint Administrative Procedures Committee.

Florida Department of Education

2011 VPK Good Cause Exemption Application Process

VPK Good Cause Exemption Application Form

Please provide the following information regarding your application for review through the VPK Good Cause Exemption Application Process. Please type responses into the boxes below. This form may be submitted via ~~mail, fax, or~~ email to: <http://vpk.fldoe.org>.

~~Florida Department of Education, Office of Early Learning~~

~~325 West Gaines Street, Suite 514~~

~~Tallahassee, Florida 32399-0400~~

~~Fax: (850)245-5105~~

~~earlylearning@fldoe.org~~

Type of Setting and Licensing Information:

Public School:

Public school (licensed or uses contractors)

Public school (exempt from licensure under Section 402.3025, F.S.)

Public/Charter school (exempt from licensure under Section 402.3025, F.S.)

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-5.0411

RULE TITLE:

Calculations of Student Learning Growth Using Statewide Assessment Data for Use in School Personnel Evaluations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-20.028

RULE TITLE:

Florida Bright Futures Scholarship Program

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. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly.

Subsection (1), paragraph (3)(d), sub-subparagraph (3)(g)1.d., subparagraph (4)(c)4., paragraph (5)(c), subparagraphs (5)(d)1., 2., subsection (6), paragraph (7)(d), subparagraphs (8)(d)1., 2., (e)2., and the history citation of Rule 6A-20.028 are amended to read:

(1) General eligibility requirements. To receive an initial or renewing Florida Bright Futures Scholarship Program award a student shall, ~~in addition to any other applicable statutory or regulatory requirements:~~

(a) through (3)(c) No change.

(d) A home-educated student applying for a Florida Academic Award under Section 1009.534, Florida Statutes, must complete community service hours that meet the following requirements during high school and by high school graduation:

1. through (g)c. No change.

d. A student must earn at least the minimum standardized Critical Reading and Math scores on the SAT Reasoning Test or equivalent combined composite, excluding the writing section, or the minimum standardized scores on the ACT, either administered at a national test site by January 31st for seventh semester evaluation or and by June 30th for eighth semester evaluation of the student's last year in high school, as identified for each award level specified in Section 1009.531(6), Florida Statutes. ACT scores are rounded up for scores with .5 and higher; SAT scores do not require rounding. Sections of the SAT or ACT from different test dates may be used to meet the test criteria, but test types cannot be mixed.

2. through (c)3. No change.

4. The earlier date and time stamp for filing the FFAA-1.

adult visitors to take one notarized authorization to supervise a minor child (if applicable) into an institution or facility. Also, the Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: At the time of the analysis of the regulatory impact it was determined that this rule will have no effect on small business and that the changes would not require any additional training or have any other regulatory cost. Therefore, the rule is not expected to require ratification by the Legislature pursuant to Section 120.541(3), F.S.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.725 Permissible Items for Visitors

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 6, February 10, 2012 issue of the Florida Administrative Weekly.

The rule was properly withdrawn in Vol. 37, No. 39 (September 30, 2011) of the Florida Administrative Weekly. Therefore, the subsequent Notice of Withdrawal published on February 10, 2012 was unnecessary and should be disregarded.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.: RULE TITLES:
59B-16.001 Definitions
59B-16.002 Universal Patient Authorization
 Forms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule did not fully address information that should have been included under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification. Amendments to Rule 59B-16.001, F.A.C., clarify a definition and remove an outdated rule reference and will not impose any additional costs. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S., is required for amendment of these rules. Amendments to Rule 59B-16.002, F.A.C., incorporate by reference revised Universal Patient Authorization Forms that clarify permissions and revocation of permissions in the forms and will not impose any additional costs. Amendments to Rule 59B-16.002, F.A.C., also incorporate by reference Spanish language versions of the forms and will not impose any additional costs. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S., is required for amendment of these rules.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.: RULE TITLES:
59B-16.001 Definitions
59B-16.002 Universal Patient Authorization
 Forms

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. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

The above referenced proposed rules are being changed to address comments from staff of The Florida Legislature Joint Administrative Procedures Committee (JAPC).

JAPC commented that the Agency lacks statutory authority to adopt rules to comply with the statutes and federal laws cited. Accordingly, these sections have been removed from the forms. JAPC commented that the forms include an incorrect disclosure statement required by 42 C.F.R. §2.32. This disclosure statement has been removed from the forms.

Contact: A copy of the proposed rule amendments and changes to forms may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The proposed rule amendments and changes to forms are posted under Rule Development at: www.fhin.com/content/privacyRegulations/.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.250 Prescribed Drug Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency. A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to 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

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-19.008 Confidentiality of Investigations
 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. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The changes are in response to concerns by the Joint Administrative Procedures Committee in letters dated November 10, 2011.

The “PURPOSE AND EFFECT” shall be corrected to read as: The Board reviewed the rule pursuant to Executive Order 11-01, Section 5, and proposes the rule amendment to delete unnecessary language, renumber the rule accordingly and to correct reference to “61G15-19.008(6)” to read correctly as “61G15-19.008(7)”.

The “SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST” shall be corrected to read as:

The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

61G15-19.008 shall read as:

61G15-19.008 Confidentiality of Investigations.

~~(1) In accordance with Section 455.225, F.S., investigation records are confidential until an investigation ceases to be active. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the board has not exercised its option to pursue the case, or ten (10) days after the Board makes a determination regarding probable cause. However, in accordance with Section 471.038(6), F.S., in response to an inquiry about the licensure status of an individual, the management corporation shall disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public.~~

~~(2) The following violations have been deemed to involve the potential for substantial physical or financial harm to the public:~~

~~Negligence, as defined in subsection 61G15-19.001(4), F.A.C., or misconduct, as defined in subsection 61G15-19.001(7)(6), F.A.C., involving threshold buildings as defined in Section 553.71(7), F.S.~~

~~Rulemaking Specific Authority 471.038(6) FS. Law Implemented 471.038(6) FS. History–New 5-20-02, Amended _____.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-6.001 Manner of Application
 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. 37, No. 49, December 9, 2011 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 (1) shall now read as follows:

(1) All applicants for licensure as a Clinical Laboratory Personnel Director shall apply to the Department on Form #DH-MQA 3008 (02/12) “Application for Clinical Laboratory Personnel Director” which is incorporated by reference herein. All applicants for licensure as a Clinical Laboratory Personnel Supervisor shall apply to the Department on Form #DH-MQA 3009 (02/12) “Application for Clinical Laboratory Personnel Supervisor” which is incorporated by reference herein. All applicants for licensure as a Clinical Laboratory Personnel Technologist shall apply to the Department on Form #DH-MQA 3011 (02/12) “Application for Clinical Laboratory Personnel Technologist” which is incorporated by reference herein. All applicants for licensure as a Clinical Laboratory Personnel Technician shall apply to the Department on Form #DH-MQA 3010 (02/12) “Application for Clinical Laboratory Personnel Technician” which is incorporated by reference herein. Any licensee requesting to add a specialty to his or her current license shall apply to the Department on Form #DH-MQA 3012 (02/12) “Application for Clinical Laboratory Personnel Adding Specialty” which is incorporated by reference herein. Copies of all forms can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://>

www.doh.state.fl.us/mqa/ClinLab/index.html. The application must be accompanied by the appropriate application fee required by Rules 64B3-9.001 and 64B3-9.002, F.A.C.

2. Section 456.022, F.S., will be added to the Law Implemented.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Certified Master Social Workers

RULE NOS.:	RULE TITLES:
64B25-28.001	Collection and Payment of Fees
64B25-28.003	Examination Fee
64B25-28.005	Re-examination Fee

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. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly.

SUMMARY: The department has determined that these rules are unnecessary and, therefore, they are being repealed.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE NOTICE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3299; telephone (850)245-4460

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.:	RULE TITLE:
64E-19.006	Piercing Procedures

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly.

NOTICE IS HEREBY GIVEN that on February 27, 2012 the Department of Health received a Petition for Emergency Variance from paragraph 64E-19.007(6)(e), Florida Administrative Code, from Robert Ulery. This rule prescribes credentialing requirements for persons instructing body piercing courses. The Petitioner requests a variance from these rules to allow the Petitioner to provide formal training which includes infection control as part of the curriculum, to body piercers and operators. Comments on this Petition should be filed with the Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 5 days of publication of this notice. A copy of the petition may be obtained from Penny Barwick, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

A previous submission, published on March 2, 2012, had an incorrect Rule number listed.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.:	RULE TITLE:
64E-28.006	Education Course Requirements

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. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

64E-28.006 Education Course Requirements.

(1) ~~Effective January 1, 2012, a~~ All educational courses per subparagraph 381.00775(2)(b)4., F.S., shall be approved by the department. Any person seeking approval of an education course shall submit a request for determination of compliance with the requirements of this rule to the Department of Health, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399. All requests for course approval shall be handled in accordance with Section 120.60, F.S. Requests for course approval shall include submission of the following documentation:

(a) through (f) No change.

(2) through (3) No change.

(a) No change.

(b) Identity verification and validation shall occur prior to the initiation of the internet course, using an identity verifying technology that seeks verification through internet databases using information that is specific to the student's identity using credit bureau contacts. Following initial identity verification, validation shall occur at least every hour during the course and prior to completing the test.

(c) No change.

(d) At a minimum, the course provider shall include on the internet registration form, initial blocks in which the student indicates agreement with the following information:

1. That the student who registers for the course is the person taking the course.

2. That the student will be asked time-limited identity validation questions during the internet course. The validation questions will ask the student questions about themselves based on information provided by them and obtained through internet databases as described in paragraph (b), above credit bureaus. Failure by a student to answer an identity validation question during a 60-second response time period or a student providing more than one incorrect answer to an identity validation question will cause the course to automatically terminate. Upon termination, a 1-hour waiting period is required before the student is allowed to register again.

(e) through (f) No change.

(4) In order to ensure that the requirements of this section are met, the department may annually register and take the course, as any interested student would. ~~In order to allow such inspection, the course provider shall reimburse the department the cost of the course.~~

(5) through (7) No change.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-10.013	Applicability
65E-10.014	Definitions
65E-10.016	Licensing Requirements
65E-10.018	Client Eligibility for Placement in Residential Treatment Programs
65E-10.019	Cost Sharing
65E-10.021	Standards for Residential Treatment Programs Serving Emotionally Disturbed Children and Adolescents

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly.

1. The Notice of Proposed Rule did not state what information was relied upon in determining that the proposed rule is not expected to require legislative ratification. The information expressly relied upon is: the preliminary analysis conducted to determine whether a SERC was required and the nature of the rule.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.:	RULE TITLE:
65E-12.110	Integrated Children’s Crisis Stabilization Unit and Addictions Receiving Facility Demonstration Models

NOTICE OF PUBLIC HEARING

The Department of Children and Family Services announces a hearing regarding the above rule, as noticed in Vol. 38, No. 3, January 20, 2012 Florida Administrative Weekly.

DATE AND TIME: March 16, 2012, 10:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 6, Room 335, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Rule 65E-12.110, F.A.C., which was noticed in Vol. 38, No. 3, January 20, 2012 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 7 days before the workshop/meeting by contacting: Joe Anson, (850)717-4330. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.:	RULE TITLE:
65G-2.016	Residential Fee Collection

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. 38, No. 2, January 13, 2012 issue of the Florida Administrative Weekly.

65G-2.016 Residential Fee Collection.

(1) This rule applies to all clients, as defined in Section 393.063, Florida Statutes, who are eighteen years of age or older, who receive residential habilitation services, and who live in a foster care facility, group home facility, residential habilitation center, or comprehensive transitional education program, licensed pursuant to Section 393.067, Florida Statutes.

(2) Definitions. For the purposes of this rule, the following terms shall be defined as follows:

(a) Agency. As defined in Section 393.063, F.S.

(b) Benefit Payments. As defined in Section 402.33, F.S.

(c) Client. As defined in Section 393.063, F.S..

(d) Gross income. For the purposes of this rule Gross income includes the sum of the client’s benefit payments and third party benefits less any deduction authorized in writing by the Social Security Administration or the Agency for Persons with Disabilities. Deductions may only be authorized by the Agency for Persons with Disabilities if the client is using benefit payments or third party benefits to offset a voluntary reduction in the client’s Medicaid Waiver services or if the benefit payments or third party benefits are used as a required payment, co-payment, or co-insurance for Medicaid services, including, but not limited to prescribed drugs. This term does not include the client’s earned income.

(e) Personal Needs Allowance. A portion of the benefit payments and third party benefits that must be set aside and used for the direct benefit of the client. For purposes of this rule, a client’s personal needs allowance is \$93.58 per month.

(f) Residential Habilitation. Supervision and specific training activities that assist the client to acquire, maintain or improve skills related to activities of daily living. The service focuses on personal hygiene skills such as bathing and oral hygiene; homemaking skills such as food preparation, vacuuming and laundry; and on social and adaptive skills that enable the client to reside in the community. This training is

provided in accordance with a formal implementation plan, developed with direction from the client and reflects the client's goal(s) from their current support plan.

(g) Room and Board Payment. Reimbursement to the operators of facilities or programs licensed pursuant to Section 393.067, Florida Statutes, to cover the cost of providing food and shelter to Agency clients who also receive residential habilitation services in accordance with Chapter 65G-2 of the Florida Administrative Code. For purposes of this rule, a client's room and board payment is \$543.42 per month.

(h) Third party benefits. As defined in Section 402.33, F.S.

(3) Room and Board Payment Rates. Providers serving clients who receive residential habilitation services within a facility licensed pursuant to Section 393.067, Florida Statutes, will receive a room and board payment which is dependent upon the amount of benefit payments and third party benefits the client receives.

(4) Payments to Providers:

The room and board payment is calculated by subtracting a personal needs allowance (\$93.58 per month) from the client's monthly benefit payments and third party benefits. The room and board (\$543.42) payment is then subtracted from the remaining total. If any benefit payments or third party benefits remain after subtracting the personal needs allowance and room and board payment, the remaining balance shall be subject to the provisions in subsection (5) below.

(5) Fees assessed for Residential Habilitation services:

(a) If a client receives residential habilitation services in a facility licensed pursuant to Section 393.067, Florida Statutes, and the client's monthly gross income exceeds the client's personal needs allowance and the client's room and board payment, the client must send the excess gross income to the Agency for Persons with Disabilities.

(b) Payments made pursuant to paragraph (5)(a) must be sent to the local APD area office by the 15th day of the month after receipt of the third party benefit payments. If the 15th of the month falls on a weekend, state holiday, or national holiday, then the payment due date will be the next business day immediately thereafter. Checks or money orders should be made payable to Agency for Persons with Disabilities (or APD). Individuals or organizations serving as the representative payee for multiple clients may submit a single check or money order to the Agency each month.

(c) Clients or representative payees for clients shall submit an accounting for any deductions in the calculation of the fees assessed pursuant to this subsection.

(6) Mandatory Monthly Reports to the Agency.

(a) Every client or representative payee for a client, including a facility or program licensed pursuant to Section 393.067, Florida Statutes, must report to the appropriate APD area office by the 15th day of the month. The report must include a calculation for each client that includes:

a. The total gross income that the client receives;

b. The amount to be subtracted for payment of the client's room and board and for the client's personal needs allowances;

c. The total amount owed to the provider pursuant to subsection (4) of this rule or the total amount of the fee assessed pursuant to subsection (5) of this rule.

(b) If the monthly report described in this subsection indicates that a fee should be assessed to the client's third party benefits pursuant to subsection (5) of this rule, the client or representative payee for the client must also include a payment of the assessed fee with the monthly report.

(c) If the 15th day of the month falls on a weekend, state holiday, or national holiday, then the payment due date will be the next business day immediately thereafter.

(7) Review of Assessed Fees.

(a) Substantially affected individuals may request a review the fees assessed upon their gross income by submitting a request for review to the applicable area office. The client or responsible party must notify the agency, in writing, of the request for review of the fee assessed, and must submit any receipts, tax records, bills, certified statements or other documentation needed to substantiate the request for a review of the fee.

(b) If the substantially affected individuals still disagree with the fees assessed upon their third party benefit payments after their request for review, they may request an administrative hearing pursuant to Section 393.125, Florida Statutes.

Rulemaking Authority 393.501(1), 402.33 FS. Law Implemented 402.33 FS. History--New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas

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. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-9.004 has been changed to include the following modified paragraph (1)(c):

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 379.354(8)(h)1., F.S., shall be:

1. Nassau WMA – ~~200~~ ~~350~~
2. through 6. No change.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-11.003 Use of Motorboats on Certain Waters; Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-15.004 General Regulations Relating to Wildlife Management Areas

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. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-15.004 has been changed to include the following new subsection:

(16) The Executive Director may authorize recreational activities, including the take of fish and wildlife, by executive order to facilitate special outdoor recreational opportunities as described in Section 589.19, F.S., to be administered by the Florida Forest Service on those wildlife management areas where the Florida Forest Service is the lead land manager.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-15.061 Specific Regulations for Wildlife Management Areas – Southwest Region

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. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-15.061 has been changed to include the following modified paragraph(3)(b):

(b) Legal to take: All legal game, fish, frogs and furbearers. During the archery season the take of turkey is prohibited. After the first two days of archery season, the take of antlerless deer is prohibited. Wild hog may only be taken during archery and general gun seasons with a bag limit of one- Wild hog: Daily bag, 1 per quota permit or one 1 per exempt

~~hunter each season; possession limit, 2.~~ The take of wild hog with a shoulder height of less than 15 inches is prohibited. Quail shall be taken by daily quail or field trial quail quota permit only with a bag limit of 6 per day. No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region

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. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-15.063 has been changed to include the following new subsection:

(28) Beaverdam Creek Wildlife Management Area.

(a) Open season:

1. Archery – October 20 through November 18.
2. Small game – November 10-21, November 26 through December 7 and January 31 through March 3.
3. Family hunt – November 22-25.
4. Muzzleloading gun – December 1-3.
5. General gun – December 8 through January 30.
6. Archery and muzzleloading gun – January 31 through February 10.
7. Spring turkey – March 16-19 and 27-31.
8. Wild hog-dog – July 13-15, August 10-12 and September 14-16, 2012, and May 10-12 and June 14-16, 2013.
9. Duck, geese and coot – During the migratory game bird seasons as established by Rule 68A-13.003, F.A.C.
10. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the family hunt, any deer except spotted fawns may be taken (limit one antlerless deer per person per day). During the muzzleloading gun season, any deer except spotted fawns may be taken (limit one antlerless deer per day). During the spring turkey season, the bag limit for turkey shall be one gobbler or bearded turkey per quota permit. During the wild hog-dog season, only wild hog may be taken.

(c) Camping: Prohibited, except at designated campsites (for no more than 14 consecutive days at a time) or by permit from Northwest Florida Water Management District.

(d) General regulations:

1. Vehicles may be operated on Harry Donar Road year round and on the area road extending from the boat ramp at the terminus of Harry Donar Road to the pipeline parking area

during the period October 1 through April 30 and during each wild hog-dog hunt. Operation of vehicles on any other road is prohibited.

2. Taking or attempting to take deer or wild hog with the aid of dogs is prohibited, except that dogs may be used to take wild hog during the wild hog-dog hunts.

3. The use of all-terrain vehicles is prohibited.

4. Horses are allowed on named roads and designated horse trails only.

5. Boats may be launched and loaded only at the designated boat ramp.

6. During wild hog-dog hunts, wild hogs may be taken during the day or at night by the aid of a light with dogs and a firearm. The hunting of wild hogs under this provision by display or use of a light from a moving vehicle, boat or animal is prohibited.

7. Wild hog-dog hunts will begin at 12:01 AM on the first day of the hunt and end at 11:59 PM on the last day of the hunt. No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.064 RULE TITLE: Specific Regulations for Wildlife Management Areas – South Region

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. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-15.064 has been changed to include the following modified paragraph (1)(d):

(d) General regulations:

1. through 12. No change.

13. Public access is allowed throughout the year except from the Sunday two weeks prior to the opening of archery season until 8 a.m. the day prior to the archery season when the area shall be closed to public access except on the portion of the North Grade between the north entrance and the B camp gate where access will be allowed starting 5 p.m. three ~~8 a.m. two~~ days prior to archery season. Vehicles parked on the North Grade during the closure period shall not be left unattended by a driver. Hiking on the Florida Trail and use of the Hungryland Boardwalk is allowed throughout the year.

14. through 18. No change.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-17.005 RULE TITLE: Specific Regulations for Wildlife and Environmental Areas

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. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-17.005 has been changed to include the following modified paragraph (2)(b):

(b) Fort White Mitigation Park – Gilchrist County.

1. Open season:

a. through c. No change.

d. Spring turkey – March ~~16-20~~ ~~18-22~~ and ~~23-27~~ 25-29.

e. through g. No change.

2. through 4. No change.

No other changes were made to the rule amendments as proposed.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-170.113 RULE TITLE: Computation of Time; Service by Mail

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-24 RULE TITLE: Instant Game Number 1139, RAPID REFUND

SUMMARY: This emergency rule describes Instant Game Number 1139, “RAPID REFUND,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS: