

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

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
58A-5.0131	Definitions
58A-5.014	Licensing and Change of Ownership
58A-5.0185	Medication Practices
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.024	Records
58A-5.029	Limited Mental Health
58A-5.030	Extended Congregate Care Services
58A-5.031	Limited Nursing Services

**PURPOSE AND EFFECT:** The Department of Elder Affairs, in consultation with the Agency for Health Care Administration, the Department of Children and Families, and the Department of Health, announces the commencement of rulemaking proceedings to address assisted living facility regulation. The purpose of the rulemaking is to draft rules addressing the safety and quality of services and care provided to residents within assisted living facilities while being mindful of unnecessary increases in regulation given the many variations in services provided, the number of residents or size of the facility, and the makeup of resident populations in the facilities.

**SUBJECT AREA TO BE ADDRESSED:** The subject and scope of the rules to be developed through rulemaking will address the following areas: rule definitions; licensing and record-keeping requirements; medication practices; extended congregate care services requirements; admission and continued residency requirements; limited nursing services requirements; staff training and competency test requirements; deletion of duplicative rules; and revision of rules as needed based on legislative changes.

**RULEMAKING AUTHORITY:** 429.178, 429.23, 429.24, 429.255, 429.256, 429.27, 429.275, 429.31, 429.41, 429.42, 429.44, 429.52, 429.54 FS, Chapter 2015-126, Laws of Florida.

**LAW IMPLEMENTED:** Part I, Assisted Living Facilities, Chapter 429, Florida Statutes, Chapter 2015-126, Laws of Florida.

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

**DATE AND TIME:** Florida Department of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, Florida, 32399

**PLACE:** July 13, 2013, 9:30 a.m. – 11:30 p.m.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jason B. Nelson, Deputy General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2129, Email address: nelsonj@elderaffairs.org If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Jason B. Nelson, Deputy General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2129, Email address: nelsonj@elderaffairs.org

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68B-60.002	Definitions
68B-60.003	Size Limits
68B-60.004	Bag Limits

**PURPOSE AND EFFECT:** The purpose of this rule development notice is to address the possible creation of a new rule chapter for barracuda. The Commission is considering development of species-specific regulations for great barracuda. The effect of the new rule chapter would be to establish harvest regulations for the management of barracuda populations and could possibly include regional bag limits and size limits, to address great barracuda conservation concerns.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas addressed in the rule development notice include creation of conservation measures for great barracuda, including bag limits and size limits for barracuda harvested from the waters off south Florida.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Chapter 68B-60  
Barracuda

68B-60.002 Definitions.

“Great barracuda” means a fish of the species Sphyræna barracuda, or any part thereof.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.

68B-60.003 Regional Size Limits.

Minimum and Maximum Size Limits – The following size limit applies in all state and adjacent federal waters of the Gulf of Mexico south of a line extended due west from the Collier-Lee County Line (26°19.823’N. Latitude) and all state and adjacent federal waters of the Atlantic Ocean south of a line extended due east from the Martin-St. Lucie County Line (27°15.781’N. Latitude) including the waters off Collier, Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties. A person may not harvest, possess, or land a great barracuda within the above described region that is less than 15 inches in fork length or greater than 36 inches in fork length.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.

68B-60.004 Regional Bag Limits.

The following bag limits apply in all state and adjacent federal waters of the Gulf of Mexico south of a line extended due west from the Collier-Lee County Line (26°19.823’N. Latitude) and all state and adjacent federal waters of the Atlantic Ocean south of a line extended due east from the Martin-St. Lucie County Line (27°15.781’N. Latitude) including the waters off Collier, Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties.

(1) Recreational Bag Limit – A recreational harvester may not harvest, possess, or land more than two great barracuda per day within the above described region.

(2) Commercial Bag Limit – A commercial harvester may not harvest, possess, or land more than 20 great barracuda per day within the above described region.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE NO.:           RULE TITLE:

6A-5.030           Instructional Personnel Assessment Systems

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to establish uniform procedures and format for the submission, review and approval by the Department of Education of school district systems for personnel evaluation under Section 1012.34, Florida Statutes, reporting requirements for the annual evaluation of instructional personnel and school administrators, as well as procedures and requirements for monitoring each district’s implementation of its evaluation system.

SUMMARY: The proposed rule is a revision to requirements for school district systems for instructional and school administrator personnel evaluations. Proposed changes include: definitions of terms used in the rule; establish uniform procedures and format for the submission, review and approval by the Department of Education; and establish procedures and requirements for monitoring each district’s implementation of its evaluation systems. Additionally, the proposed rule incorporates forms for district use in submitting administrative and instructional evaluation systems for approval.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs.

In summary, the proposed rule will be implemented by the Department with existing staff. While a school district may incur costs when implementing evaluation systems, these costs are as a result of statutory and constitutional provisions, rather than the proposed rule. The proposed rule seeks to minimize the cost to school districts by the use of forms, clear delineation of requirements for approval and flexible implementation of those requirements. Further, both the Department and school districts were able to use grant funds from the Race to the Top grant to defray costs associated with implementing changes to their evaluation systems.

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

RULEMAKING AUTHORITY: 1001.02, 1012.34 FS.

LAW IMPLEMENTED: 1001.42(18), 1012.22(1)(c), 1012.34, 1012.98 FS.

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

DATE AND TIME: July 23, 2015, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen McDaniel, Bureau Chief, Educator Recruitment, Development and Retention, Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, Florida, 32399-0400, (850)245-0562

THE FULL TEXT OF THE PROPOSED RULE IS:

Rule 6A-5.030 is substantially rewritten to read (see Florida Administrative Code for present text).

6A-5.030 District Instructional Personnel and School Administrator Evaluation Assessment Systems.

Pursuant to Section 1012.34, Florida Statutes, this rule provides criteria; implementing procedures; format for the submission, review and approval of district instructional personnel and school administrator evaluation systems; and reporting requirements for the annual evaluation of instructional personnel and school administrators. This rule also establishes the process and requirements for monitoring district implementation of evaluation systems in accordance with s. 1012.34, F.S.

(1) Definitions.

(a) “Contemporary research” means professional research studies that provide evidence of the impact of instructional practice and instructional leadership. Research findings are considered “contemporary” when conducted within the last ten (10) years or where the continued validity of less recent findings is supported by research conducted within the last ten (10) years.

(b) “Courses associated with statewide, standardized assessments” or “courses associated with statewide, standardized assessments under s. 1008.22, F.S.,” are those courses listed in the publication, “Florida VAM Course List,” (effective \_\_\_\_\_), which is incorporated herein by reference (insert link). A copy of Florida VAM Course List may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(c) “Educator Accomplished Practices” mean those six (6) practices, including the descriptors within, described in Rule 6A-5.065(2), F.A.C., which is incorporated herein by reference (insert link). A copy of Rule 6A-5.065, F.A.C., may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(d) An “indicator” is a description of a specific behavior or strategy.

(e) “Newly hired by the district” means the first year in which classroom teachers are employed by the district in a full-time instructional position. Such personnel are “newly hired” for their first year of employment in a district regardless of their prior work experience elsewhere or in the employing district.

(f) “Observation” means the monitoring actions in evaluation systems that contribute evidence of performance or the impact of performance on others. Evidence collected through observation contributes to the summative evaluation rating and may be used for formative feedback. District evaluation systems may provide that observations are formal or informal, and announced or unannounced. District evaluation systems may provide that observations are contributed by supervisors, mentors, or peers who are trained in the evaluation system. The length of time of an observation event and the type of school activity observed may vary and is determined by the evidence of practice that is sought.

(g) “Performance standards” are the statements or cut points establishing how well individuals must perform on a given metric to achieve a designated level.

(h) “Principal Leadership Standards” mean those practices, including all domains and descriptors, described in Rule 6A-5.080, F.A.C., which is incorporated herein by reference (insert link). A copy of Rule 6A-5.080, F.A.C., may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(i) “Research-based framework” means an approach used in an evaluation system to assess and provide feedback on either instructional practice or instructional leadership. A research-based framework is based on contemporary research and includes implementation procedures designed to support the successful use of the framework for evaluation and continuous improvement.

(j) “Rubric” means a set of criteria or descriptions of practice used to distinguish among proficiency levels or classify performance.

(k) “School administrator” means school administrator as defined in s. 1012.01(3)(c), F.S.

(l) “Summative evaluation rating” means the combined rating of performance for an annual evaluation. There are four (4) performance levels: highly effective; effective; needs improvement, or, for teachers in the first three (3) years of employment, developing; and unsatisfactory.

(m) “Value-added model” or “VAM” means a statistical model used for the purpose of determining an individual teacher’s or school administrator’s contribution to student learning, as established in Rule 6A-5.0411, F.A.C., which is incorporated herein by reference. A copy of Rule 6A-5.0411, F.A.C., may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(2) Content of Approved Evaluation Systems. To receive approval of its evaluation system, the district must submit evidence of the following requirements:

(a) Performance of Students.

1. For all instructional personnel and school administrators, the percentage of the evaluation that is based on the performance of students criterion as outlined in s. 1012.34, F.S., along with an explanation of the scoring method, including how it is calculated and combined.

2. For classroom teachers newly hired by the district, the student performance measure and scoring method for each evaluation, including how it is calculated and combined.

3. For all instructional personnel and school administrators, confirmation of including student performance data for at least three (3) years, including the current year and the two (2) years immediately preceding the current year, when available. If less than the three (3) most recent years of data are available, those years for which data are available must be used. If more than three (3) years of student performance data are used, specify the years that will be used. The proportion of growth or achievement data included in the performance of students criterion may be determined by instructional assignment.

4. For classroom teachers of courses associated with statewide, standardized assessments under s. 1008.22, F.S., documentation that VAM results comprise at least one-third of the evaluation. If a teacher is assigned a combination of courses that are associated with the statewide, standardized assessments and that are not, the portion of the evaluation that is comprised of the VAM results may be proportionally adjusted according to a methodology selected by the district, as long as the performance of students criterion remains at least one-third of the final evaluation.

5. For classroom teachers of courses not associated with statewide, standardized assessments, the district-determined student performance measure(s).

6. For instructional personnel who are not classroom teachers, the district-determined student performance measure(s).

7. For school administrators the district-determined student performance measure(s).

(b) Instructional Practice.

1. For all instructional personnel, the percentage of the evaluation that is based on the instructional practice criterion as outlined in s. 1012.34(3)(a)2., F.S., along with an explanation of the scoring method, including how it is calculated and combined.

2. Documentation that the district evaluation framework for instructional personnel is based on contemporary research in effective educational practices.

3. For all instructional personnel, a crosswalk from the district’s evaluation framework to the Educator Accomplished Practices demonstrating that the district’s evaluation system contains indicators based upon each of the Educator Accomplished Practices.

4. For classroom teachers, observation instrument(s) that include indicators based on each of the Educator Accomplished Practices.

5. For non-classroom instructional personnel, evaluation instrument(s) that include indicators based on each of the Educator Accomplished Practices.

6. For all instructional personnel, procedures for conducting observations and collecting data and other evidence of instructional practice.

(c) Instructional Leadership.

1. For all school administrators, the percentage of the evaluation that is based on the instructional leadership criterion provided in s. 1012.34(3)(a)3., F.S., along with an explanation of the scoring method, including how it is calculated and combined.

2. Documentation that the district evaluation framework for school administrators is based on contemporary research in effective educational practices.

3. For all school administrators, a crosswalk from the district's evaluation framework to the Principal Leadership Standards.

4. Observation or other data collection instrument(s) that includes indicators, organized by domains, based on each of the Principal Leadership Standards, and additional elements provided in s. 1012.34(3)(a)3., F.S., including performance measures related to the effectiveness of classroom teachers in the school; the administrator's appropriate use of evaluation criteria and procedures; recruitment and retention of effective and highly effective classroom teachers; improvement in the percentage of instructional personnel evaluated at the highly effective or effective level; and other leadership practices that result in student learning growth, as identified by the district.

5. Procedures for observing and collecting data and other evidence of instructional leadership.

(d) Other Indicators of Performance. A description of additional performance indicators, if the district chooses to include such additional indicators pursuant to s. 1012.34(3)(a)4., F.S., the percentage of the final evaluation that is based upon the additional indicators, along with the scoring method, including how it is calculated and combined.

(e) Summative Evaluation Rating. The documentation shall include the summative evaluation form(s) and scoring method, including how it is calculated and combined, and the performance standards used to determine the summative evaluation rating. Districts shall use the four (4) performance levels provided in s. 1012.34(2)(e), F.S.

(f) Additional Requirements.

1. Documentation that the evaluator is the individual who is responsible for supervising the employee. An evaluator may consider input from other personnel trained in evaluation practices. If input is provided by other personnel, identify the additional positions or persons. Examples include assistant principals, peers, district staff, department heads, grade level chairpersons, or team leaders.

2. Description of training programs and processes to ensure that all employees subject to an evaluation system are informed on evaluation criteria, data sources, methodologies, and procedures associated with the evaluation before the evaluation takes place, and that all individuals with evaluation responsibilities and those who provide input toward evaluation understand the proper use of the evaluation criteria and procedures.

3. Description of the processes for providing timely feedback to the individual being evaluated.

4. Description of how results from the evaluation system will be used for professional development.

5. Description of the processes for how the district will address the improvement of those identified as less than effective as outlined in s. 1012.98(10), F.S.

6. Documentation that all instructional personnel and school administrators are evaluated at least once a year.

7. Documentation that all classroom teachers are observed and evaluated at least once a year, except for classroom teachers newly hired by the district, documentation that the teacher is observed and evaluated at least twice in the first year of teaching in the district pursuant to s. 1012.34(3)(a), F.S.

8. Documentation that the evaluation provides a mechanism for parents to provide input into evaluations and a description of the district's criteria for use of such parental input. The district may designate specific circumstances where parental input is not appropriate, with written explanation in the approved district evaluation system. Where survey information from students and parents are used, such information shall be objectively reliable and based on teaching practices that are consistently associated with higher student achievement.

9. Identification of teaching fields, if any, for which special evaluation procedures and criteria are necessary.

10. Description of the district's peer assistance process, if any. Peer assistance may be part of the regular evaluation system, or used to assist personnel who are placed on performance probation, or who request assistance, or newly hired classroom teachers.

11. If included by a district, a description of the opportunity for instructional personnel to provide input into a school administrator's performance evaluation.

(g) District Evaluation Procedures. The district shall provide evidence that its evaluation procedures comply with the following statutory requirements in accordance with s. 1012.34(3)(c), F.S.:

1. The evaluator must submit a written report of the evaluation to the district school superintendent for the purpose of reviewing the employee's contract.

2. The evaluator must submit the written report to the employee no later than ten (10) days after the evaluation takes place.

3. The evaluator must discuss the written evaluation report with the employee.

4. The employee shall have the right to initiate a written response to the evaluation and the response shall become a permanent attachment to his or her personnel file.

(h) Notification of Unsatisfactory Performance. The district shall provide evidence that its evaluation procedures for notification of unsatisfactory performance comply with the requirements outlined in s. 1012.34(4), F.S.

(i) Additional Notifications. Documentation the district has complied with the requirement that the district school superintendent shall annually notify the Department of any instructional personnel or school administrator who receives two (2) consecutive unsatisfactory evaluations and shall notify the Department of any instructional personnel or school administrators who are given written notice by the district of intent to terminate or not renew their employment, as outlined in s. 1012.34(5), F.S.

(j) District Self-Monitoring. The district shall provide a description of its process for annually monitoring its evaluation system. The district's self-monitoring system shall determine the following:

1. Evaluators' understanding of the proper use of evaluation criteria and procedures, including evaluator accuracy and inter-rater reliability;

2. Evaluators provide necessary and timely feedback to employees being evaluated;

3. Evaluators follow district policies and procedures in the implementation of evaluation system(s);

4. Use of evaluation data to identify individual professional development;

5. Use of evaluation data to inform school and district improvement plans.

(3) Submission Process.

(a) Districts shall submit an evaluation system for review and approval at any time when a new system is established or when an existing evaluation system is revised. The Department's review and approval of a revised evaluation system is part of the Department's process for monitoring school district evaluation systems pursuant to s. 1012.34(1)(b) and (8), F.S.

(b) All evaluation systems shall be submitted using the Instructional Evaluation System Template, Form IEST-2015 or Administrative Evaluation System Template, Form AEST-2015.

(c) The Instructional Evaluation System Template, Form IEST-2015 or Administrative Evaluation System Template, Form AEST-2015 and all required supporting documentation shall be submitted electronically to the Department's Division of Educator Quality for review and approval to the address DistrictEvalSysEQ@fldoe.org.

(4) Review and Approval Process.

(a) The Department shall review the documentation submitted by the district to determine whether the district has submitted a complete evaluation system with the required content pursuant to subsection (2) of this rule and format pursuant to subsection (3) of this rule, using the Checklist for Approval, Appendix A to the Instructional Evaluation System Template, Form IEST-2015 and Administrative Evaluation System Template, Form AEST-2015.

(b) The Department shall provide each district a written notice within thirty (30) days of receipt of the evaluation system that identifies omitted elements or if there are no omitted elements, that notice that the submission is complete.

(c) The Department shall provide written notification of the approval status to the district superintendent within sixty (60) days of the date the written notice in paragraph (4)(b) of this rule is provided to the district. The approval status designations and the effect of these designations are as follows:

1. Approved. An approved system meets all criteria found in subsection (2) of this rule. A district may implement the evaluation system(s) after receiving notification of Department approval.

2. Denied. A district evaluation system shall be denied if the district's evaluation system does not meet the requirements of subsection (2) of this rule. A district may not implement a denied evaluation system.

(5) Implementation Monitoring.

(a) In addition to the procedures described in subsections (3) and (4), the Department shall monitor each district's implementation of the evaluation systems pursuant to s. 1012.34(1)(b), F.S., at least once every five (5) years. Monitoring shall include documentation that the district is in compliance with the required elements of the evaluation system listed in subsection (2), and that the district is implementing its system as approved.

(b) The Department shall notify each district at least sixty (60) days prior to the monitoring process described in paragraph (5)(a).

(c) Within thirty (30) days after receipt of the notification of monitoring, the district shall submit a report of the results of its annual self-monitoring of its evaluation systems pursuant to paragraph (2)(j) during the preceding five (5) years. The report shall include any improvements the district has made to its evaluation processes as a result of its own monitoring.

(d) Upon completion of monitoring, the Department shall provide the district with a report of the results of the monitoring, which includes the continued approval designation for the evaluation systems and any strengths and areas of noncompliance identified.

(6) The following forms are hereby incorporated by reference and made a part of this rule, effective \_\_\_\_\_ 2015. Copies may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(a) Instructional Evaluation System Template, Form IEST-2015 (insert link).

(b) Administrative Evaluation System Template, Form AEST-2015 (insert link).

Rulemaking Authority ~~229.053, 231.29, 1001.02(2)(n), 1012.34(8) 1012.98(8), FS. Law Implemented ~~230.23(5)(e), 231.29, 1012.22(1)(c), 1012.34, 1012.98, FS. History—New 6-19-0, Formerly 6B-4.010, \_\_\_\_\_.~~~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Brian Dassler, Deputy Chancellor, Educator Quality  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 3, 2015

**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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set the formulas used for measuring student learning growth on the statewide, standardized assessments in English Language Arts and Mathematics, and the statewide, standardized end-of-course assessment in Algebra I. Additionally, the proposed rule sets the standards for

determining the performance levels of highly effective, effective, needs improvement or developing, and unsatisfactory in school district evaluation systems for the student performance component in teacher evaluations of courses associated with a statewide, standardized assessment in English Language Arts or Mathematics, or the statewide, standardized end-of-course assessment in Algebra I (or any combination of such courses). Also, the proposed rule establishes the procedures associated with implementing the formulas and standards.

SUMMARY: The proposed rule adopts and describes the covariate adjustment value-added model with the statewide, standardized assessments in English Language Arts and Mathematics, as well as the statewide, standardized end-of-course assessment in Algebra I. It describes how scores and confidence intervals determine the performance levels of highly effective, effective, needs improvement or developing, and unsatisfactory for the student performance components of annual evaluations based on these models. The rule establishes the procedures for data collection and reporting necessary for the value-added model calculations and the requirements for the Department to report results of the calculations to school districts for use in evaluations of instructional personnel pursuant to s. 1012.34, F.S. The proposed rule incorporates two documents; one describes the courses that are associated with statewide, standardized assessments in English Language Arts and Mathematics, and the statewide, standardized end-of-course assessment in Algebra I. The second is a Value-Added Model (“VAM”) Methodology document that describes the data used, the sources of the data, and the statistical model for the value-added formulas.

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

In summary, the proposed rule is expected to result in a cost savings to school districts because the Department will not only continue providing districts with data as it has in the past, but the proposed rule also establishes performance-level standards from that data for use by the school districts. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs.

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

RULEMAKING AUTHORITY: 1012.34(7), (8) FS.

LAW IMPLEMENTED: 1012.34 FS.

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

DATE AND TIME: July 23, 2015, 8:30 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Duval Conference Room, Tampa, FL 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Gaitanis, Policy Research and Accountability Coordinator, Florida Department of Education, Florida Department of Education, 325 West Gaines Street, Suite 544, Tallahassee, Florida, 32399-0400, (850)245-0437

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.0411 Calculations of Student Learning Growth Using ~~Statewide Assessment Data~~ for Use in School Personnel Evaluations.

(1) Purpose. The purpose of this rule is to provide the formulas for measuring student learning growth, the statewide standards for determining each performance level for use in school district instructional personnel evaluation systems developed under s. 1012.34, Florida Statutes, and procedures associated with implementing the formulas and standards.

(2) Definitions. For the purposes of this rule, the following definitions apply.

(a) “Confidence interval.” A confidence interval is derived from the standard error. It expresses the precision of a statistic as a range of values. An individual teacher’s VAM score is an estimate of that teacher’s contributions to student learning growth. The 95% confidence interval used in classification represents a range of possible values that would include the teacher’s VAM score 95% of the time if VAM scores were repeatedly re-estimated with different students for each teacher.

(b) “Courses associated with statewide, standardized assessments” or “courses associated with statewide, standardized assessments under s. 1008.22, F.S.,” are those courses listed in the publication, “Florida VAM Course List,” (effective \_\_\_\_\_ 2015), which is incorporated herein by reference (insert link). A copy of the Florida VAM Course List may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 544, Tallahassee, FL 32399-0400.

(c) “Covariate.” A covariate is a variable or set of variables used in computing a statistical model.

(d) “Covariate adjustment model.” A covariate adjustment model is a statistical model that controls for the influence of one or more of the covariates.

(e) “Expected score.” An expected score generated by a value-added model for a statewide, standardized assessment is based on the student’s prior statewide, standardized assessment score history and measured characteristics, as well as how other students in the state actually performed on the assessment. For each individual student, the expected score is the sum across all covariates of the value of the covariate multiplied by that covariate’s contribution to student learning as estimated by the covariate adjustment model.

(f) “Observed score.” An observed score is the actual score a student received on an assessment.

(g) “Staff information system.” The staff information system is the comprehensive management information system maintained by the Department containing staff data reported by school districts in accordance with Rule 6A-1.0014, F.A.C., (insert link) which is incorporated by reference herein. A copy of Rule 6A-1.0014, F.A.C., may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 544, Tallahassee, FL 32399-0400.

(h) “Standard error.” A standard error is a measure of the precision of a statistic. It is determined by both sample size and sample variability.

(i) “Student information system.” The student information system is the comprehensive management information system maintained by the Department containing student data reported by school districts in accordance with Rule 6A-1.0014, F.A.C., as incorporated in paragraph (2)(g) of this rule.

(j) “Value-added model” or “VAM.” A value-added model is a statistical model used for the purpose of determining an individual teacher’s contribution to student learning.

(3) Formulas for measuring student learning growth.

(a) The English Language Arts and Mathematics value-added models.

1. The formula for measuring student learning growth using student English Language Arts and Mathematics results shall be a covariate adjustment value-added model.

The value-added model statistically establishes the expected learning growth for each student, called an expected score. When a student’s actual performance differs from these expectations, a portion of that difference is attributed to the teacher’s and a portion is attributed to the school’s influence. Together, this information is used to compute a teacher’s value-added score.



2. The formula for the model. A full technical description of the data sources, formula, covariates, and methodology for calculating VAM scores is provided in the publication, “Florida VAM Methodology” (Effective \_\_\_\_\_) (insert link), which is incorporated herein by reference. A copy of “Florida VAM Methodology” may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 544, Tallahassee, FL 32399-0400.

3. The covariates included in the value-added model shall be:

a. The number of subject-relevant courses in which a student is enrolled.

b. At least one (1) and up to two (2) prior years of achievement scores on the applicable statewide, standardized assessment for each student.

c. A student’s disabilities. The disabilities used within the model are limited to language impaired; deaf or hard of hearing; visually impaired; emotional/behavioral disabilities; specific learning disability; dual sensory impaired; autism spectrum disorder; traumatic brain injured; other health impaired; and other intellectual disability.

d. A student’s English Language Learner (ELL) status. This covariate is used to control for effects related to whether a student is an English language learner and has been receiving English for Speakers of Other Languages (ESOL) services for less than two (2) years; at least two (2) years but less than four (4) years; at least four (4) years but less than six (6) years; or six (6) years or longer.

e. A student’s gifted status.

f. Student attendance.

g. Student mobility. This covariate is used to control for effects related to changing schools during the school year.

h. Difference from modal age in grade. This covariate is used to control for effects related to differences in a student’s age from the most common age for students enrolled in the same grade across the state.

i. Class size. This covariate is used to control for effects related to the number of students in a class.

j. Homogeneity of students’ entering test scores in the class. This covariate is used to control for the variation in student proficiency within a classroom at the beginning of the year.

4. The formula produces a value-added score for a teacher. For English Language Arts and Mathematics, this value-added score consists of two (2) parts:

a. The teacher effect. The teacher effect is an estimate of a teacher’s contributions to student achievement as measured by scores on statewide, standardized assessments. It is based on the difference between expected scores and actual scores for a teacher’s students relative to other teachers in the school, among students assessed in the same subject at the same grade level during the same year.

b. The school component. The school component is an estimate of the part of a student’s performance that is common to students within a school. It is based on the difference between expected scores and actual scores for the school’s students relative to other schools in the state, among students assessed in the same subject at the same grade level during the same year. It represents school-level factors influencing performance of all students in a school among students assessed in the same subject at the same grade level during the same year. Fifty (50) percent of the school component shall be added to the teacher effect to create the teacher’s value-added score.

(b) The Algebra I value-added models.

1. The formula for measuring student learning growth using student results from the statewide, standardized end-of-course assessment in Algebra I pursuant to s. 1008.22, F.S., shall be a covariate adjustment value-added model.

The value-added model statistically establishes the expected learning growth for each student, called an expected score. When a student’s actual performance differs from these expectations, a portion of that difference is attributed to the teacher’s and a portion is attributed to the school’s influence. Together, this information is used to compute a teacher’s value-added score.

2. The formula for the model. A full technical description of the data sources, formula, covariates, and methodology for calculating VAM scores is provided in the publication, Florida VAM Methodology.

3. The covariates included in the Algebra I value-added model shall include those listed under sub-subparagraph (3)(a)3.a.-j., as well as the following:

a. Mean prior test score. Mean prior test score is the average of the most recent prior score on the statewide, standardized assessment in Mathematics for all students within the class.

b. Percent of students in the class who are reported in the student information system as Gifted.

c. Percent at modal age in grade. Percent at modal age in grade is the percentage of students in the class whose age on September 1 of the school year is the same as the modal age of all students in the same grade.

4. The formula produces a value-added score for a teacher. For Algebra I, the score is the teacher effect. The teacher effect is an estimate of a teacher's contributions to student achievement as measured by scores on statewide, standardized assessments. It is based on the difference between expected scores and actual scores for a teacher's students relative to other teachers in the school, among students assessed in the same subject at the same grade level during the same year.

(4) Data Collected and Reported for VAM.

(a) Data collection and reporting procedures for purposes of VAM calculations shall be as provided in the publication, Florida VAM Methodology. As set forth in this publication in more detail, data from the Student Information System and Staff Information System obtained from Surveys 2 and 3 are used in VAM calculations. School districts submit Survey 2 and 3 data to the Department's Student Information System and Staff Information System pursuant to Rule 6A-1.0014, F.A.C. (Comprehensive Management Information System) and Rule 6A-1.0451 (Florida Education Finance Program Student Membership Surveys) (insert link) . These rules are incorporated by reference herein, and a copy of the rules may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 544, Tallahassee, FL 32399-0400.

(b) Results provided to districts shall include the following information for each statewide, standardized assessment for which a formula has been adopted:

1. A value-added score for each teacher based on the statewide, standardized assessment associated with the course(s) that the teacher taught during the current year. This score shall be reported for each grade level and subject area covered by the statewide assessment.

2. Three-year aggregate value-added scores for each teacher, which includes data for the teacher from the current school year and each of the two (2) prior years for which data are available, for a total of at least one (1) and up to three (3) years of data for the teacher, as follows:

a. Three-year aggregate English Language Arts score. A combination of all value-added results for the teacher from all grades and courses associated with the statewide, standardized assessments in English Language Arts.

b. Three-year aggregate Mathematics score. A combination of all value-added results for the teacher from all grades and courses associated with the statewide, standardized assessments in Mathematics.

c. Three-year aggregate combined score. A combination of all value-added results associated with the statewide, standardized assessments in English Language Arts and Mathematics.

d. The aggregate score shall be calculated by standardizing the value-added scores by converting them to a proportion of a year's average growth within the grade and subject for the year, and combining them across all grades and subjects for as many of the last three (3) years as data are available.

3. The standard error for each value-added score.

(5) Performance-Level Standards for Courses Associated with Statewide, Standardized Assessments.

(a) Data elements used to set performance-level standards are as follows:

1. The statewide average year's growth for students in each grade and subject. For each student learning growth formula, an average year's growth for students across the state on the statewide assessment is calculated, and once standardized, uses a threshold of zero (0) to establish performance expectations. A score of zero (0) indicates that a teacher's students scored no higher or lower, on average, than expected.

2. The educator's value-added score.

3. The confidence interval. A confidence interval is computed using the standard error associated with the educator's value-added score.

(b) Performance-level standards for the Performance of Students Criterion. The performance standards for the performance of students criterion in performance evaluations under s. 1012.34, F.S., for classroom teachers of courses associated with statewide, standardized assessments shall be as follows.

1. Performance-level standards for Florida's value-added models. The performance-level standards for the English Language Arts and Mathematics value-added models shall be established using the 3-year aggregate combined VAM score for English Language Arts and Mathematics and the grade-level VAM score for Algebra I provided by the Department, except as follows:

a. When a teacher has any student in their VAM score used to determine the Performance of Students component of a teacher's annual evaluation who had an expected score on any assessment that was higher than the score it was possible to achieve on that assessment;

b. The number of assessments used to calculate the VAM score used to determine the Performance of Students component of a teacher's annual evaluation is fewer than ten (10);

c. The teacher is not present for more than 50% of the school days associated with the course; or

d. The teacher's VAM score used to determine the Performance of Students component of a teacher's annual evaluation includes Advanced Academics courses (7755040 or 7855040).

In the circumstances described in (5)(b)1.a. through d. above, the district shall not be required to use the results of the VAM formula but instead may select an alternate measure of student performance to be used in the educator’s evaluation.

2. The performance-level standards for the English Language Arts and Mathematics value-added models are as follows:

a. Highly Effective. A highly effective rating on Performance of Students criteria is demonstrated by a value-added score of greater than zero (0), where all of the scores contained within the associated 95-percent confidence interval also lie above zero (0).

b. Effective. An effective rating on Performance of Students criteria is demonstrated by the following:

I. A value-added score of zero (0);

II. A value-added score of greater than zero (0), where some portion of the range of scores associated with a 95-percent confidence interval lies at or below zero (0); or

III. A value-added score of less than zero (0), where some portion of the range of scores associated with both the 68-percent and the 95-percent confidence interval lies at or above zero (0).

c. Needs Improvement, or Developing if the teacher has been teaching for fewer than three (3) years. A needs improvement or developing rating on Performance of Students criteria is demonstrated by a value-added score that is less than zero (0), where the entire 68-percent confidence interval falls below zero (0), but where a portion of the 95-percent confidence interval lies above zero (0).

d. Unsatisfactory. An unsatisfactory rating on Performance of Students criteria is demonstrated by a value-added score of less than zero (0), where all of the scores contained within the 95-percent confidence interval also lie below zero (0).

(c) Implementing the performance-level standards.

Beginning with the evaluations for performance during the 2015-16 school year, each district school board will implement the performance-level standards for Florida’s English Language Arts, Mathematics and Algebra I value-added models, as described in this rule.

Rulemaking Authority 1012.34, FS. Law Implemented 1012.34, FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Juan Copa, Deputy Commissioner, Division of Accountability, Research and Measurement

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 3, 2015

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-15.005  
RULE TITLE: Standards for Certified Nursing Assistant Training Programs

PURPOSE AND EFFECT: To allow Practical Nursing licensees to be an instructor and further clarify criteria of Certified Nursing Assistant Training Programs.

SUMMARY: Allow Practical Nursing licensees to be an instructor and further clarify criteria of Certified Nursing Assistant Training Programs.

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

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

RULEMAKING AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Council on Certified Nursing Assistants, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252, (850)245-4125

THE TEXT OF THE PROPOSED RULE IS:

64B9-15.005 Standards for Certified Nursing Assistant Training Programs.

(1) through (3) No change.

(a) A program instructor shall hold a clear, active Florida license to practice either practical nursing or professional nursing, have at least 1 year of clinical experience, and one of the following:

(3)(a)1. through (4)(b) No change.

(c) A training program shall provide a minimum clinical instruction ratio for program instructor professional nurse to student of 1 to 15 for students caring directly for residents or clients.

(4)(d) through (5) No change.

~~(a) The Board shall review a fraction of the training programs' passing rates. The fraction shall be at the rate of 1/12th every other month.~~

~~(b) Each program's passing rate will be reviewed every other year unless placed on probation.~~

(6) A training program must maintain a passing rate on certified nursing assistant examination for its graduates of not less than 10% below the state average as reported annually. If a program's passing rate drops below the standard for 12 months, the program must be reviewed by the Board. The Board shall place the program on probation, and if the passing rate does not meet the standard within one year, the Board shall rescind the program approval. If a program has no test takers for one calendar year, the program shall be considered abandoned and program approval shall be rescinded.

(7) through (11) No change.

Rulemaking Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New 5-25-03, Amended 8-10-08, 6-5-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Certified Nursing Assistants, Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 10, 2015

Section III  
Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0786  
RULE TITLE: Forms for Charter School Applicants and Sponsors

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. 41 No. 102, May 27, 2015 issue of the Florida Administrative Register.

Form IEPC-M1A, Applicant History Worksheet, is amended to add two additional pages to addendum A, B, and C, to include space for five years worth of data instead of three years.

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.: 63G-2.013 through 63G-2.026  
RULE TITLES: Purpose and Scope, Definitions, Facility Management, Maintenance, Staffing, Documentation / Management Systems, Security, Admission, Orientation and Release, Officer Conduct and Professionalism, Behavior Management and Disciplinary Treatment, Youth Activities, Sanitation and Safety, Hygiene, Nutrition

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. 41 No. 64, April 2, 2015 issue of the Florida Administrative Register.

63G-2.013 Purpose and Scope.

This rule establishes the standards and requirements for the provision of secure detention services for juveniles in centers operated by the Department of Juvenile Justice (DJJ). These rules do not govern the operation of non-DJJ centers such as those run by county sheriff offices.

Rulemaking Authority 985.601(9)(b) FS. Law Implemented 985.601(9) FS. History—New .

63G-2.014 Definitions.

For the purpose of this chapter, the following words shall have the meanings indicated:

(1) through (16) No change.

(17) Contraband – Those items or materials which, either by their original design, or through alterations made to them, could be used to compromise the safety and security of the facility (illegal items, sharps, escape paraphernalia, drugs, devices ~~devises~~, unauthorized food or beverages, metals, cell phones, keys or any item deemed unsafe, or a threat to facility security).

(18) through (21) No change.

(22) Designated Health Authority (DHA) – The DHA shall be a physician (MD) who holds an active, unrestricted license pursuant to Chapter 458, F.S., or an osteopathic Physician (DO) who holds an active, unrestricted license under Chapter 459, F.S., and meets all requirements for practice in the State of Florida. The Physician must be either Board Certified in Pediatrics, Family Practice or Internal Medicine (with experience in adolescent health) or Board-Eligible and have prior experience in treating the primary health care needs of adolescents. A Psychiatrist who holds an unrestricted license under Chapter 458 or 459, F.S., may serve as the DHA of a facility that provides specialized mental health services, as long as the Psychiatrist has current experience in medically treating the physical ~~physicel~~ health care needs of adolescents. The DHA shall be either a state employed or contract Physician accountable for ensuring the delivery of administrative, managerial and medical oversight of the facility health care system. Corporate physicians, who do not perform clinical/administrative duties on-site, shall not be the Designated Health Authority. The DHA shall ultimately be responsible for the provision of necessary and appropriate health care to youth in the care of a detention center.

(23) through (29) No change.

(30) Facility Operating Procedures (FOP's) – Detailed procedures that operationalize and implement R~~rule~~ 63G-2.013-.026, F.A.C. 63 G 2.013 .027 within a specific facility.

(31) through (51) No change.

~~(52) Prison Rape Elimination Act (PREA) – The United States Department of Justice rule of national standards to prevent, detect, and respond to sexual abuse and sexual harassment in juvenile facilities; 28 C.F.R. Part 115.~~

~~(53) PREA Coordinator – Position responsible for developing, implementing, and overseeing the Department's efforts to comply with the PREA standards in all of its juvenile detention facilities.~~

~~(54) PREA Facility Compliance Manager – Position at each juvenile detention facility operated by the Department responsible for coordinating the facility's efforts to comply with PREA standards.~~

(55) through (57) Renumbered to (52) through (54).

~~(55)(58) Quality Improvement System (QI) – The process authorized by section 985.632, Florida Statutes~~ Statues, governing the assessment of a program's operation, management, governance, and service delivery based on established standards.

(59) through (61) Renumbered to (56) through (58).

~~(59)(62) Security Devices – Devices, both mechanical and electrical, that enhance security in the facility.~~

(63) through (72) Renumbered to (60) through (69).

Rulemaking Authority 985.601(9)(b) FS. Law Implemented 985.601(9) FS. History—New .

63G-2.015 Facility Management.

(1) Accountability: The Superintendent or designee is responsible for ensuring compliance with all applicable laws, rules, regulations, policies and procedures related to the operation of a secure detention facility and to the proper care, custody, and control of detained youths.

(a) Background and drug screening shall be conducted on all potential staff and volunteers in compliance with the requirements set forth in Chapter 985.644, F.S.

~~(b) Facility Operating Procedures shall be maintained at each detention center. (FOP's) shall be facility specific. Policies and procedures shall include language that articulates how the individual facility shall implement the Department's policies or procedures.~~

~~(2) Each facility shall have a PREA Compliance Manager.~~

~~(a) This person is responsible for oversight of the designated facility's implementation and compliance efforts as they relate to PREA standards.~~

~~(b) This person coordinates and communicates on a regular basis with the Department PREA Coordinator as to the facility's compliance with PREA standards.~~

~~(c) This person is responsible for involvement with auditors conducting reviews at their facility and for developing corrective action plans necessary as a result of the audit report.~~

~~(3) Detention Reviews~~

(a) In order to ensure proper management of youths placed in secure detention and to ensure appropriate sharing of information, the Superintendent or designee shall conduct a weekly Detention Review staffing to discuss each youth listed on the census for secure and non-secure detention and electronic monitoring.

(b) Part of the staffing should address court orders. The Superintendent shall assign the responsibility for reviewing court orders to a staff member. Questionable court orders, those orders that appear to contradict Florida Statutes, shall be forwarded to circuit or regional staff according to department and regional policy.

(4) through (5) Renumbered to (3) through (4).

Rulemaking Authority 985.644 F.S., 985.601(9)(b) FS. Law Implemented 985.601(9) FS. History–New .

63G-2.017 Staffing.

(1) through (3) No change.

(4) Double On

(a) No change.

(b) In instances where officers are required to work two ~~consecutive consecutive~~ shifts, administrators shall make an effort to allow the officers sixteen consecutive hours off prior to returning to work.

(5) through (7) No change.

Rulemaking Authority 985.601(9)(b) FS. Law Implemented 985.601(9) FS. History–New .

63G-2.019 Security.

(1) through (11) No change.

(12) Contraband – The facility must have procedures in place to dispose of contraband ~~steps to dispose of contraband shall be specified in FOP's.~~

(13) through (14) No change.

(15) Hostages: Each facility must have a plan in place to address hostage situations that must include, in the event a hostage situation occurs, the following procedures: ~~that addresses hostage situations that must include: In the event a hostage situation occurs, the following procedures are to be followed:~~

(a) through (h) No change.

(16) through (19) No change.

(20) Vehicles

(a) through (c) No change.

(d) General Vehicle Guidelines

1. Fifteen-passenger vans can transport no more than thirteen youths at any one time.

2. through 8. No change.

Rulemaking Authority 985.601(9)(b) FS. Law Implemented 985.601(9)(b)1.4. FS. History–New .

63G-2.020 Admissions, Orientation and Releases.

(1) The admission process shall address the following:

(a) through (g) No change.

(h) Classification of Youths. The Superintendent shall establish, ~~through FOP's,~~ a classification system that promotes safety and security, as well as effective delivery of treatment services, based on determination of each youth's individual needs and risk factors that addresses, at a minimum, the following:

1. through 8. No change.

(i) through (j) No change.

(2) through (6) No change.

Rulemaking Authority 985.601(9)(b) FS. Law Implemented 985.601(9)(a) History–New .

63G-2.023 Youth Activities.

(1) through (10) No change.

(11) Mail

(a) through (c) No change.

(d) All incoming and outgoing mail shall be screened within 48 hours for content that could jeopardize safety or security.

Rulemaking Authority 985.601(9)(b) FS. Law Implemented 985.601(9)(b)1. -2. and (c) FS. History–New .

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:           RULE TITLE:

68A-4.001           General Prohibitions

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. 41 No. 94, May 14, 2015 issue of the Florida Administrative Register.

Proposed amendment to Rule 68A-4.001 has been changed to include the following revised subsection (4):

(4)(a) Intentionally feeding bears is prohibited except as provided for in this Title.

(b) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage that attracts bears and is likely to create or creates a nuisance is prohibited after receiving prior written notification from the Commission. ~~No person shall be assessed a penalty pursuant to this paragraph unless the person has first been issued a prior written warning for a violation of this paragraph.~~

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.: RULE TITLES:  
68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper  
68B-14.00355 Size Limits for Importation and Sale

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 117, June 17, 2015 issue of the Florida Administrative Register.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S.

**Section IV  
Emergency Rules**

**NONE**

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

**DEPARTMENT OF STATE**

Division of Elections

RULE NO.: RULE TITLE:

1S-2.021 Revocation of Registration of Political Committees and Electioneering Communications Organizations

NOTICE IS HEREBY GIVEN that on June 24, 2015, the Department of State, received a petition for Waiver of Rule 1S-2.021, F.A.C., from Sun Coast Patriots

A copy of the Petition for Variance or Waiver may be obtained by contacting: Brandy Hedges, (850)245-6513, brandy.hedges@dos.myflorida.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on June 22, 2015, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for S.H. CONDOMINIUM aka SUNSET HARBOUR. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-151).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-28.0052 Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

**NOTICE OF WITHDRAWAL OF PETITION FOR WAIVER/VARIANCE**

The Board of Accountancy hereby gives notice that the petition filed by Karen Forbes, on June 10, 2015, seeking a variance or waiver from paragraph 61H1-28.0052(1)(b), F.A.C., has been withdrawn. The Notice of Petition was published in Vol. 41, No. 119, of the June 19, 2015, issue of the Florida Administrative Register.

The person to be contacted regarding this petition is Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

**DEPARTMENT OF HEALTH**

Board of Chiropractic

RULE NO.: RULE TITLE:

64B2-13.0045 Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation

NOTICE IS HEREBY GIVEN that on June 16, 2015, the Board of Chiropractic Medicine, received a petition for variance or waiver filed by Benjamin Dunevitz, D.C. The petitioner is seeking a waiver or variance of subsection 64B2-13.0045(1), F.A.C., which provides that no license shall be initially renewed unless the licensee submits confirmation to the Board that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS). Petitioner is also seeking a waiver or variance of subsection 64B2-13.0045(2), F.A.C., which provides that to receive Board approval, courses on HIV/AIDS shall consist of at least 3 hours of classroom instruction.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. Comments on this petition should be filed with the Board of Chiropractic Medicine within 14 days of publication of this notice.

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## Section VI

### Notice of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pesticide Registration Evaluation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: July 2, 2015, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Scientific Evaluation & Technical Assistance, Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399-1650, (850)617-7940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the meeting agenda may be obtained by contacting the Pesticide Registration Review Section, (850)617-7940 or from the PREC website at:

<http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Business-Services/Pesticide/Pesticide-Product-Registration-Procedures>. For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Review Section; 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)617-7940.

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#### DEPARTMENT OF EDUCATION

Commission for Independent Education

The Commission for Independent Education announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2015, 9:00 a.m., Commission meeting

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: On July 16, 2015 beginning at 9:00 a.m. the Commission for Independent Education will consider: All Degree Granting Institutions and Non-Degree granting Institutions for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Applications for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual Licenses, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges, informal hearings and the General Business of the Commission. Public Comment: The Commission is committed to promoting transparency and public input during its public meetings. Speakers are requested to complete a public comment form, which will be available at the meeting, and to indicate whether they represent a group or faction. The Commission will hear public comment only regarding issues on the agenda. Individuals and representatives of groups will generally be allotted three minutes, but the time may be extended or shortened at the discretion of the chair. The Chair may impose a cumulative time limit for all public comment on any agenda item.

A copy of the agenda may be obtained by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



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

For more information, you may contact: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

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

DATE AND TIME: Wednesday, July 8, 2015, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drillers Advisory Committee (WDAC) Meeting. Some members of the District's Governing Board may also attend the meeting.

A copy of the agenda may be obtained by contacting: [teri.rhodes@watermatters.org](mailto:teri.rhodes@watermatters.org), 1(800)836-0797 (FL only) or (813)985-7481, ext. 4476.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: SWFWMD Human Resources, 1(800)423-1476 (FL only) or (352)796-7211, ext. 4702. 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).

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 6, 2015, 12:00 Noon

PLACE: Jupiter Emergency Operations Center, 3133 Washington Street, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2015 Loxahatchee River Preservation Initiative Meeting, General business and 2016 Initiative Funding Request Application.

A copy of the agenda may be obtained by contacting: Rod Braun, Office of Everglades Policy and Coordination, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2925, [rbraun@sfwmd.gov](mailto:rbraun@sfwmd.gov).

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: Brenda Low, (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rod Braun, Office of Everglades Policy and Coordination, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2925, [rbraun@sfwmd.gov](mailto:rbraun@sfwmd.gov).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Cost Management and Control

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: June 26, 2015, 7:15 a.m. – 12:15 p.m.

PLACE: Augustus B. Turnbull Center, 555 W. Pensacola Street, Tallahassee, FL 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss health information technology with industry leaders, subject matter experts, and Agency for Health Care Administration representatives through panel discussions.

A copy of the agenda may be obtained by contacting: Haley Priest at (850)412-3752.

For more information, you may contact: Haley Priest at (850)412-3752.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Florida Department of Environmental Protection, Florida Coastal Office announces public meetings to which all persons are invited.

DATE AND TIME: Tuesday, August 4, 2015, 9:00 a.m. – 5:00 p.m.; Wednesday, August 5, 2015, 9:00 a.m. – 5:00 p.m.

PLACE: Third Floor Auditorium, Center of Excellence for Coral Reef Ecosystem Research, Nova Southeastern University Oceanographic Center, 8000 North Ocean Drive, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: DEP's Coral Reef Conservation Program is holding its Southeast Florida Coral Reef Initiative (SEFCRI) Team and Technical Advisory Committee (TAC) meetings jointly. The meeting purpose is for SEFCRI Team and TAC to provide feedback on the draft recommended management actions developed by the Our Florida Reef's Community Working Groups.

A copy of the agenda may be obtained by contacting: Jennifer Báez, Jennifer.Baez@dep.state.fl.us or (561)681-6691.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jennifer Báez by email: Jennifer.Baez@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: July 1, 2015, 9:00 a.m.

PLACE: Williamson Conference and Education Center - Dixon Hendry Campus, 2229 NW 9th Ave., Okeechobee, FL 34972

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is a public meeting of interested stakeholders to discuss the Lake Okeechobee Basin Management Action Plan (BMAP). The BMAP is the means for implementation of the adopted Total Maximum Daily Load (TMDL). The primary purpose of this meeting is to provide updates on the on the adopted BMAP.

A copy of the agenda may be obtained by contacting: Sara C. Davis, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, Sara.C.Davis@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sara C. Davis at (850)245-8825. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

Board of Chiropractic

The Board of Chiropractic Medicine Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, July 21, 2015, 1:00 p.m., 1(888)670-3525, participant code: 7342425515.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Edith Rogers at edith.rogers@flhealth.gov, or by visiting the following website: <http://floridaschiropracticmedicine.gov/meeting-information/>.

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

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

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

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2015, 2:00 p.m., Eastern Time

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Review Committee Meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors regarding the Applications submitted in response to Florida Housing Finance Corporation's Request for Applications No. 2015-104 for Housing Credit Financing for the Preservation of Existing Affordable Multifamily Housing Developments.

A copy of the agenda may be obtained by contacting: Ken Reecy, Director of Multifamily Programs at Ken.Reecy@floridahousing.org or (850)488-4197.

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: Jean Salmonsens, (850)488-4197 or Jean.Salmonsens@floridahousing.org. 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).

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2015, 6:00 p.m. – 9:00 p.m.

PLACE: Grand Lakes RV and Golf Resort, 18545 NW 45th Avenue Rd., Citra, FL 32113

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Habitat Management Plan is a new document that will guide the Florida Fish and Wildlife Conservation Commission’s management actions at Orange Lake over the next five years. The purpose of this meeting is to begin a stakeholder engagement process, and gather input on a proposed outline of the plan.

A copy of the agenda may be obtained by contacting: Ryan Hamm, Florida Fish and Wildlife Conservation Commission, Division of Freshwater Fisheries Management, 7386 NW 71st Street, Gainesville, FL 32653, (352)415-6961, Ryan.Hamm@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ryan Hamm, Florida Fish and Wildlife Conservation Commission, Division of Freshwater Fisheries Management, 7386 NW 71st Street, Gainesville, FL 32653, (352)415-6961, Ryan.Hamm@myfwc.com.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.:RULE TITLES:

69V-180.002 Adoption of Forms

69V-180.010 Commercial Collection Surety Bond and Procedures

69V-180.020 Commercial Collection Registration Form and Procedures

69V-180.030 Consumer Collection Registration Form and Procedures

69V-180.031 Consumer Collection Agency Electronic Filing of Forms and Fees

69V-180.032 Effect of Law Enforcement Records on Applications for Consumer Collection Agency Registration

69V-180.040 Consumer Collection Agency Complaint Form and Procedures

69V-180.070 Location of Records

69V-180.100 Guidelines for Imposing Administrative Penalties

The Office of Financial Regulation announces a hearing to which all persons are invited.

DATE AND TIME: July 6, 2015, 9:00a.m.

PLACE: B103, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The proposed rulemaking of Rules 69V-180.002, 69V-180.010, 69V-180.020, 69V-180.030, 69V-180.031, 69V-180.032, 69V-180.040, 69V-180.070, and 69V-180.100, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Sheila Harley at (850)410-9716 or visiting the Office of Financial Regulation’s website at:

<http://www.flofr.com/StaticPages/NoticesOfPublicMeetingsHearingsAndWorkshops.htm>.

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 4 days before the workshop/meeting by contacting: Sheila Harley at (850)410-9716. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Sheila Harley at (850)410-9716.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NOS.:RULE TITLES:

73B-11.013 Filing Claims and Providing Documentation

73B-11.015 Continued Claims for Benefits

73B-11.0151 Employer Responses to Claim Notices and Requests for Information

- 73B-11.016 Monetary Determinations
- 73B-11.017 Nonmonetary Determinations
- 73B-11.024 Short-Time Compensation Plan Application
- 73B-11.029 Public Use Forms

The Department of Economic Opportunity, Division of Workforce Services announces a hearing to which all persons are invited.

DATE AND TIME: Monday, July 20, 2015, 10:00 a.m.

PLACE: Teleconference: 1(888)670-3525, passcode: 9984601373 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division will hear any comments not yet provided on the rule language. The proposed rules were originally published in Vol. 41, No. 110, of the June 8, 2015, issue of the Florida Administrative Register (FAR).

A copy of the agenda may be obtained by contacting: Michael Golen, Office of General Counsel, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, Florida 32399-4128, Michael.Golen@DEO.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michael Golen, Office of General Counsel, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, Florida 32399-4128, Michael.Golen@DEO.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Michael Golen, Office of General Counsel, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, Florida 32399-4128, Michael.Golen@DEO.myflorida.com.

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The Florida Surplus Lines Service Office, Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 9, 2015, 10:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312, via teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Surplus Lines Service Office Investment Policy review.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Georgie Barrett. 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).

**Section VII  
Notice of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Agricultural Environmental Services

NOTICE IS HEREBY GIVEN that on June 24, 2015, the Department of Agriculture and Consumer Services has received the petition for declaratory statement from William R. Miles, President and Certified Operator in Charge for Florida Quality Services, Inc. d/b/a DL. The petition seeks the agency’s opinion as to the applicability of Section 482.161(1)(g), Florida Statutes, as it applies to the petitioner.

The petitioner seeks a declaratory statement regarding Section 482.161(1)(g), Florida Statute, as to whether information requested by the Department regarding pest control company, Florida Quality Services, Inc. d/b/a DL containing data relating to pricing, employment agreement data and business to business agreements that are business confidential is “information essential to the administration of this chapter.” The petitioner asserts that the information sought is not essential to the administration of Chapter 482. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Dale Dubberly, Chief of the Bureau of Inspection and Incident Response, Department of Agriculture and Consumer Services, The Conner Building, Suite N, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)617-7996 or Marlene Czerniak at Marlene.Czerniak@freshfromflorida.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on May 13, 2015, the Construction Industry Licensing Board has received the petition for declaratory statement from James Friedrichs. The petition seeks the agency’s opinion as to the applicability of paragraph 61G4-15.015(2)(b), F.A.C., as it applies to the petitioner.

The petitioner seeks a declaratory statement regarding paragraph 61G4-15.015(2)(b), F.A.C., as to the following: (1) definition or interpretation of a preformed panel-post and beam roof; (2) whether a Specialty Structure Contractor install preformed panel metal roofs on site built residential or commercial structures where the preformed panel is being installed directly over existing roofing; (3) whether the term “manufactured housing” include homes certified by the U.S. Department of Housing and Urban Development, commonly referred to as mobile homes and manufactured or modular homes regulated by the Department of Business & Professional Regulation; (4) if the Board determines that a Specialty Structure Contractor’s scope of work includes roof-overs of both classifications of manufactured homes, whether it would be the Board’s opinion the intent and spirit of this scope of work extend to residential and commercial site-built structures; and (5) whether the building official of a local jurisdiction can determine the scope of work of a state-certified contractor where there is a question and or conflict. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

NOTICE IS HEREBY GIVEN that the Board of Accountancy has received the petition for declaratory statement from Gregory S. Uchimura, CPA, on behalf of Howard, Howard and Hodges, Certified Public Accountants and Consultants, filed on June 11, 2015. The petition seeks the agency’s opinion as to the applicability of Sections 473.308(5) and (6)(a), F.S., as they apply to the petitioner.

The petition seeks the Board’s interpretation of Sections 473.308(5) and (6)(a), F.S., and whether the Board of Accountancy would apply “good moral character” requirements or impose discipline on Florida CPAs providing services for marijuana-related businesses in states where marijuana-related businesses have been legalized. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607, Veloria.Kelly@myfloridalicense.com or (352)333-2505.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

NONE

Section XII  
Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

J and F South Florida Investments, Inc. for the establishment of LINH motorcycles

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X Power Motorsports, Inc., intends to allow the establishment of J and F South Florida Investments, Inc., d/b/a Treasure Coast Scooters & Things as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group, Corp. (line-make LINH) at 7320 South US Highway 1, Port St. Lucie, (St Lucie County), Florida 34952, on or after July 27, 2015.

The name and address of the dealer operator(s) and principal investor(s) of J and F South Florida Investments, Inc., d/b/a Treasure Coast Scooters & Things are dealer operator(s): Guy Young, 7320 South US Highway 1, Port St. Lucie, Florida 34952, principal investor(s): Guy Young, 7320 South US Highway 1, Port St. Lucie, Florida 34952.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ronald He, X Power Motorsports, Inc., 1715 Lakes Parkway, Lawrenceville, Georgia 30043.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES  
Division of Motor Vehicles  
J and F South Florida Investments, Inc. for the establishment  
of TMEC motorcycles

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X Power Motorsports, Inc., intends to allow the establishment of J and F South Florida Investments, Inc., d/b/a Treasure Coast Scooters & Things as a dealership for the sale of motorcycles manufactured by Wuxi Tmec Power Technology Co., Ltd. (line-make TMEC) at 7320 South US Highway 1, Port St. Lucie, (St Lucie County), Florida 34952, on or after July 27, 2015.

The name and address of the dealer operator(s) and principal investor(s) of J and F South Florida Investments, Inc., d/b/a Treasure Coast Scooters & Things are dealer operator(s): Guy Young, 7320 South US Highway 1, Port St. Lucie, Florida 34952, principal investor(s): Guy Young, 7320 South US Highway 1, Port St. Lucie, Florida 34952.

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If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

FISH AND WILDLIFE CONSERVATION COMMISSION  
Vessel Registration and Boating Safety  
AVAILABILITY OF GRANT FUNDS  
The Florida Fish and Wildlife Conservation Commission  
(FWC) is accepting applications for grant funding through the

Boating Infrastructure Grant (BIG) Program fiscal year 2016-17. The deadline for receiving applications is 5:00 p.m., August 14, 2015. Applications received after the deadline will be ineligible for consideration. NOTE: Applications must be submitted to FWC and NOT direct to Grants.gov. This additional time is allowed for review, corrections, and evaluation prior to FWC submitting the grant to Grants.gov by the deadline of September 18, 2015.

The BIG Program is funded from the US Fish and Wildlife Service for the construction and renovation of tie-up facilities for transient boaters in vessels 26 feet or more in length. Information on the BIG Program, Program Guidelines, and Request for Applications and Clarification of Applications Requirements are available at <http://myfwc.com/boating/grant-programs/bigp/>.

Email questions to [bigp@myfwc.com](mailto:bigp@myfwc.com) or phone: (850)488-5600.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-092

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE OF  
ISLANDS, FLORIDA, ORDINANCE NO. 2015-05

FINAL ORDER

APPROVING ISLAMORADA ORDINANCE NO. 2015-05

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by the Islamorada, Village of Islands, Florida, Ordinance No. 2015-05 (the “Ordinance.”)

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Florida Statutes, as an area of critical state concern. Islamorada, Village of Islands, is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Islamorada, Village of Islands, on April 9, 2015, and rendered to the Department on May 8, 2015.

3. The Ordinance amends the Islamorada, Village of Islands, Code of Ordinances, Chapter 30, “Land Development Regulations,” Article IV, “Administrative Procedures,” to establish Division 6, “Permit and Development Approval Cost Recovery,” and Sections 30-331 through 30-339. These provisions create an administrative cost recovery program to defray the costs of services relating to review of applications for permits and development approvals by village staff and consultants in accordance with Chapter 30, “Land Development Regulations,” Division 2, “Development Review,” Section 30-212(d)(1).

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. § 380.05(6) and § 380.0552(9), Florida Statutes.

5. Islamorada, Village of Islands, is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes, and Florida Administrative Code Chapter 28-26.

6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Islamorada, Village of Islands, Comprehensive Plan generally, and specifically Policy 1-4.10.2 (Fiscal Management) and Policy 1-4.10.3 (Administer Land Use Controls).

9. The Ordinance is consistent with the Principles for Guiding Development in section 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principle:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

WHEREFORE, IT IS ORDERED that the Department finds that the Islamorada, Village of Islands Ordinance No. 2015-05 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

William B. Killingsworth, Director  
Division of Community Development  
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK

DEPARTMENT OF ECONOMIC OPPORTUNITY  
OFFICE OF THE GENERAL COUNSEL  
107 EAST MADISON ST., MSC 110  
TALLAHASSEE, FLORIDA 32399-4128  
FAX: (850)921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 24<sup>th</sup> day of June, 2015.

\_\_\_\_\_/s/  
Katie Zimmer, Agency Clerk  
Department of Economic Opportunity  
107 East Madison Street, MSC 110  
Tallahassee, FL 32399-4128

By Certified U.S. Mail:

The Honorable Mike Forster, Mayor  
Islamorada, Village of Islands Council  
86800 Overseas Highway  
Islamorada, FL 33036

Kelly Toth, Clerk  
Islamorada, Village of Islands  
86800 Overseas Highway  
Islamorada, FL 33036

Cheryl Cioffari  
Director of Planning  
86800 Overseas Highway  
Islamorada, FL 33036

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Section XIII  
Index to Rules Filed During Preceding  
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.

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