

STATE BOARD OF EDUCATION
Consent Item
March 22, 2017

SUBJECT: Approval of Repeal of Rules 6A-16.018 through 6A-16.026, F.A.C.

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02(1), Florida Statutes

EXECUTIVE SUMMARY

Rulemaking authority for these rules no longer exists and therefore these rules must be repealed.

Supporting Documentation Included: Proposed Rules 6A-16.018, Designation of Official Reporter; 6A-16.019, Authority for Rulemaking Regarding Indexing, Management and Availability of Final Orders; 6A-16.020, Purpose; 6A-16.021, Plan; 6A-16.022, Final Orders Required to be Indexed; 6A-16.023, Listing of Final Orders; 6A-16.024, Numbering of Final Orders; 6A-16.025, Maintenance of Records; and 6A-16.026, Reporting Information to the State Board of Education

Facilitator: Chris Emerson, Deputy Director, Office of Executive Management and the State Board of Education

6A-16.018 Designation of Official Reporter.

Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(2) FS. History—New 7-7-92, Amended 3-25-13, Repealed

6A-16.018 Designation of Official Reporter.

~~(1) Report for subject matter index. The Division of Administrative Hearings is hereby designated the official reporter for the purpose of publishing and indexing by subject matter all Department final orders required to be indexed by Rule 1B-32.001, F.A.C.~~

~~(2) The Agency Clerk shall determine the final orders required to be indexed.~~

~~*Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(2) FS. History—New 7-7-92, Amended 3-25-13.*~~

6A-16.019 Authority for Rulemaking Regarding Indexing, Management and Availability of Final Orders.

~~*Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1), (2) FS. History—New 7-7-92, Repealed*~~

6A-16.019 Authority for Rulemaking Regarding Indexing, Management and Availability of Final Orders.

~~Rules 6A-16.018 through 6A-16.025, F.A.C., regarding the indexing, management, and availability of final orders are issued pursuant to Section 120.533, F.S. and Chapter 1B-32, F.A.C., and have been approved by the Department of State pursuant to Section 120.53(1)(c), F.S.~~

~~*Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1), (2) FS. History—New 7-7-92.*~~

6A-16.020 Purpose.

~~*Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1), (2) FS. History—New 7-7-92, Repealed*~~

6A-16.020 Purpose.

~~The purpose of Rules 6A-16.018 through 6A-16.025, F.A.C., is to provide public access to final orders by providing for the indexing of final orders, listing of final orders which are not indexed, and permanent retention of all final orders.~~

~~*Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1), (2) FS. History—New 7-7-92.*~~

6A-16.021 Plan.

Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1), (2) FS. History—New 7-7-92, Amended 3-25-13, Repealed

6A-16.021 Plan.

(1) The Department shall enhance the accessibility of final orders by sequentially numbering final orders that are required to be indexed and listed, pursuant to the provisions of Rule 6A-16.022, F.A.C. The Department shall make the final orders, subject matter index, and the list available to the public.

(2) The Agency Clerk shall assist the public in obtaining information pertaining to final orders. The Office of the Agency Clerk is located in Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends.

(3) Final orders required to be indexed may be found by utilizing the Commissioner's Official Reporter, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399, telephone number (850)488-9675 or online at <http://www.doah.state.fl.us/ALJ/>.

(4) Final orders which are listed, but not indexed and published, are maintained at the Office of the Agency Clerk and are available for public inspection and copying at cost.

(5) The list of final orders not indexed and published is maintained at the Office of the Agency Clerk and is available for public inspection and copying at cost.

Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1), (2) FS. History—New 7-7-92, Amended 3-25-13.

6A-16.022 Final Orders Required to be Indexed.

Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1)(a)2.a., (d) FS. History—New 7-7-92, Repealed

6A-16.022 Final Orders Required to be Indexed.

For purposes of this part, final orders as defined in Rule 1B-32.001, F.A.C., which are required to be indexed pursuant to Rule 1B-32.002, F.A.C., shall be indexed. Final orders which do not resolve a substantial legal issue of first impression, establish for the first time a rule of law, principle, or policy; alter, modify, or clarify a prior final order; resolve conflicting final orders, or harmonize decisions of appellate courts shall be listed, but not indexed in the following categories:

~~(1) Final orders resulting from informal proceedings under Section 120.57(2), F.S.~~

~~(2) Final orders closing cases on the basis of settlements, consent orders, or stipulations under Section 120.57(4), F.S.~~

~~Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1)(a)2.a., (d) FS. History–New 7-7-92.~~

6A-16.023 Listing of Final Orders.

~~Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1)(a)3. FS. History–New 7-7-92, Repealed~~

6A-16.023 Listing of Final Orders.

~~(1) The Department shall maintain a list of all final orders excluded from indexing under Rule 6A-16.022, F.A.C., by name of party and final order number.~~

~~(2) Final orders not resulting from a proceeding under Chapter 120, F.S., as set forth in Rule 1B-32.002, F.A.C., shall be neither listed nor indexed.~~

~~(3) Final orders resulting from a challenge to the validity of a rule under Section 120.56, F.S., shall be neither listed nor indexed by the Department. Such orders shall be listed or indexed by the Division of Administrative Hearings.~~

~~Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1)(a)3. FS. History–New 7-7-92.~~

6A-16.024 Numbering of Final Orders.

~~Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1)(h) FS. History–New 7-7-92, Repealed~~

6A-16.024 Numbering of Final Orders.

~~(1) All final orders that are required to be indexed or listed shall be sequentially numbered at the time of rendition, pursuant to Rule 1B-32.002, F.A.C.~~

~~(2) The sequential numbers shall be a two-part number separated by a dash with the first part indicating the year and the second part indicating the numerical sequence of the order as rendered for that year, beginning with number one each new calendar year. The assigned agency designation prefix, DOE, shall precede the two-part number.~~

~~(3) The applicable order category shall be added as a suffix following the agency designation prefix and two-part number. The order categories are as follows:~~

~~DS – Declaratory Statement
FOI – Final Order Informal Proceedings
FOF– Final Order Formal Proceedings
S – Stipulation
AS – Agreed Settlement
CO – Consent Order~~

~~Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1)(h) FS. History–New 7-7-92.~~

6A-16.025 Maintenance of Records.

~~Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1)(f) FS. History–New 7-7-92, Amended 3-25-13, Repealed~~

6A-16.025 Maintenance of Records.

~~Final orders that comprise final agency action and that must be indexed or listed pursuant to this chapter shall be maintained by the Agency Clerk, 325 West Gaines Street, Suite 1514, Tallahassee, Florida 32399-0400 and by the Department’s Official Reporter, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399, telephone number (850)488-9675.~~

~~Rulemaking Authority 120.53(1)(c)5. FS. Law Implemented 120.53(1)(f) FS. History–New 7-7-92, Amended 3-25-13.~~

6A-16.026 Reporting Information to the State Board of Education.

~~Rulemaking Authority 1001.02(1) FS. Law Implemented 1001.20(1), (2) FS. History–New 3-28-00, Repealed~~

6A-16.026 Reporting Information to the State Board of Education.

~~The Commissioner of Education, as head of the Department of Education, shall report to the State Board, as chief policy making body, actions involving the following:~~

- ~~(1) Claims settlement, actions, causes of action and legal proceedings brought against the Department or its employees acting within the scope of his/her employment.~~
- ~~(2) Donations accepted and gifts of property or grants of money on behalf of the Department in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the state.~~
- ~~(3) Leases of real property for departmental operations.~~

~~(4) Proposed legal action to be taken by, or on behalf of the Board for Board ratification, except in defense of litigation instituted against the Board or where the emergent nature of a matter requires immediate action.~~

~~(5) Controversial or major policy issues as determined by members of the State Board arising in the Department of Education.~~

Rulemaking Authority 1001.02(1) FS. Law Implemented 1001.20(1), (2) FS. History—New 3-28-00.