

(a) The Education Building may be made available for private meetings for up to 50 persons during or after normal operating hours.

(b) The Historic Reconstructions may be made available for rental during and after normal operating hours. Any scheduled event taking place during normal operating hours shall be open to the public and the event must not interfere with other visitors' enjoyment of the site.

(4) Any person desiring to obtain approval for the rental of a Mission San Luis facility shall submit the Application for the Rental of a Mission San Luis Facility Form, Form #####, Effective #####, prescribed by the Department of State, Division of Historical Resources. The form is incorporated by reference herein and is available from the Mission San Luis Visitor Center.

(5) Unless otherwise specified, application and approval for the rental of a Historic Reconstruction facility is for a single event not to exceed one day. The application and approval for the rental of the Education Building is for a single event not to exceed four hours. An Education Building event that exceeds four hours will be subject to an additional four hour fee.

(a) Facilities must be used in a manner consistent with the Legislature's intent to preserve the historic nature and dignity of state properties as enunciated in Sections 267.061 and 267.14, F.S. Events that do not uphold or that interfere with the historic nature of the Mission shall not be approved. An approved event that the Mission subsequently determines does not uphold or that interferes with the historic nature of the Mission shall be cancelled.

(6) Applications and supporting documents shall be filed with the Director, Mission San Luis, 2021 Mission Road, Tallahassee, Florida 32304, no less than sixty (60) days in advance of the planned event.

(7) Definitions. The following words shall have the following meanings for the purposes of this rule:

(a) "Facility" shall be defined as any structure, building, or open area that the Mission opens for rental use.

(b) "Site" refers to the entire grounds and facilities of the Mission.

(8) Rental fees for specific facilities are listed on Form #####. An initial deposit of fifty (50) percent of the listed fee is required at least forty (45) days prior to the date of the event. The remaining fifty (50) percent is due the day of the event. Cancellation of an event more than thirty (30) days prior to the scheduled date is without penalty and the Mission will return the deposit. Persons canceling an event less than thirty (30) days prior to the scheduled date will be responsible for one hundred (100) percent of the fee.

(a) Rental fees only include the rental of the facilities. Additional fees will apply if:

1. The event requires the use of the Mission's audio-visual equipment; or

2. If the event requires special staffing, set-up, and clean-up; or

3. If the scheduled event takes place after normal hours.

4. The fee for the use of Mission personnel will be at a rate of ten (10) dollars per hour per Mission employee. The number of Mission employees will be determined prior to event approval and will be based on size and nature of the event.

(b) With the exception of the tables and chairs provided with the rental of the Education Building and the outdoor picnic benches, the Mission does not supply tables, chairs or tents. Applicants are responsible for providing all equipment needed for an event. All equipment must be approved for use at an event. Tents which require stakes to be driven into the ground are prohibited.

(c) An agency, as defined by subsections 120.52(1) and (2), F.S., but not including subparagraph 120.52(1)(b)8., F.S., authorized staff members of that agency, FOMSL, and contributors to FOMSL may use the facilities free of charge for official agency functions or official FOMSL business; but must comply with all other facility rental requirements. Events by the abovementioned parties, not in the course of official FOSML business or an official agency function are permitted, free of charge, but require prior approval.

Specific Authority 267.17 FS. Law Implemented 267.13(b) FS. History-New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bonnie McEwan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fred Gaske

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: 2-37.010
RULE TITLE: Attorney Services

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised form entitled "Office of the Attorney General Attachment A for Private Attorney Services" into the rule.

SUMMARY: The proposed rule amendment incorporates a revised form into the rule.

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

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

SPECIFIC AUTHORITY: 287.059 FS.

LAW IMPLEMENTED: 16.015, 287.059 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Daugherty, Government Analyst, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2-37.010 Attorney Services.

(1) No change.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 4/2006), effective _____, (rev. 9/2001), effective 12-17-01, which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, or from the following web sites: myfloridalegal.com/aglink or myfloridalegal.com/outside.html.

Specific Authority 287.059 FS. Law Implemented 16.015, 287.059 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00, 6-5-01, 12-17-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Daugherty, Government Analyst

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald B. Curington, Assistant Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-1.09412	Course Requirements – Grades 6-12 Basic and Adult Secondary Programs
6A-1.09441	Requirements for Programs and Courses Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this amendment is to obtain approval of an addendum to the "Course Code Directory and Instructional Personnel Assignments" for 2006-2007, as required in SBE subsection 6A-1.09441(5), F.A.C. This rule provides specific conditions for which students may earn credit toward high school graduation and for

which the courses are funded through the Florida Education Finance Program (FEFP). Revisions to the narrative section will be made to align course requirements with state law. The addendum will also incorporate the course descriptions of new courses into the "Course Code Directory and Instructional Personnel Assignments" for 2006-2007, as required in SBE subsection 6A-1.09441(5), F.A.C.

SUMMARY: Revisions to the "Course Code Directory and Instructional Personnel Assignments" will be made to include new courses, align teacher certification, and revise the narrative section to reflect recent changes in state laws. The new courses and course descriptions direct school and district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the "Course Code Directory and Instructional Personnel Assignments" and ensure consistency and alignment with the Sunshine State Standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared.

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

SPECIFIC AUTHORITY: 1011.62 FS.

LAW IMPLEMENTED: 1011.62(1)(r), 1001.03(1) FS.

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

DATE AND TIME: June 20, 2006, 8:30 a.m.

PLACE: Orlando, Florida (For exact location please contact Lynn Abbott, Department of Education, 325 West Gaines Street, #1514, Tallahassee, Florida 32399-0400; (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Jo Butler, Bureau of Public School Options, K-12 Public Schools, Florida Department of Education, Tallahassee, FL.

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-1.09412 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the "Course Code Directory and Instructional Personnel Assignments" adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publication ~~"2002-2003 Florida Course Descriptions for Grades 6-12/Adult, Basic Education," "2005 Florida Course Descriptions for Grades 6-12/Adult, Basic Education," and "2006-2007 Florida Course Descriptions for Grades 6-12/Adult, Basic Education,"~~ and "Addendum to the

2006-2007 Florida Course Descriptions for Grades 6-12/Adult Basic Education.” which are hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be obtained from K-12 Public Schools, the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 1001.03(1), 1011.62(1)(r) FS. Law Implemented 1001.42(7), 1003.42, 1011.62(1)(r) FS. History–New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, 10-15-01, 12-17-02, 7-26-05, 11-21-05,_____.

6A-1.09441 Requirements for Programs and Courses Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 1011.62(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, F.A.C.

(4) The course or program shall be listed in the “Course Code Directory and Instructional Personnel Assignments” for the year in which the student is in membership.

(5) The “Course Code Directory and Instructional Personnel Assignments 2006-2007,” and “Addendum to the Course Code Directory and Instructional Personnel Assignments 2006-2007” are hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The ~~directories directory~~ may be obtained from K-12 Public Schools, the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 1001.02(1), 1011.62(1)(r) FS. Law Implemented 1011.62(1) FS. History–New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, Amended 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-16-01, 7-30-02, 4-21-05, 11-21-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Deputy Chancellor for Student Achievement, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cheri Pierson-Yecke, Chancellor, K-12 Public Schools, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2006

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: March 17, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.002 RULE TITLE: General Provisions

PURPOSE AND EFFECT: The purpose of the rule amendment is to align the provisions for the use of classroom teaching experience to the proposed new requirements for the college courses option for teacher professional preparation in Rule 6A-4.006, F.A.C., and to add language to establish that the recognition of national certificates shall be for subjects comparable and at the same degree level of training as Florida certification. The effect is consistency with Rule 6A-4.006, F.A.C., and current statutes.

SUMMARY: The change to the provisions for the use of classroom teaching experience in lieu of college credit is necessary to align to the proposed changes to the college course requirements in the teacher preparation course analysis option. Clarification relating to national certificates is provided to ensure a uniform standard for all Florida certificates issued.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared.

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

DATE AND TIME: June 20, 2006, 8:30 a.m.

PLACE: Orlando, Florida (For exact location please contact Lynn Abbott, Department of Education, 325 West Gaines Street, #1514, Tallahassee, Florida 32399-0400; (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief, Bureau of Educator Certification, 325 West Gaines Street, Room 201, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.002 General Provisions.

(1)(a) through (i) No change.

(j) Certificates from national certification organizations. Certificates issued by national certification organizations approved in Florida Statute or by the State Board of Education shall:

1. Be issued in a subject comparable to a Florida certification subject.

2. Require the same or higher degree level of training required for certification in that subject in Florida, and

3. Official documentation of the national certificate shall be a photocopy of the front and back of the original certificate.

~~(k)(j)~~ Alteration of certificates. The alteration of any certificate with the intent to mislead or defraud shall be sufficient grounds for revocation of the certificate. It shall be incumbent upon the certificate holder to establish evidence of the absence of intent to mislead or defraud.

(2) through (4) No change.

(5)(a) No change.

(b) Utilization of teaching experience. A year of full-time teaching experience may be accepted in lieu of three (3) semester hours of college credit. A maximum of three (3) years of teaching experience may be used in lieu of nine (9) semester hours of college credit. Not more than one (1) year of teaching experience may be used in lieu of three (3) semester hours of college credit toward satisfying requirements in professional preparation. Not more than two (2) years of teaching experience may be used in lieu of six (6) semester hours of college credit toward satisfying requirements in ~~professional preparation~~, or a specialization area. When teaching experience is used to satisfy a course requirement in a specialization area or to satisfy a subject special methods course requirement in professional preparation, the teaching experience shall be comparable to the course requirement acquired in the subject or field and at the appropriate instructional level to which it is applied.

(6) No change.

(a) An Official Statement of Status of Eligibility shall be issued when the applicant meets requirements specified in Section 1012.56(1), Florida Statutes.

(b) through (c) No change.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-10-64, 4-8-68, 4-11-70, 10-18-71, 3-19-72, 12-18-72, 6-17-73, 4-19-74, Repromulgated 12-5-74, Amended 6-22-76, 6-27-77, 12-26-77, 4-27-78, 7-1-79, 7-2-79, 6-26-80, 7-28-81, 1-3-82, 5-11-82, 6-22-83, 3-28-84, 1-31-85, 3-13-85, Formerly 6A-4.02, Amended 12-25-86, 10-18-88, 10-10-89, 4-15-91, 11-10-92, 5-30-94, 11-13-96, 10-15-01, 12-27-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Deputy Chancellor, K-12 Educator Quality, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chancellor Cheri Pierson-Yecke, K-12 Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-4.006 General and Professional Preparation

PURPOSE AND EFFECT: The purpose of the rule amendments is to include professional education requirements via the course analysis option provided in Section 1012.56(5)(f), Florida Statutes, that more closely align to the updated requirements in other certification options or pathways for teacher preparation. The effect will be a rule that is current and includes the most critical competencies, knowledge, and skills for teachers in providing quality instruction to improve student achievement.

SUMMARY: The additional pathways for certification professional preparation such as district alternative certification, educator preparation institutes, and traditional college programs have updated competency requirements in the areas of classroom management, reading, assessment and use of student data to improve learning, etc. The rule has to be amended in order to align with current provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared.

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

DATE AND TIME: June 20, 2006, 8:30 a.m.

PLACE: Orlando, Florida (For exact location please contact Lynn Abbott, Department of Education, 325 West Gaines Street, #1514, Tallahassee, Florida 32399-0400; (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief, Bureau of Educator Certification, 325 West Gaines Street, Room 201, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-4.006 follows. See Florida Administrative Code for present text.)

6A-4.006 General and Professional Preparation.

(1) General preparation. A bachelor's or higher degree from an accredited or approved institution as described in Rule 6A-4.003, F.A.C., shall be considered to have met the general preparation course requirements.

(2) Professional preparation.

(a) Courses for the professional preparation and education competence requirement pursuant to the college course certification option in Section 1012.56(5)(f), Florida Statutes, are fifteen (15) semester hours with credit in the following professional education areas:

1. Classroom management including safe learning environments.

2. Human development and learning.

3. Educational assessment to include the content measured by state achievement tests and the interpretation and utilization of data to improve student achievement.

4. Effective instructional strategies including the needs of diverse learners.

5. For the middle (grades 5-9) and secondary (grades 6-12) level subject coverages and the K-12 level subject coverages: art, music, dance, computer science, health, foreign languages, and humanities, curriculum and special methods of teaching the subject, and

6. For middle (grades 5-9) and secondary (grades 6-12) level subject coverages, foundations of research-based practices in teaching reading-competency two of the State Board approved reading endorsement competencies.

(b) Practical experience in teaching. Practical experience in teaching may be satisfied by one of the following methods:

1. One year of full-time teaching experience in an elementary or secondary school as specified in Rule 6A-4.002, F.A.C., or

2. Six semester hours earned in a college student teaching or supervised internship completed in an elementary or secondary school.

(c) Additional requirements in teaching reading and professional education for grades kindergarten through grade six and for exceptional education students are included in the separate certification subject specialization State Board Rules.

(d) All the professional education requirements for preschool and prekindergarten – grade three subject coverages in lieu of the requirements in paragraph (2)(a) of this rule are included in the separate certification subject specialization State Board Rules.

(e) The requirements of paragraph (2)(a) of this rule are not applicable and shall not be required for school social worker or speech-language impaired certification.

(3) Professional preparation for agriculture (grades 6-12).

(a) Courses for professional preparation and education competence requirement pursuant to the college course certification option in Section 1012.56(5)(f), Florida Statutes, for agriculture are fifteen (15) semester hours with credit in the following professional agricultural education areas:

1. Curriculum development and educational assessment in agriculture.

2. Instructional strategies of teaching agriculture.

3. Program planning in agricultural education.

4. An agriscience teacher induction course which includes:

a. Basic principles and philosophy of agricultural education, and

b. Strategies for classroom management.

(b) The practical teaching experience requirement may be satisfied as specified in paragraph (2)(b) of this rule.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 6-17-73, Repromulgated 12-5-74, Amended 10-12-76, 7-1-79, 11-5-84, Formerly 6A-4.06, Amended 9-12-89, 5-30-94, 7-17-00, 10-15-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Stewart, Deputy Chancellor, K-12 Educator Quality, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chancellor Cheri Pierson-Yecke, K-12 Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-6.040

RULE TITLE:

Voluntary Prekindergarten (VPK) Director Endorsement for Private Providers

PURPOSE AND EFFECT: The purpose of this rule is to specify the minimum standards for a credential for prekindergarten directors of private prekindergarten providers delivering the Voluntary Prekindergarten (VPK) Education Program, as required by Section 1002.57(1), F.S. The effect of this rule is to provide for an enhanced educational credential for the directors of private prekindergarten providers delivering the VPK program.

SUMMARY: This rule identifies the standards, training requirements, and procedures for renewing the VPK Director endorsement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared.

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

SPECIFIC AUTHORITY: 1002.79(1) FS.

LAW IMPLEMENTED: 1002.55(3)(f), 1002.57 FS.

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

DATE AND TIME: June 20, 2006, 9:00 a.m.

PLACE: Orlando, Florida (For exact location please contact Lynn Abbott, Department of Education, 325 West Gaines Street, #1514, Tallahassee, Florida 32399-0400; (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Executive Director, Office of Early Learning, Department of Education, 325 W. Gaines Street, Suite 1524, Tallahassee, Florida 32399-0400, (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.040 Voluntary Prekindergarten (VPK) Director Endorsement for Private Providers.

(1) Requirements for the Endorsement. Consistent with the requirements of Section 1002.55(3)(f), Florida Statutes, a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Endorsement, issued by the Department of Children and Families (DCF), that meets the requirements of subsection (2) of this rule. Successful completion of the Director Credential, as required by Section 402.305(2)(f), Florida Statutes, and paragraph 65C-22.003(8)(a), F.A.C., prior to July 1, 2006, shall satisfy this requirement.

(2) Training Requirements. To be eligible for the Voluntary Prekindergarten (VPK) Director Endorsement, issued by the Department of Children and Families (DCF), applicants must successfully complete:

(a) A Florida credential certificate program, as referenced in paragraph 65C-22.003(8)(a), F.A.C., approved by DCF and the Department of Education (DOE);

(b) DOE-approved training on the VPK Education standards adopted by the State Board of Education;

(c) DOE-approved course(s) on emergent literacy; and

(d) DOE-approved course(s) that address the following VPK Director competencies:

1. Organizational Leadership and Management – To implement strategies and techniques that promote a responsive work and learning environment, VPK directors shall be able to demonstrate knowledge and application of:

a. Management strategies that support a professional culture and climate;

b. Instructional leadership skills and the provision of supports to VPK instructors;

c. Available resources and supports for VPK instructors and parents; and

d. Local processes and procedures for the transition of VPK children to public and private kindergarten programs.

2. Financial and Legal – To maintain effective financial planning and budgeting systems and sound practices related to legal obligations and responsibilities, VPK directors shall be able to demonstrate knowledge and application of:

a. Applicable laws and rules and legal responsibilities;

b. Roles and responsibilities of state agencies, local coalitions, and providers;

c. Monitoring requirements; and

d. Financial operating procedures.

3. Program and Performance Standards – To maintain an instructional leadership role in creating and sustaining an effective learning environment, VPK directors shall be able to demonstrate knowledge and application of:

a. Developmentally appropriate and research-based instructional practices and their application in the classroom;

b. Evaluation of the appropriateness and effectiveness of available prekindergarten curricula;

c. Effective implementation of a prekindergarten curriculum in the classroom;

d. Effective instructional strategies for children with disabilities or other special needs and for English language learners;

e. Developmentally appropriate methods for the on-going assessment of young children and interpretation of these data for program planning and the delivery of instruction; and

f. Local and state accountability systems.

(3) Renewal. To maintain an active VPK Director Endorsement, the director of a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must meet the requirements in subparagraphs 65C-22.003(8)(h)1.-4., F.A.C.

Specific Authority 1002.79(1) FS. Law Implemented 1002.55(3)(f), 1002.57 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gloria Hearn, Office of Early Learning, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shan Goff, Executive Director, Office of Early Learning, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 17, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.005
RULE TITLE: Maximum Account Balance Limit
PURPOSE AND EFFECT: To update the reference to the College Cost and Financial Aid Handbook.

SUMMARY: This rule changes is being made to update the Florida Prepaid College Plan Maximum Account Balance Limit.

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

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

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

LAW IMPLEMENTED: 1009.98, 1009.81 FS.

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

DATE AND TIME: June 12, 2006, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2006 ~~2004~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the

Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) through (3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History–New 11-27-02, Amended 12-28-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.003
RULE TITLE: Participation Agreement
PURPOSE AND EFFECT: To update the Florida College Investment Plan Participation Agreement Form.

SUMMARY: This rule change is being made to update the Florida College Investment Plan Participation Agreement Form.

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

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

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

LAW IMPLEMENTED: 1009.81(2) FS.

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

DATE AND TIME: June 12, 2006, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor’s completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 2006~~5~~-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History–New 11-27-02, Amended 12-28-04, 6-2-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.005 RULE TITLE: Maximum Account Balance Limit
PURPOSE AND EFFECT: To update the reference to the College Cost and Financial Aid Handbook.

SUMMARY: This rule changes is being made to update the Florida Prepaid College Plan Maximum Account Balance Limit.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
LAW IMPLEMENTED: 1009.98, 1009.81 FS.

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

DATE AND TIME: June 12, 2006, 2:00 p.m.
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2006 ~~2004~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contract shall be as provided in subsection 19B-4.005(2), F.A.C.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History–New 5-30-02, Amended 11-27-02, 12-28-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

PUBLIC SERVICE COMMISSION

DOCKET NO. 050152-EU

RULE NO.: 25-6.049 RULE TITLE: Measuring Customer Service
PURPOSE AND EFFECT: The Commission has granted several waivers of the individual metering requirements of Rule 25-6.049, F.A.C., for condominiums that operate in a manner similar to hotels and motels. The Commission is now proposing rule language to create an exemption for these types of facilities.

SUMMARY: The amendment would eliminate the requirement that the occupancy units in certain new and existing residential condominiums and cooperatives that operate like hotels and motels be individually metered for their electricity usage.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC concluded that there should be no negative impact on regulated utilities, the agency, small businesses, cities or county. These entities should benefit as the amendments made the rule clearer.

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

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1), 366.80, 366.81, 366.82 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THE THE PROPOSED RULE IS: Lawrence D. Harris, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.049 Measuring Customer Service.

(1) through (4) No change.

(5)~~(a)~~ Individual electric metering by the utility shall be required for each separate occupancy unit of new commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks. However, individual metering shall not be required for any such occupancy unit for which a construction permit was issued before, and which has received master-metered service continuously since, is commenced after January 1, 1981. In addition, individual electric meters shall not, however, be required:

1. through 2. renumbered (a) through (b) No change.

~~(c)3-~~ For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity houses, ~~motel, hotels,~~ and similar facilities;

(d) For lodging establishments such as hotels, motels, and similar facilities which are rented, leased, or otherwise provided to guests by an operator providing overnight occupancy as defined in paragraph (8)(b).

~~(e)4-~~ For separate, specially-designated areas for overnight occupancy, as defined in paragraph (8)(b), at trailer, mobile home and recreational vehicle parks and marinas where permanent residency is not established.

~~(f)5-~~ For new and existing time-share plans, provided that all of the occupancy units which are served by the master meter or meters are committed to a time-share plan as defined in Section 721, Florida Statutes, and none of the occupancy units are used for permanent occupancy. When a time-share plan is converted from individual metering to master metering, the customer must reimburse the utility for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(g) For condominiums that meet the following criteria:

1. The declaration of condominium requires that at least 95 percent of the units are used solely for overnight occupancy as defined in paragraph (8)(b) of this rule;

2. A registration desk, lobby and central telephone switchboard are maintained; and,

3. A record is kept for each unit showing each check-in and check-out date for the unit, and the name(s) of the individual(s) registered to occupy the unit between each check-in and check-out date.

(6) Master-metered condominiums

(a) Initial Qualifications – In addition to the criteria in paragraph (5)(g), in order to initially qualify for master-metered service, the owner or developer of the condominium, the condominium association, or the customer must attest to the utility that the criteria in paragraph (5)(g) and in this subsection have been met, and that any cost of future conversion to individual metering will be the responsibility of the customer, consistent with subsection (7) of this rule. Upon request and reasonable notice by the utility, the utility shall be allowed to inspect the condominium to collect evidence needed to determine whether the condominium is in compliance with this rule. If the criteria in paragraph (5)(g) and in this subsection are not met, then the utility shall not provide master-metered service to the condominium.

(b) Ongoing Compliance – The customer shall attest annually, in writing, to the utility that the condominium meets the criteria for master metering in paragraph (5)(g). The utility shall establish the date that annual compliance materials are due based on its determination of the date that the criteria in paragraphs (5)(g) and (6)(a) were initially satisfied, and shall inform the customer of that date before the first annual notice

is due. The customer shall notify the utility within 10 days if, at any time, the condominium ceases to meet the requirements in paragraph (5)(g).

(c) Upon request and reasonable notice by the utility, the utility shall be allowed to inspect the condominium to collect evidence needed to determine whether the condominium is in compliance with this rule.

(d) Failure to comply – If a condominium is master metered under the exemption in this rule and subsequently fails to meet the criteria contained in paragraph (5)(g), or the customer fails to make the annual attestation required by paragraph (6)(b), then the utility shall promptly notify the customer that the condominium is no longer eligible for master-metered service. If the customer does not respond with clear evidence to the contrary within 30 days of receiving the notice, the customer shall individually meter the condominium units within six months following the date on the notice. During this six month period, the utility shall not discontinue service based on failure to comply with this rule. Thereafter, the provisions of Rule 25-6.105, F.A.C., apply.

(7) When a structure or building is converted from individual metering to master metering, or from master metering to individual metering, the customer shall be responsible for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, any remaining undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(8)(b) For purposes of this rule:

(a)1- No change.

~~2. The construction of a new commercial establishment, residential building, marina, or trailer, mobile home or recreational vehicle park shall be deemed to commence on the date when the building structure permit is issued.~~

(b)3- No change.

~~4. The term "cost", as used herein means only those charges specifically authorized by the electric utility's tariff, including but not limited to the customer, energy, demand, fuel, and conservation charges made by the electric utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term does not include late payment charges, returned check charges, the cost of the distribution system behind the master meter, the cost of billing, and other such costs.~~

(9)(6)(a) Where individual metering is not required under subsection (5) and master metering is used in lieu thereof, reasonable apportionment methods, including sub-metering may be used by the customer of record or the owner of such facility solely for the purpose of allocating the cost of the electricity billed by the utility. The term "cost" as used herein means only those charges specifically authorized by the

electric utility's tariff, including but not limited to the customer, energy, demand, fuel, conservation, capacity and environmental charges made by the electric utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term does not include late payment charges, returned check charges, the cost of the customer-owned distribution system behind the master meter, the customer of record's cost of billing the individual units, and other such costs.

(b) through (c) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1), ~~366.05(3)~~, 366.80, 366.81, 366.82 FS. History—Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88, 3-23-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Connie Kummer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 48, December 2, 2005

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.504
RULE TITLE: Criteria for Assignment to Staff Housing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add the position of licensed practical nurse to the list of priority assignments for staff housing.

SUMMARY: Amends the rule to add the position of licensed practical nurse to the list of priority staff of a major institution for staff housing assignments.

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

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

SPECIFIC AUTHORITY: 20.213, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. The warden also has authority to recommend that these personnel live off the grounds. Only the Secretary may alter these priorities based upon proof of an employee's significant personal hardship or in the best interests of the Department.

- 1. Warden.
- 2. Assistant Warden.
- 3. Chief of Security.
- 4. Licensed Medical Representative, who is either a Physician, Clinical Associate, ~~or~~ Registered Nurse, or Licensed Practical Nurse.
- 5. through 7. No change.
- (b) No change.
- (2) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT

1-1 through 1-5 No change.

1-6 1-6 Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of the victim that does not involve physical or sexual contact with the victim

SECTION 2 – RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES

2-1 through 2-2 No change.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.314
RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide more specific disciplinary charges for situations previously addressed by more general charges.

SUMMARY: The proposed rule provides a specific charge for lewd and lascivious conduct that does not involve physical or sexual contact with the victim, adds creating a disturbance to the charge for participating in or inciting a disturbance, and provides a specific disciplinary charge for failure to repay work release expense money advanced by a contract facility.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Hand, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Maximum
Disciplinary
Actions

60 DC + 90 GT

2-3 Creating, pParticipating in, or inciting a minor disturbance 30 DC + 60 GT
 2-4 No change.
 SECTION 3 through SECTION 9 – No change.
 SECTION 10 – COMMUNITY RELEASE PROGRAM VIOLATIONS – WORK RELEASE, STUDY RELEASE,
 FURLOUGH AND VOLUNTEER SERVICE
 10-1 through 10-7 No change.
 10-8 Failure to repay advancement of monies as stipulated in the inmate’s financial plan 10 DC + 15 DC
 SECTION 11 – No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Franchatta Barber, Deputy Assistant Secretary of Institutions Programs
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Ph.D., Deputy Secretary of Department of Corrections
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.502
 RULE TITLE: Discharge Gratuity
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow for payment of a discharge gratuity to inmates not otherwise eligible when the warden or his designee determines that such payment is in the best interest of the inmate and the state, and to increase the amount of the gratuity paid to inmates reinstated or restored to supervision.
 SUMMARY: Inmates being released with a balance of \$100 or more in their account have historically been denied a discharge gratuity. The proposed rule will allow the warden or designee to provide a discharge gratuity of up to \$40 for these inmates who were previously ineligible for such. The proposed rule also increased the amount of the gratuity paid to inmates reinstated or restored to supervision from \$15 to \$20.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 20.315, 944.09 FS.
 LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Hand, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.502 Discharge Gratuity.

(1) The secretary shall authorize the payment of a discharge gratuity to inmates discharged from the custody of the Department of Corrections in such amounts as the Legislature may from time to time provide. A discharge gratuity shall be provided to any inmate released on parole, expiration of sentence, pardon or permanent court order, except those inmates released in any of the following situations:

(a) through (b) No change.

(c) Any inmate to be released to the Department of Children and Family Services or a state or county mental health facility under an order for involuntary commitment; or

(d)(2) Should a review of inmate bank trust fund records disclose that an inmate has an account balance of \$100 or more at the time of release or has previously had maintained an account balance of \$100 or more at any time and transferred funds out of his account during the 180 days prior to his release date, the inmate shall be denied a discharge gratuity, except as provided in subsection (2) below.

(2) If the warden or his designee determines that the best interests of the inmate and the state is served by the payment of a discharge gratuity to an inmate not otherwise eligible, a gratuity not to exceed \$40.00 shall be provided.

(3) In the case of an inmate who is reinstated or restored to supervision, a discharge gratuity in an amount of \$20.00 ~~\$15.00~~ will be provided.

(4) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-7.06, Amended 1-4-87, 1-1-89, 1-18-89, 12-20-91, 4-14-92, 4-28-99, Formerly 33-7.006, Amended 8-28-01, 2-10-04, 9-21-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Ph.D., Deputy Secretary of Department of Corrections
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-8.031
RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to establish a minimum flow regime for Blue Spring in Volusia County.

SUMMARY: The proposed rule would establish minimum mean flows for Blue Spring. The proposed minimum flows increase incrementally during the time period from 2006 to 2024. As with the minimum flows and levels previously established by the District, if adopted, this rule amendment would require an applicant for a permit, pursuant to Chapters 40C-2, 40C-20, 40C-4, or 40C-40, F.A.C., to provide assurance that minimum flows would not be violated by a proposed water withdrawal or the construction or operation of a proposed surface water management system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

DATE AND TIME: August 8, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

- (a) through (f) No change.
(g) Blue Spring, Volusia County
Minimum Long Term Mean Flow Cfs
(effective date) through March 31, 2009 132
April 1, 2009 through March 31, 2014 136
April 1, 2014 through March 31, 2019 140
April 1, 2019 through March 31, 2024 145
After March 31, 2024 157

(2) through (4) No change.
Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History--New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 1-12-04, 2-1-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sonny Hall, Technical Program Manager, Department of Resource Management, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4368, suncom 860-4368

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Norma Messer at (386)329-4459 or (386)329-4450 (TDD)

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE NO.: 59G-4.140
RULE TITLE: Hospice Services

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference update January 2006 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The handbook update contains the January 2006 fee schedule for direct care services provided by physicians. The effect will be to incorporate by reference update January 2006 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update January 2006 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 400 Part II, 409.902, 409.905, 409.908 FS.

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

DATE AND TIME: Monday, June 12, 2006, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Claudia Treadwell, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)410-1677

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005 and January 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, 8-4-04, 10-2-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Claudia Treadwell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-2.031
RULE TITLE: Succession and Transfer of Unemployment Experience

PURPOSE AND EFFECT: This rule implements Section 443.131(3)(g), Florida Statutes and describes the process by which the Agency for Workforce Innovation and its tax collection service provider, the Department of Revenue, determine how the unemployment experience and contribution rate of a business will be affected by the transfer of workforce from or acquisition of another business.

SUMMARY: This rule sets forth uniform general requirements for transfer of employment history, implements the provisions of Section 443.131(3)(g), Florida Statutes, provides criteria for determining whether a reduced unemployment compensation contribution liability was a primary purpose of a business transfer, provides penalties for violating the law regarding such transfers, and reorganizes the rule into three subsections dealing with general requirements for all successions, requirements for voluntary transfer of tax rate, and conditions for mandatory transfer of tax rate where common ownership, management and control exist between predecessor and successor.

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

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

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.131(3)(g) FS.

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

DATE AND TIME: June 13, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Workforce Innovation, Caldwell Building, 107 E. Madison Street, Room B-49, Tallahassee, Florida 32399

Any person requiring special accommodations to participate in this hearing is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Ms. Veronica Moss, (850)245-7150.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John R. Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850) 245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60BB-2.031 follows. See Florida Administrative Code for present text)

60BB-2.031 Succession and Transfer of Unemployment Experience.

(1) Commencement Date and Records Regarding All Successions.

(a) A succession commences when all or part of a trade or business is transferred from one employer to another. If a transfer of workforce is involved, the succession commences when any of the transferred workers begin working for the successor employer.

(b) Each employing unit must keep complete, true and accurate records of any transfer or acquisition of a trade or business or portion thereof and make those records available to the Department upon request.

(2) Voluntary Transfer of Tax Rate.

(a) Requirements for Voluntary Transfer of Employment Records.

1. Timely Written Notification to the Department. A successor employer must notify the Department in writing of a total or partial succession within 90 days after the date the succession commenced or any application for transfer of employment records will be denied. Notification may be made on Form DR-1, *Application to Collect and/or Report Tax in Florida*, or UCS-1S, *Report to Determine Succession and Application for Transfer of Experience Rating Records*, both of which are incorporated by reference in Rule 60BB-2.037, F.A.C. If the initial written notification is not on Form UCS-1S or Form UCS-1S is incomplete, a completed Form UCS-1S must be filed within 30 days after the Department mails written notification of the requirement to the employer, or the application for transfer of employment records will be denied.

2. Time Limit for Application to transfer employment records. Pursuant to Section 443.131(3)(h)1., F.S., the Department will notify each successor who was not an employer prior to the succession of its liability and the right to apply for transfer of the predecessor's employment records. The Department will issue written notification to each successor who was already an employer of the right to apply for transfer of the predecessor's employment records. The successor must file a written application for transfer of the predecessor's employment records within 30 days from the mailing date of the Department's written notification or the application will be denied.

3. Notification of Tax Rate Change Resulting from Transfer of Employment Records. Upon being notified in writing that a succession occurred, the Department will notify each affected employer of any tax rate change that would result from transfer of the predecessor's employment records,

pursuant to Sections 443.131(3) and 443.1316, F.S., as well as the tax rate that would be assigned if employment records were not transferred.

4. Withdrawal of Application. The successor and predecessor employer will each have 30 days from the mailing date of the Department's notice of proposed tax rate to withdraw in writing the application or agreement to transfer employment records. Failure to timely withdraw an application or agreement will constitute acceptance of the transfer.

(b) Partial Succession.

1. In addition to the provisions of subsection (1) and paragraph (2)(a) of this rule, a partial successor must submit information from the predecessor's records regarding all employees who worked in the unit being transferred during any part of the 14 calendar quarters immediately preceding and up to the date the succession commenced, by completing and submitting Form UCS-1SA "List of Employees Employed in the Transferred Unit" within 30 days after the Department mails written notification of the UCS-1SA requirement to the employer, or the application will be denied. Form UCS-1SA is incorporated by reference in Rule 60BB-2.037, F.A.C. If 10 or more employees were transferred, filing of the UCS-1SA must be by electronic means in accordance with the provisions of Rule 12-24, F.A.C.

2. A partial successor's application for transfer of employment records must include the written agreement of the predecessor for transfer of the employment records of each identifiable and segregable unit to be transferred, or the application will be denied.

3. The partial successor must establish that the records to be transferred are those of an identifiable and segregable unit or units and provide the date workers were first employed in each unit being transferred, even if the unit began employing workers under a previous legal entity. An identifiable, segregable unit is a distinct entity that could operate independently of the remainder of the business. If timely written notification of partial succession is filed and the Department determines additional information is needed, the partial successor will have the later of 90 days after the commencement of the partial succession or 30 days after the Department's mailed notification that additional information is needed to file the required information, or the application for transfer of employment records will be denied.

4. Upon receipt of a complete, timely Form UCS-1SA, the Department will identify the employment records to be transferred, based on wages and benefit charges associated with the transferred employees, and issue written notification of the determination to the predecessor and successor employers. The transferred employment records will be applied to the successor's records in the same calendar quarter that they are removed from the predecessor's records. The successor will be liable for charges associated with benefits paid to transferred employees for any claim based on wages

paid by the predecessor. The Department's determination will become final and binding unless the successor or predecessor files a written request for reconsideration or appeal within the time permitted on the determination issued by the Department. Once the determination becomes final, no changes to the application or request for transfer of employment records will be permitted. The Department will revoke a previously approved transfer within three (3) years of the date of the partial succession if the Department determines the predecessor or successor submitted materially inaccurate or incomplete information.

(c) Tax Rate of Successor and Predecessor Upon Voluntary Transfer of Employment Records.

1. Tax Rate of Partial Successor.

a. The tax rate of a partial successor who was already an employer will be computed by the Department using the combination of the successor's own employment records, if any, and the transferred employment records of the predecessor, effective at the beginning of the calendar quarter immediately following the effective date of the succession.

b. A partial successor who was not already an employer will become an employer as of the effective date of the succession. The tax rate from the date of succession and until the partial successor becomes eligible for an earned rate will be the initial rate provided in Section 443.131(2)(a), F.S. Thereafter, the Department will compute the tax rate pursuant to Section 443.131(3), F.S., on the basis of the successor's own employment records and the transferred records.

2. Tax Rate of the Predecessor.

a. The transferred portion of the predecessor's records will be removed from the employment records of the predecessor as of the effective date of the succession.

b. The tax rate of the predecessor will remain unchanged until the predecessor qualifies for computation of a benefit ratio. Should this occur prior to the approval of the transfer, the rate computation for the immediately following rate year will be based on the employment inclusive of the portion sought to be transferred. After approval, the Department will recompute the rate of the predecessor for the entire rate year using only that portion of the employment records remaining after the transfer is completed.

3. Tax Rate of Total Successor Who was Already an Employer. The tax rate of a total successor who was already an employer will remain unchanged for the remainder of the calendar quarter in which the total succession occurred. Thereafter, the rate will:

a. Be computed using the combination of the successor's own employment record with that of the predecessor; and

b. Be assigned from the first day of the calendar quarter immediately following the date of succession; and

c. Remain in effect until the successor next qualifies for computation of a benefit ratio.

4. Tax Rate of Total Successor Who was Not Already an Employer. Upon transfer of employment records, the tax rate of a total successor who was not already an employer will:

a. Be the tax rate of the predecessor employer from the date of succession; and

b. Remain in effect until the successor qualifies for computation of a benefit ratio.

5. Tax rate of Predecessor Upon Total Succession. When a total succession occurs, the tax rate of the predecessor will be:

a. The initial rate, if employment recommences; or

b. The earned rate, if the only wages paid are for employment that occurred prior to the total succession.

(3) Mandatory Transfer of Employment Records. Each employer must notify the Department in writing of any total or partial transfer of trade or business within 90 days after the date of transfer if there was any common ownership, management, or control of the two employers at the time of the transfer. For the purpose of implementing Section 443.131(3)(g), F.S.:

(a) The term "ownership" means any proprietary interest in a business, including, but not limited to, shares of stock in a corporation, partnership interest in a partnership or membership interest in a Limited Liability Company (LLC).

(b) "Common ownership" exists when a person has ownership in two or more businesses.

(c) A person in "management" includes any officer or director of a corporation, owner of a sole proprietorship, partner in a partnership, manager of an LLC, or person with the ability to direct the activities of an employing unit, either individually or in concert with others.

(d) "Common management" exists when a person concurrently occupies management positions in two or more businesses.

(e) A person in "control" of a business includes any officer or director of a corporation, owner of a sole proprietorship, partner in a partnership, manager of an LLC, or other person with the ability, directly or indirectly, individually or in concert with others, to influence or direct management, activities or policies of the business through ownership of stock, voting rights, contract, or other means. Control exists when an employee leasing company dictates or specifies the businesses with which a client company must contract.

(f) "Common control" exists when a person or group of persons has control of two or more businesses.

(g) The phrase "transfer or acquisition" encompasses any and all types of transfers and acquisitions including, but not limited to, assignments, changes in legal identity or form, consolidations, conveyances, mergers, name changes, purchase and sale agreements, reorganizations, stock transfers and successions.

(h) The phrase "trade or business or a portion thereof" includes but is not limited to assets, customers, management, organization and workforce.

(i) For the purpose of determining issues relating to the transfer of employment records upon transfer or acquisition of a business, the term "person" has the meaning set forth in Section 7701(a)(1) of the Internal Revenue Code.

(j) In determining whether common management, ownership, or control exists, the Department may consider common relationships between owners or persons who exert control over or occupy management positions in the businesses under consideration. For purposes of this rule, a common relationship exists when persons are related to each other by marriage, step- relationships, direct line blood relationships such as grandchild, child, parent, grandparent (lineal consanguinity) or adoption. A common relationship is also deemed to exist between affiliated groups as defined by Section 199.023(8), F.S. and between affiliated corporations as defined in Section 1504(a) of the Internal Revenue Code.

(k) A transfer of workforce includes direct transfers as well as those in which an employer transfers all or part of its trade or business to an employing unit for the purpose of reducing its unemployment tax rate and that employing unit subsequently transfers the acquired trade or business to an employer that has any common ownership, management or control with the first employer.

(l) Upon determining that conditions requiring mandatory transfer of employment records exist, the Department will issue a determination in accordance with Section 443.131(3)(i), F.S. Such determinations, including but not limited to determinations that change an employer's tax rate, will be effective as of the beginning of the calendar quarter immediately following the date of the transfer unless the transfer occurred on the first day of a calendar quarter, in which case the rate will be recalculated as of that date.

(m) In determining, pursuant to Section 443.131(3)(g)1.b., F.S., whether a substantial purpose of a transfer was to obtain a reduced liability for contributions, the Department will consider whether retained or transferred employees were laid off and, if so, how soon after the transfer the layoff occurred. Obtaining a reduced liability for contributions will not be considered a substantial purpose of a transfer if a layoff occurs more than 6 months after the transfer and involves less than 25% of the employees transferred to the successor or retained by the predecessor.

(n) In determining, pursuant to Section 443.131(3)(g)2., F.S., whether a business was acquired solely or primarily to obtain a lower rate of contributions, the Department will consider the length of time the business enterprise of the acquired business is continued. Generally, the longer a business operation continues, the less likely it is that the Department will determine the business was acquired to obtain a lower rate of contributions, unless a substantial number of new employees are hired whose job functions are unrelated to the business activity conducted prior to the succession. In

determining whether the number is substantial, the number of new employees will be compared to the number of employees prior to the succession.

(o) If the transfer of trade or business involved a partial transfer of workforce and common ownership, management, or control, information from the predecessor's records must be submitted regarding all employees being transferred who worked for the predecessor during any part of the 14 calendar quarters immediately preceding and up to the date the succession commenced, by completing and submitting Form UCS-1SA "List of Employees Employed in the Transferred Unit" within 30 days after the Department mails written notification of the UCS-1SA requirement to the employer. If 10 or more employees were transferred, filing of the UCS-1SA must be by electronic means in accordance with the provisions of Rule 12-24, F.A.C. If the successor employer cannot provide the information required on the UCS-1SA despite a good faith effort to obtain the information, the Department will combine the employment records of the employers to determine the tax rate. However, if an employer knowingly fails to provide the required information, the Department will impose the maximum rate in accordance with Section 443.131(3)(g)3.a., F.S. Additionally, if the Department determines an employer knowingly violated Section 443.131(3)(g), F.S., the Department will not give effect to the taxable wages paid by the predecessor in determining whether the taxable wage base of the first \$7,000 is met and will restart the taxable wage base for the individuals at zero.

(p) If the person in violation of Section 443.131(3)(g)1. or 2., F.S., is not an employer, the civil penalty imposed by Section 443.131(3)(g)3.b., F.S., will equal twice the amount of tax that was evaded or attempted to be evaded but not more than \$5,000.

(q) The fact that the employer had a legitimate business purpose for a transfer does not preclude a finding that a substantial reason for the transfer was to obtain a reduced liability for contributions.

(r) If a person who knowingly advises another person to violate the law is an employee, the employer of that employee will be subject to the rate increase penalty provided in Section 443.131(3)(g)3.a., F.S. If the person is a partner, member of an LLC or an officer or director of a corporation, then the partnership, LLC or the corporation will be subject to the rate increase.

Specific Authority 443.1317 FS. Law Implemented 443.036(18), (20), 443.1215, 443.131(3) FS. History--New 8-25-92, Amended 12-7-97, Formerly 38B-2.031, Amended 1-19-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John R. Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mindy K. Raymaker, Deputy General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE NO.: 61B-23.0029
RULE TITLE: Electronic Transmission of Notices
PURPOSE AND EFFECT: The 2003 Legislature enacted changes to the Condominium Act (Chapter 718, Florida Statutes) that permits the use of electronic transmission for purposes of noticing elections and certain meetings with the prior consent of unit owners. The new rule defines “electronic transmission,” provides for the association’s adoption of bylaws for the electronic notice of meetings and for providing notice when it decides to stop noticing meetings by electronic transmission, describes the method by which unit owners may consent and revoke consent, delivery of notices and attachments, receipt of an electronic transmission, and provides that electronic addresses and other information is part of the association’s official records unless the owner has revoked consent to the use of electronic transmissions.

SUMMARY: This proposed rule addresses the noticing of condominium elections and meetings through the use of electronic transmission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs has been prepared.

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.112(2)(d)3. FS.
LAW IMPLEMENTED: 718.111(12)(a)7., 718.112(2)(c), 718.112(2)(d)2., 718.112(2)(d)3., 718.112(2)(d)5., 718.112(2)(e) FS.

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

DATE AND TIME: June 12, 2006, 9:00 a.m.
PLACE: The Northwood Centre, Conference Room, Suite 16, 1940 North Monroe Street, Tallahassee, Florida

Those persons who cannot attend in person may submit their comments in writing to: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-23.0029 Electronic Transmission of Notices.

(1) Definitions. “Electronic transmission” means any form of communication, not directly involving the physical transmission or transfer of paper, that creates a record that may be retained, retrieved, and reviewed by the recipient and that may be directly reproduced in a comprehensible and legible paper form by the recipient through an automated process such as a printer or a copy machine. Examples of electronic transmission include, but are not limited to, telegrams, facsimile transmission of images, and text that is sent via electronic mail between computers. Electronic transmission does not include oral communication by telephone.

(2) Association Notices.

(a) Associations may opt to deliver meeting notices by electronic transmission by following these rules or by adopting bylaws that are consistent with these requirements.

(b) Associations that decide to stop delivery of notices by electronic transmission shall notify all owners by electronic transmission of the date on which electronic transmission of notices will cease. Associations must mail the notice to those owners whose consent has been revoked or was never given.

(3)(a) Consent and Revocation of Consent. In order to be effective, any consent given by a unit owner to receive notices via electronic transmission, and any revocation of consent, must be in writing and must be signed by the owner of record or by a person holding a power of attorney executed by the owner of record. Consent or revocation of consent may be delivered to the association via electronic transmission, by hand-delivery, by United States mail, by certified United States mail, or by other commercial delivery service. The unit owner bears the risk of ensuring delivery.

(b) Delivery of Consent or Revocation of Consent. Any consent given by a unit owner to receive notices via electronic transmission must be actually received by a current officer, board member, or manager of the association, or by the association's registered agent. Unless otherwise agreed to by an association in advance of delivery of any consent or revocation of consent, delivery to an attorney who has represented the association in other legal matters will not be effective unless that attorney is also a board member, officer, or registered agent of the association.

(c) Automatic Revocation of Consent. Consent shall be automatically revoked if the association is unsuccessful in providing notice via electronic transmission for two consecutive transmissions to an owner, if and when the association becomes aware of such electronic failures.

(4) Attachments and Other Information. In order to be effective notice, notice of a meeting delivered via electronic transmission must contain all attachments and information required by law. For example, but not by way of limitation, the second notice of election provided by Section 718.112(2)(d)3., Florida Statutes, must contain a second notice of the election along with the ballot and any valid candidate information sheets that are timely received. As a further example, electronic transmission of the budget meeting shall only be effective if a copy of the proposed annual budget accompanies the notice of budget meeting.

(5) Effect of Sending Electronic Meeting Notice. Notice of a meeting is effective when sent by the association, regardless of when the notice is actually received by the owner, if directed to the correct address, location or number, or if posted on a web site or internet location to which the owner has consented. The owner, by consenting to notice via electronic transmission, accepts the risk of not receiving electronic notice, except as provided in paragraph (2)(c) of this rule, so long as the association correctly directed the transmission to the address, number, or location provided by the owner. An affidavit of the secretary or other authorized agent of the association filed among the official records of the association that the notice has been duly provided via electronic transmission is verification that valid electronic transmission of the notice has occurred. An association may elect to provide, but is not required to provide, notice of meetings via non-electronic transmission even if notice has been sent to the same owner or owners via electronic transmission.

(6) Official Records. The association shall maintain among its official records, which shall be accessible to the owners or their duly authorized representatives, all consent forms including electronic numbers, addresses and locations, all affidavits, all fax receipts of notice and related communications, copies of all electronic notices and attachments sent by the association, and any other record created or received by the association related to the electronic transmission of meeting notices, except as provided in Section

718.111(12)(a)7., F.S. Electronic records may be maintained in electronic or paper format, but must be available for inspection and copying upon unit owner request.

Specific Authority 718.501(1)(f), 718.112(2)(d)3. FS. Law Implemented 718.111(12)(a)7., 718.112(2)(c), 718.112(2)(d)2., 718.112(2)(d)3., 718.112(2)(d)5., 718.112(2)(e) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Cochran, Director of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-15.009	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The purpose and effect is to adjust the range of disciplinary guidelines for some violations.

SUMMARY: The range of disciplinary guidelines for some violations is adjusted.

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

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

SPECIFIC AUTHORITY: 464.204 FS.

LAW IMPLEMENTED: 456.079, 464.204 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Acting Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon registrants for violation of the noted statutes and rules:

(a) No change.

(b) Being found guilty, regardless of adjudication, of a violation of Chapter 812, F.S., relating to theft, robbery, and related crimes. (Section 464.018(1)(d)2., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(c) Being found guilty, regardless of adjudication, of a violation of Chapter 817, F.S., relating to fraudulent practices. (Section 464.018(1)(d)3., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(d) Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure. (Section 464.018(1)(d)4., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(e) Being found guilty, regardless of adjudication, of a violation of Chapter 784, F.S., relating to assault, battery, and culpable negligence. (Section 464.018(1)(d)5., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(f) Being found guilty, regardless of adjudication, of a violation of Chapter 827, F.S., relating to child abuse. (Section 464.018(1)(d)6., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(g) Being found guilty, regardless of adjudication, of a violation of Chapter 415, F.S., relating to protection from abuse, neglect, and exploitation. (Section 464.018(1)(d)7., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(h) Being found guilty, regardless of adjudication, of a violation of Chapter 39, F.S., relating to child abuse, abandonment, and neglect. (Section 464.018(1)(d)8., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(i) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.03, F.S., or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, F.S.

(Section 464.018(1)(e), F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(j) No change.

(k) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in Chapter 893, F.S., for any other than legitimate purposes authorized by this part. (Section 464.018(1)(i), F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$50 fine, IPN evaluation and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(l) through (n) No change.

(o) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of a certified nursing assistant or to the ability to practice as a certified nursing assistant. (Section 456.072(1)(c), F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(p) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure or certification, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. (Section 456.072(1)(f), F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(q) No change.

(r) Procuring, ~~or~~ attempting to procure, or renewing certification to practice as a CNA by bribery, by knowing misrepresentations, or through an error of the department or the board. (Section 456.072(1)(h), F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM No change
SECOND OFFENSE	No change	No change

(s) through (u) No change.

(v) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(w) through (z) No change.

(aa) Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(u), F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$125 fine, IPN evaluation and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(bb) through (gg) No change.

(hh) Being terminated from or failing to successfully complete an impaired practitioner treatment program (Section 456.072(1)(gg) F.S.):

Minimum: \$150 fine and suspension until successful completion or receipt of written confirmation from program that further treatment is neither required nor indicated.

Maximum: Permanent revocation or denial of licensure.

(4) through (6) No change.

(7) Unless stated otherwise in the Final Order, fines are payable within sixty days of the filing of the order.

(8) Individuals may file a petition for indigent status with the board office. The petition must include, at a minimum, the following financial information:

(a) Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

(b) Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, unemployment compensation, dividends, interest, rent, trusts, and gifts.

(c) Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

(d) All liabilities and debts.

(9) Upon review and approval by the Executive Director, the Department may issue an order for monthly payment plan within the following parameters:

(a) For fines and costs up to \$2,000, payments may be distributed over a period not to exceed 36 months.

(b) For fines and costs up to \$5,000, payments may be distributed over a period not to exceed 60 months.

(c) For fines and costs over \$5,000, payments may be distributed over a period not to exceed 180 months at a minimum payment of \$100 per month.

Specific Authority 464.204 FS. Law Implemented 456.079, 464.204 FS. History—New 10-28-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.005 RULE TITLE: Active Renewal Fee

PURPOSE AND EFFECT: The proposed rule amendment is intended to increase the active renewal fee.

SUMMARY: The proposed rule amendment raises the active renewal fee from \$250.00 to \$325.00.

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

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

SPECIFIC AUTHORITY: 468.1685(1) FS.

LAW IMPLEMENTED: 468.1715 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.005 Active Renewal Fee.

The fee for active renewal of a nursing home administrator license is ~~\$325~~ \$250.

Specific Authority 468.1685(1) FS. Law Implemented 468.1715 FS. History—New 12-26-79, Amended 7-3-84, Formerly 21Z-12.05, Amended 1-22-90, Formerly 21Z-12.005, 61G12-12.005, 59T-12.005, Amended 2-26-02, 8-17-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2006.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-14.004 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B10-14.004, F.A.C., to incorporate the changes to Section 456.072(1)(gg), Florida Statutes. A new ground for disciplinary action is being terminated from a treatment program for impaired practitioners, for failure to comply, without good cause, with the terms of the monitoring of treatment program, or for not successfully completing a drug or alcohol treatment program.

SUMMARY: The purpose of the Rule amendment is to incorporate the change to Section 456.072(1)(gg), F.S.

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

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

SPECIFIC AUTHORITY: 456.072(1)(gg), 456.073(3), 468.1685(1) FS.

LAW IMPLEMENTED: 456.072(1)(gg), 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

Minimum

Maximum

(a) through (oo) No change.
(pp) Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program.

First Offense:
Second Offense:

Reprimand
Probation and \$1,000 fine

Probation and \$500 fine
Revocation and \$1,000 fine.

(3) through (4) No change.

Specific Authority 456.079, 468.1685(1) FS. Law Implemented 456.072, 456.079, 468.1685(4), (5), (6), 468.1755(1)(a), (j), (q) FS. History—New 11-23-86, Amended 4-22-87, Formerly 21Z-14.004, 61G12-14.004, 59T-14.004, Amended 10-12-97, 10-16-00, 2-13-01, 2-10-03, 5-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE NOS.:	RULE TITLES:
65A-1.710	SSI-Related Medicaid Coverage Groups
65A-1.711	SSI-Related Medicaid Non-Financial Eligibility Criteria
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amendments reflect changes in legislation for the elimination of the Silver Saver Program. The program ended December 31, 2005, as the new federal Medicare Part D prescription drug program became effective January 1, 2006.

SUMMARY: The rule amendments remove the Silver Saver Program language from the mandatory and optional Medicaid coverage groups and eligibility criteria.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

DATE AND TIME: June 12, 2006, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nathan Lewis, Acting Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 448, Tallahassee, Florida 32399-0700, telephone (850)414-5927

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.710 SSI-Related Medicaid Coverage Groups.

The department covers all mandatory coverage groups and the following optional coverage groups:

(1) through (5) No change.

~~(6) Ron Silver Senior Drug Program. A coverage group as defined in subsection 59G-12.002(4), F.A.C. AHCA sets an enrollment ceiling for this program as specified in Rule 59G-12.003, F.A.C. Four forms specific to the program are used in the eligibility determination process for this program. The application form is CF-ES Form 2935, Silver Saver (Application), Sept. 2002, and the eligibility notices are CF-ES Form 2936, Silver Saver Drug Program Notice of Case Action, Sept. 2002, CF-ES Form 2936A, Ron Silver Senior Drug Program "Silver Saver" Notice of Case Action, October 2002, and CF-ES 2937 "Silver Saver" Redetermination Notice, Feb 2004 (all four forms are incorporated by reference).~~

~~(6)(7) No change.~~

~~(7)(8) No change.~~

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04,_____.

65A-1.711 SSI-Related Medicaid Non-Financial Eligibility Criteria.

To qualify for Medicaid an individual must meet the general and categorical requirements in 42 C.F.R. Part 435, subparts E and F, with the exception that individuals who are neither aged nor disabled may qualify for breast and cervical cancer treatment, and the following program specific requirements as appropriate:

(1) through (7) No change.

~~(8) For the Ron Silver Senior Drug Program the individual must meet the requirements of subsection 59G-12.003(1), F.A.C. A face-to-face interview is not required for this program.~~

~~(8)(9) No change.~~

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended 4-1-03,_____.

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) Resource Limits. If an individual's total resources are equal to or below the prescribed resource limits at any time during the month the individual is eligible on the factor of resources for that month. The resource limit is the SSI limit specified in Rule 65A-1.716, F.A.C., with the following exceptions:

(a) through (e) No change.

~~(f) For the Ron Silver Senior Drug Program, there is no resource limit.~~

~~(f)(g) No change.~~

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04,_____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) Income limits. An individual's income must be within limits established by federal or state law and the Medicaid State Plan. The income limits are as follows:

(a) through (j) No change.

~~(k) For the Ron Silver Senior Drug Program, the individual must meet the eligibility criteria specified in subsection 59G-12.003(1), F.A.C.~~

~~(k)(l) No change.~~

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nathan Lewis, Acting Chief

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Jennifer Lange, Acting Director, Economic Self-Sufficiency

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE NOS.: 65A-1.712
RULE TITLES: SSI-Related Medicaid Resource Criteria

65A-1.716 Income and Resource Criteria

PURPOSE AND EFFECT: The purpose of this proposed rule is to update the average monthly private pay nursing facility rate.

SUMMARY: The proposed rule provides language to update the average monthly private pay nursing facility rate from \$3,300 to \$5,000. This rate is used to calculate periods of ineligibility for Medicaid due to transferred resources or income. The total cumulative uncompensated value of all transferred resources or income, computed in accordance with paragraph 65A-1.712(3)(f), F.A.C., is divided by the average monthly private pay nursing facility rate.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 12, 2006, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nathan Lewis, Acting Chief, Program Policy, Economic Self-Sufficiency, telephone (850)414-5927

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.712 SSI-Related Medicaid Resource Criteria.

(1) through (3)(f) No change.

(g)1. Monthly periods of ineligibility due to transferred resources or income are determined by dividing the total cumulative uncompensated value of all transferred resources or income computed in accordance with paragraph 65A-1.712(3)(f), F.A.C., by the average monthly private ~~pay~~ cost of nursing facility ~~rate~~ care at the time of application as determined by the department.

2. through (4) No change.

Specific Authority 409.919 FS. Law Implemented: 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, _____.

65A-1.716 Income and Resource Criteria.

(1) through (5)(c) No change.

(d) Average monthly private pay nursing facility rate: ~~\$5,000~~ 3,300.

(e) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 12-9-99, 2-15-01, 11-25-01, 7-28-02, 4-1-03, 9-10-03, 8-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nathan Lewis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69V-560.303 RULE TITLE: Renewal Application Forms, Procedures and Requirements

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 69V-560.303, F.A.C., is to repeal subsection (3) of the rule, which requires part II registrants under Chapter 560, Florida Statutes, to file unaudited financial

statements in conjunction with applications to renew part II registrations. Part II of Chapter 560, F.S., relates to Payment Instruments and Funds Transmission under the Money Transmitters' Code. The requirement regarding unaudited financial statements, however, is in addition to a compliance requirement that requires these same registrants to file, annually, audited financial statements with the Office within 90-days of the registrants fiscal year end. Given the significant overlap in the regulatory purpose behind each requirement, the Office proposes to repeal the requirement regarding filing unaudited financial statements during the application renewal process. The repeal will relieve registrants of an unnecessary regulation and the fiscal impact of having to comply with both regulations. Technical corrections are also made.

SUMMARY: This rule is being amended to eliminate the requirement that registrants file un-audited financial statements in conjunction with applications to renew registrations under Part II of the Money Transmitters' Code, Chapter 560, Florida Statutes, which relates to Payment Instruments and Funds Transmission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the 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.

SPECIFIC AUTHORITY: 560.105 FS.

LAW IMPLEMENTED: 560.114(1), 560.205(2), (3), 560.207, 560.305, 560.308 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.303 Renewal Application Forms, Procedures and Requirements.

(1) Applicants for renewal of registration must complete Form OFR-MT-6-01, Application to Renew Registration as a Money Transmitter, effective 10/01, which is hereby incorporated by reference. Copies of such forms can be obtained by request from the Office of Financial Regulation at the address specified in subsection ~~(4)~~~~(5)~~ below.

(2) The renewal application shall include any substantial changes that have occurred to registrant since its last application to the Office of Financial Regulation. These substantial changes include, but shall not be limited to, a change or an addition to an executive officer, director,

principal, member, controlling shareholders, or responsible person/manager. A completed Biographical Form OFR-MT-7-01, shall be submitted for each new individual, and, in the case of a non-U.S. citizen, Addendum (1) to Form OFR-MT-7-01, shall be attached to the renewal application. The fingerprint cards required by subsection 69V-560.102(5), F.A.C., and the Biographical Form (Form OFR-MT-7-01) shall be submitted only for those person(s) who have not previously submitted such documents in connection with the registrant. Other changes, such as any new businesses acquired, change in address, change in name, material litigation, criminal convictions, etc., shall be reported, as required on the renewal form.

~~(3) Part II applicants shall file unaudited financial statements with their renewal application. A registrant may file its required annual audited financial statements together with the registrant's renewal application in lieu of the unaudited statements so long as the date of the audited financial statements is not more than 90 days prior to the submission date of the renewal application.~~

~~(3)(4)~~ If, as a result of subsection (1) above, a Biographical Form is required on any individual, the individual shall review and attest to the accuracy of the form.

~~(4)(5)~~(a) An original of all parts of the application shall be filed, together with the appropriate filing fee as specified in Rule ~~69V-560.304~~ ~~69V-560.303~~, F.A.C., at the following address: Division of Securities and Finance, Office of Financial Regulation of Banking and Finance, ~~200~~ ~~401~~ East Gaines Street, Tallahassee, Florida ~~32399-0376~~ ~~32399-0350~~.

(b) In lieu of filing the required forms, a registrant may renew its registration, locations, authorized vendors, and "Declaration of Intent to Engage in Deferred Presentment Transactions" electronically at the time of renewal by following the applicable instructions on the Office of Financial Regulation's website (www.flofr.com/licensing) (~~www.dbf.state.fl.us~~) on the Internet.

~~(5)(6)~~ Processing. Applications to renew registration as a money transmitter shall be processed, where applicable, pursuant to the provisions of Rules 69V-560.101 through 69V-560.108, F.A.C.

Specific Authority 560.105(3) FS. Law Implemented 560.114(1), 560.205(2), (3), 560.207, 560.305, 560.308 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.303, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
RULE TITLE: Use of Force

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 32, No. 20, May 19, 2006, will be held at 10:00 a.m. on Thursday, June 8, 2006, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

RULE CHAPTER NO.: 58B-1
RULE CHAPTER TITLE: Aging Resource Centers

RULE NOS.: 58B-1.001
RULE TITLES: Definitions
58B-1.003 Oversight Standards for the Aging Resource Center

58B-1.005 Governing Body

58B-1.007 Operating Procedures

58B-1.009 Monitoring and Sanctioning Service Providers

58B-1.009 Outcome Measures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules, as noticed in Vol. 31, No. 27, July 8, 2005, Florida Administrative Weekly, have been withdrawn.