

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 1, 2006, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

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

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR – Insurance Regulation**

RULE NO.: 69O-138.002  
 RULE TITLE: Financial, Rate, and Market Conduct Examination Reimbursement Expenses

PURPOSE AND EFFECT: The amendment states that the daily exam fee for market conduct employees is that which is published in the NAIC Market Conduct Examiners Handbook.  
 SUBJECT AREA TO BE ADDRESSED: Examination Reimbursement.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.316, 624.3161, 624.320 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 28, 2006, 1:00 p.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Sam Binnun, Director, Market Investigations, Office of Insurance Regulation, E-mail: Sam.Binnun@fldfs.com.

com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sam Binnun, Director, Market Investigations, Office of Insurance Regulation, E-mail: Sam.Binnun@fldfs.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09401  
 RULE TITLE: Student Performance Standards

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the revised K-12 reading and language arts standards. The effect will be standards for reading which are in alignment with the current expectations for grades K-12.

SUMMARY: The reading and language arts academic standards have been revised and updated to maintain rigor, relevance, and articulation among grade levels.

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 cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 FS.

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

DATE AND TIME: December 12, 2006, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chancellor Cheri Pierson-Yecke, K-12 Public Schools, 325 West Gaines Street, Room 514, Tallahassee, Florida, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. Beginning with the 2007-2008 school

year, the reading and language arts benchmarked standards for reading and language arts referenced below in paragraph (1)(a), describe what students should know and be able to do at grade level progression. The benchmarked standards in paragraphs (1)(b)(~~a~~)-(g) of this rule describe what students should know and be able to do at four progression levels (grades Prek-2, 3-5, 6-8, 9-12) in the subjects of the arts, health/physical education, foreign languages, ~~language arts~~, mathematics, science, and social studies. Sunshine State Standards for Special Diploma as incorporated by reference in paragraph (1)(h)(~~a~~) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels (independent, supported, and participatory). Public schools shall provide appropriate instruction to assist students in the achievement of these standards. These standards and benchmarks are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

- (a) Sunshine State Standards – Reading and Language Arts, 2007 1996,
  - (b) Sunshine State Standards – Mathematics, 1996,
  - (c) Sunshine State Standards – Science, 1996,
  - (d) Sunshine State Standards – Social Studies, 1996,
  - (e) Sunshine State Standards – Foreign Languages, 1996,
  - (f) Sunshine State Standards – The Arts, 1996, and
  - (g) Sunshine State Standards – Health/Physical Education, 1996, and
  - (h) Sunshine State Standards for Special Diploma, 1999.
- Copies of these publications may be obtained from the Division of Public Schools ~~and Community Services~~, Department of Education, 325 W. Gaines St., Tallahassee, Florida 32399-0400.

(2) Each district school board shall incorporate the Sunshine State Standards contained herein into the district Pupil Progression Plan.

(3) The Sunshine State Standards shall serve as the basis for statewide assessments.

Specific Authority 1001.02 229.565 FS. Law Implemented 1001.03 229.565, 229.57, 232.245, 232.2454 FS. History–New 6-18-96, Amended 9-28-99, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 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:** These rules are amended to incorporate the course descriptions for new courses into the “Course Code Directory and Instructional Personnel Assignments” for 2007-2008, and the “2007-2008 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” 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:** These rules are amended to adopt revisions to the “Course Code Directory and Instructional Personnel Assignments” and the “2007-2008 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” 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 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 cost regulatory alternative must do so in writing within 21 days of the notice.

**SPECIFIC AUTHORITY:** 1001.02(1), 1011.62(1)(r) FS.

**LAW IMPLEMENTED:** 10011.62(1) FS.

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

**DATE AND TIME:** December 12, 2006, 8:30 a.m.

**PLACE:** 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Jane Tappen, Vice Chancellor for Student Achievement, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida

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 “~~2007-2008~~ ~~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 ~~is~~ ~~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, 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, 7-27-06,\_\_\_\_\_.

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) through (4) No change.

(5) The “Course Code Directory and Instructional Personnel Assignments ~~2007-2008~~ ~~2006-2007~~,” ~~is~~ ~~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 ~~directory~~ ~~directories~~ may be obtained from K-12 Public Schools, 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, 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, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06,\_\_\_\_\_.

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 Yecke, Chancellor K-12 Education, Department of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-6.03013	Exceptional Student Education Eligibility for Students Who Are Deaf or Hand-of-Hearing
6A-6.030151	Exceptional Student Education Eligibility for Students Who Are Physically Impaired With Orthopedic Impairment
6A-6.030152	Exceptional Student Education Eligibility for Students Who Are Physically Impaired With Other Health Impairment
6A-6.030153	Exceptional Student Education Eligibility for Students Who Are Physically Impaired With Traumatic Brain Injury
6A-6.03016	Exceptional Student Education Eligibility for Students With Emotional/Behavioral Disabilities
6A-6.03023	Exceptional Student Education Eligibility for Students With Autism Spectrum Disorder

PURPOSE AND EFFECT: The purpose of these revisions is to incorporate the revisions required for programs for students with disabilities by the amendments to the federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing regulations and to update rule language to reflect current knowledge in the field. The effect of these revisions will be consistency with the federal requirements and current knowledge in the respective fields.

SUMMARY: The rules listed above are amended (or in some cases new rules) to implement changes in the Individuals with Disabilities Education Act 20 U.S.C. The rules have been streamlined to be specific to conditions and reflect current knowledge in the respective fields.

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 cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 1001.02(1), 1003.57(1)(e) FS.

LAW IMPLEMENTED: 1001.03, 1003.57, 1003.01, 1003.21, 1011.62 FS.

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

DATE AND TIME: December 12, 2006, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-6.03013 Exceptional Student Education Eligibility Special Programs for Students Who Are Deaf or Hard-of-Hearing.

(1) Definition. Students who are deaf or hard-of-hearing. A student who is deaf or hard-of-hearing has a hearing loss impairment aided or unaided, that impacts the interferes in processing of linguistic information and which adversely affects performance in the educational environment communication, developmental skills, academic achievement, vocational career skills, or social emotional adjustment. The degree of loss may range from mild to profound.

(2) Activities prior to referral. Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions of subsection 6A-6.0331(4), F.A.C., the evaluation for a student must also include the procedures identified in the district's Policy and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.

(4)(2) Criteria for eligibility. A student who is deaf or hard-of-hearing is eligible for exceptional student education if the following criteria are met a special program for students who are deaf or hard of hearing if both criteria in paragraphs (2)(a) and (2)(b) of this rule are met.

(a) An audiological evaluation documents a Evidence of a documented permanent or fluctuating hearing threshold level that interferes with progress in any one (1) of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by ~~of~~:

1. 25 decibel (dB) + ~~dB~~ ± 5 dB or greater based on pure tone average of average of 500, 1000, and 2000 Hz (~~re: ANSI, 1989~~) unaided in the better ear; or

2. A high frequency hearing threshold level of 25 dB ± 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz (~~re: ANSI, 1989~~) unaided in the better ear; or

3. A unilateral hearing threshold level of 50 dB ± 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz (~~re:ANSI, 1989~~) unaided; or

4. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified in subparagraphs (4)(a)1., 2., and 3., above; and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(c), F.A.C. Evidence that the hearing threshold level interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills, and that the student requires special education and/or related services in order to benefit from education.

(3) Procedures for student evaluation.

(a) Tests to determine cognitive functioning and learning abilities shall be selected from non-verbal performance scales standardized on, or adapted for, students who are deaf or hard of hearing. Evaluation of academic achievement and communication skills shall take into consideration the student's intellectual functioning, degree of hearing loss and method of communication.

(b) The minimum evaluation shall include:

1. Audiological evaluation,
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses,
3. Evaluation of social development,
4. Evaluation of receptive and expressive communication, and
5. Individual assessment of intellectual functioning, or developmental scales if more appropriate for students under age seven (7).

(c) Re-evaluation shall occur at least every three (3) years and shall include a minimum of an audiological evaluation, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with subparagraph 6A-6.03411(2)(i)1., F.A.C.

(5)(d) A screening for Usher's Syndrome shall be administered to each student who is deaf or hard-of-hearing at least once during grades 6-12.

(4) ~~Instructional programs.~~

(a) ~~The district shall implement a written course of study for the program, updated as necessary, with sufficient scope and depth needed for individual educational plans.~~

(b) ~~Classes shall be taught by teachers using communication skills appropriate to meet individual needs of students. Each student who is deaf or hard-of-hearing shall have the opportunity to learn speech and to learn to use residual hearing through modern amplification equipment.~~

(c) ~~Districts shall implement daily monitoring procedures for ensuring proper functioning of personal hearing aids and district auditory amplification equipment.~~

(d) ~~The grouping of students who are deaf or hard-of-hearing for special and resource room classes shall facilitate each student's development of appropriate methods of communication.~~

(5) ~~Supportive services.~~ The district shall have or purchase the services of professionals in the areas of audiology, school psychology, guidance, educational assessment, social services and interpreting. These services shall support the instructional program.

(6) ~~Facilities and Equipment.~~

(a) ~~The program shall be established in conjunction with a regular school appropriate to the age and grade level of students who are deaf or hard-of-hearing.~~

(b) ~~Each special class and resource classroom shall be acoustically treated.~~

(c) ~~Each special class and resource classroom shall have auditory amplification equipment available.~~

(d) ~~Auditory equipment shall be calibrated annually, maintained, and considered for replacement on a five (5) year cycle.~~

(e) ~~Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing; i.e., group toilet rooms, corridors, specific areas designated for the deaf, etc., in accordance with paragraph 6A-2.088(6)(d), F.A.C.~~

(7) ~~Continued eligibility.~~ Students eligible for and enrolled in a special program for students who are deaf or hard-of-hearing prior to the effective date of this rule may continue in the special program and, as appropriate, subsequently be dismissed based on dismissal criteria contained in the approved Special Program and Procedures for Exceptional Students Document as provided in Rule 6A-6.03411, F.A.C.

(6) This rule shall become effective July 1, 2007.

Specific Authority 1001.02(1), 1003.57(1)(e), 229.053(1), 230.23(4)(m), 228.041(18) FS. Law Implemented 1001.03, 1003.57(1)(e), 1003.01(3), 1003.21(1), 1011.62 ~~228.041(18), (19),~~

~~229.565(3)(b), (c), 230.23(4)(m), 232.01(1)(e), 236.081(1)(e)~~ FS. History—New 7-1-77, Amended 9-11-84, Formerly 6A-6.3013, Amended 7-1-94, ~~7-1-07.~~

6A-6.030151 Exceptional Student Education Eligibility for Students Who Are Physically Impaired With Orthopedic Impairment.

(1) Definition. Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g. including but not limited to skeletal deformity or spina bifida), and impairments resulting from other causes (e.g., including but not limited to cerebral palsy or amputations).

(2) Activities prior to referral. Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in paragraph 6A-6.0331(4), F.A.C., the evaluation for a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.

(4) Criteria for eligibility. A student with an orthopedic impairment is eligible for exceptional student education, if the following criteria are met:

(a) Evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills, and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(c), F.A.C.

(5) This rule shall become effective July 1, 2007.

Specific Authority 1001.02(1), 1003.57(1)(e) FS. Law Implemented 1001.03, 1003.01(3), 1003.21(1), 1003.57(1)(e), 1011.62 FS. History—New 7-1-07.

6A-6.030152 Exceptional Student Education Eligibility for Students Who Are Physically Impaired With Other Health Impairment.

(1) Definition. Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

(2) Activities prior to referral. Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A.60331(4), F.A.C., the evaluation for a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.

(4) Criteria for eligibility. A student with an other health impairment is eligible for exceptional student education if the following criteria are met:

(a) Evidence of an other health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment, and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(c), F.A.C.

(5) This rule shall become effective July 1, 2007.

Specific Authority 1001.02(1), 1003.57(1)(e) FS. Law Implemented 1001.03, 1003.01(3), 1003.21(1), 1003.57(1)(e), 1011.62 FS. History—New 7-1-07.

6A-6.030153 Exceptional Student Education Eligibility for Students Who are Physically Impaired With Traumatic Brain Injury.

(1) Definition. A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe, open or closed head injuries resulting in impairments in one (1) or more areas such as cognition language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

(2) Activities prior to referral. Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A.60331(4), F.A.C., the evaluation for a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services as required by Rule 6A-6.03411, F.A.C.

(4) Criteria for eligibility. A student with a traumatic brain injury is eligible for exceptional student education, if the following criteria are met:

(a) Evidence of a traumatic brain injury that impacts one or more of the areas identified in subsection (1) of this rule.

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(c), F.A.C.

(5) This rule shall become effective July 1, 2007.

Specific Authority 1001.02(1), 1003.57(1)(e) FS. Law Implemented 1001.03, 1003.01(3), 1003.21(1), 1003.57(1)(e), 1011.62 FS. History—New 7-1-07.

(Substantial rewording of Rule 6A-6.03016 follows. See Florida Administrative Code for present text.)

6A-6.03016 Exceptional Student Education Eligibility for Students With Emotional/Behavioral Disabilities Special Programs for Students Who Are Emotionally Handicapped.

(1) Definition. Students with an emotional/behavioral disability (E/BD). A student with an emotional/behavioral disability has persistent (is not sufficiently responsive to implemented evidenced based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

(2) Activities prior to referral. Prior to referral for evaluation, the requirements in subsections 6A-6.0331(1)-(3), FAC., must be met.

(3) Evaluation. In addition to the provisions in subsection 6A-6.0331(4), F.A.C., the evaluation for a student must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.

(4) Criteria for eligibility. A student with an emotional/behavioral disability must demonstrate an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and must demonstrate one or more of the following characteristics described in paragraph (4)(a) or (4)(b) of this rule and meet the requirements of paragraphs (4)(c) and (4)(d) of this rule:

(a) Internal factors characterized by:

1. Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends and/or school work, or mood swings, or erratic behavior; or

2. The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or

3. Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or

(b) External factors characterized by:

1. An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or

2. Behaviors that are chronic and disruptive such as noncompliance, verbal and/or physical aggression, and/or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in subparagraph (4)(a)1-3. of this rule.

(c) The characteristics described in paragraph (4)(a) or (b) of this rule must be present for a minimum of six (6) months duration and in two (2) or more settings, including but not limited to, school, educational environment, transition to and/or from school, or home/community settings. At least one (1) setting must include school.

(d) The student needs special education as defined in paragraph 6A-6.03411(1)(c), F.A.C.

(e) In extraordinary circumstances, activities prior to referral for evaluation as described in subsection (2) of this rule and criteria for eligibility described in paragraph(4)(c) of this rule may be waived when immediate intervention is required to address an acute onset of an internal emotional/behavioral characteristic as listed in paragraph (4)(a) of this rule.

(5) Characteristics not indicative of a student with an emotional/behavioral disability:

(a) normal, temporary (less than six (6) months) reactions to life event(s) or crisis, or

(b) Emotional/behavioral difficulties that improve significantly from the presence of evidenced based implemented interventions, or

(c) Social maladjustment unless also found to have an emotional/behavioral disability.

(6) This rule shall become effective July 1, 2007.

Specific Authority 1001.02(1), 1003.57(1)(e), 229.053(1), 230.23(4)(m), 228.041(18) FS. Law Implemented 1001.03, 1003.57(1)(e), 1003.01(3), 1003.21(1), 1011.62, 228.041(18), (19), 229.565(3)(b), (c), 230.23(4)(m), 236.081(1)(e) FS. History—New 7-1-77, Amended 10-23-79, 11-25-80, 1-6-83, 9-27-84, 3-10-85, Formerly 6A-6.3016, Amended 7-1-07.

(Substantial rewording of Rule 6A-6.03023 follows. See Florida Administrative Code for present text.)

6A-6.03023 Exceptional Student Education Eligibility Special Programs for Students With Autism Spectrum Disorder who are Autistic.

(1) Definition. Students with Autism Spectrum Disorder. Autism Spectrum Disorder is defined to be a range of pervasive developmental disorders that adversely affects a student's functioning and results in the need for specially designed instruction and related services. Autism Spectrum Disorder is characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and the presence of restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities. These characteristics may manifest in a variety of combinations and range from mild to severe. Autism Spectrum Disorder may include Autistic Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Asperger Syndrome, or other related pervasive developmental disorders.

(2) Activities prior to referral. Prior to referral for evaluation the requirements in subsections 6A-6.0331(1)-(3), F.A.C., must be met.

(3) Evaluation. In addition to the procedures identified in subsection 6A-6.0331(4), F.A.C., the evaluation must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C.

(4) Criteria for eligibility. A student with Autism Spectrum Disorder is eligible for exceptional student education if all of the following criteria are met:

(a) Evidence of all of the following:

1. Uneven developmental profile as evidenced by inconsistencies across or within the domains of language, social interaction, adaptive behavior, and/or cognitive skills; and

2. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to people or the environment; and

3. Impairment in verbal and/or nonverbal language or social communication skills, and

4. Restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities; and

(b) The student needs special education as defined in paragraph 6A-6.03411(1)(c), F.A.C.

(5) This rule shall become effective July 1, 2007.

Specific Authority 1001.02(1), 1003.57(1)(e), 229.053(1), 230.23(4)(m), 228.041(18), (19) FS. Law Implemented 1001.03, 1003.57(1)(e), 1003.01(3), 1003.21(1), 1011.62, 228.041(19), (20), 229.565(2)(b), (c), 230.23(4)(m)4., 232.01(1)(f), 236.081(1)(e) FS. History—New 7-2-79, Formerly 6A-6.3023, Amended 7-1-07.

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 Yecke, Chancellor K-12 Education, Department of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 18, 2005 and August 25, 2006

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.03015  
 RULE TITLE: Special Programs for Students Who are Physically Impaired

PURPOSE AND EFFECT: The purpose of this action is to repeal the rule. Three rules specific to students who are physically impaired with orthopedic impairment, other health impairment, or traumatic brain injury are proposed to replace this rule. The effect will be rules that are streamlined and specific for students with special needs.

SUMMARY: This rule is to be repealed.

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 cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m), 228.041(18), (19) FS.

LAW IMPLEMENTED: 228.041(18), (19), 230.23(4)(m), 232.01, 236.081(1)(c) FS.

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

DATE AND TIME: December 12, 2006, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03015 Special Programs for Students who are Physically Impaired.

PROPOSED EFFECTIVE DATE July 1, 2007.

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18), (19) FS. Law Implemented 228.041(18), (19), 230.23(4)(m), 232.01, 236.081(1)(c) FS. History—New 7-1-77, Amended 8-16-82, 7-13-83, Formerly 6A-6.3015, Amended 2-12-91, 7-13-93, Repealed 7-1-07.

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 Yecke, Chancellor K-12 Education, Department of Education

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.03021	Exceptional Student Education Special Programs for Students Who are Profoundly Handicapped

PURPOSE AND EFFECT: This rule is being repealed because it is obsolete. The authority in this rule is no longer required in order to claim weighted funding for the provision of special education and related services for students with disabilities. This rule gave districts authority to utilize weighted cost

factors based on certain categories of exceptionality. Because of the revised Exceptional Student Education/Florida Education Finance Program (ESE/FEFP) funding model instituted by the Florida Legislature in 1998 and the required use of the Matrix of Services form based on students' individual educational plans (IEP), cost factors are tied directly to the severity of the students' needs and the intensity of the support required rather than the disability category.

SUMMARY: The rule is to be repealed.

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 cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m), 228.041(18), (19) FS.

LAW IMPLEMENTED: 228.041(19), (20), 229.565(2)(b), (c), 230.23(4)(m)4., 232.01(1)(f), 236.081(1)(c) FS.

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

DATE AND TIME: December 12, 2006, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03021 Special Programs for Students who are Profoundly Handicapped.

PROPOSED EFFECTIVE DATE July 1, 2007.

Specific Authority 229.053(1), 230.23(4)(m), 228.041(18), (19) FS. Law Implemented 228.041(19), (20), 229.565(2)(b), (c), 230.23(4)(m)4., 232.01(1)(f), 236.081(1)(c) FS., Item 315, Section 1, Chapter 79-212, Laws of Florida. History—New 7-2-79, Amended 10-23-79, Formerly 6A-6.3021, Repealed 7-1-07.

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 Yecke, Chancellor K-12 Education, Department of Education

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



**DEPARTMENT OF EDUCATION****State Board of Education**

RULE NO.: 6A-6.03315  
 RULE TITLE: Private School Scholarship  
 Compliance

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to amend reporting requirements by which private schools participating in Florida's K-12 state scholarship programs must submit compliance documentation to the Florida Department of Education. The effect of this rule is to provide consistency to private schools, students, and families during the school year to prevent possible disruptions in private school eligibility, in scholarship payments, and in the provision of educational services to children.

**SUMMARY:** The proposed rule modifies an existing rule and outlines compliance requirements, requirements for new and renewing schools, and timelines for submitting private school scholarship compliance information.

**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 cost regulatory alternative must do so in writing within 21 days of the notice.

**SPECIFIC AUTHORITY:** 1002.39, 1002.42, 1002.421 FS.

**LAW IMPLEMENTED:** 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, 1002.39, 1003.22, 1003.23, 1002.42, 1002.421 FS.

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

**DATE AND TIME:** December 12, 2006, 8:30 a.m.

**PLACE:** 400 South Monroe Street, Room LL24, The Capitol, Tallahassee, Florida 32399

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

**THE FULL TEXT OF THE PROPOSED RULE IS:**

6A-6.03315 Private School Scholarship Compliance Form.

Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs, hereinafter Scholarship Compliance Form, which is hereby incorporated by reference to become a part of this rule effective upon the effective date of this rule ~~September 2005~~.

(1) Definitions related to this rule and the Scholarship Compliance Form:

(a) Renewing school – Schools that had scholarship students during the current or previous school year.

(b) New school – Schools that did not have scholarship students during the current or previous school year. A school removed from the program pursuant to a Notice of Proposed Action from the Commissioner may not reapply during the same school year it was removed from the program. In addition, a school that had scholarship students during the current or previous school year but is opening an additional location may apply as a new school for that location only.

(c) Regular and direct contact – A program of instruction that provides for a minimum of one hundred seventy (170) actual school instruction days with the required instructional hours (determined by grade level per state board Rule 6A-1.09512, F.A.C.) under the direct instruction of the private school teacher at the school's physical location with occasional off-site activities under the supervision of the private school teacher.

(d) School's physical location – The location where regular and direct contact with the private school teacher occurs and must meet applicable state and local health, safety, and welfare laws, codes, and rules.

(2) Renewing schools. The signed, notarized Scholarship Compliance Form must be ~~postmarked received by March the Office of Independent Education and Parental Choice no later than 5:00 p.m. on May 1~~ of each year for participation in the subsequent school year. Following the timely submission of the Scholarship Compliance Form, any outstanding compliance issues, including submission of the annual survey required by Section 1002.42, Florida Statutes, must be resolved by the private school prior to ~~May July~~ 1 of each year or within forty-five (45) days of receipt of notification from the Department of any noncompliance issue, whichever is later, for the school to remain eligible to participate in the scholarship programs. Renewing schools as a part of the renewal process are required to have a review of compliance documentation every third year. The Department shall mail notice to renewing schools subject to the compliance documentation review by December 1 of each year. This does not limit the Department's ability to request compliance related documentation at other times.

(3) New schools. When the signed, notarized Scholarship Compliance Form is submitted by a new school, the school shall have sixty (60) days to resolve any outstanding compliance issues, including submission of the annual survey required by Section 1002.42, Florida Statutes, to become eligible to participate in the scholarship programs. If the outstanding issues have not been resolved after sixty (60) days, the application shall be administratively closed. The application can be reopened, at any time during the same school year, by request of the private school. At no time can a

new private school that has not met and adequately demonstrated compliance with all requirements, register or enroll scholarship students.

(4) The Scholarship Compliance Form ~~This form~~ delineates private school reporting requirements specified pursuant to Section 1002.42, Florida Statutes, and statutory and regulatory requirements related to the areas of school location and contact information; school ownership; affiliation; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of the scholarship compliance form.

(5) Copies of the Scholarship Compliance Form ~~this form~~ may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority ~~1002.38~~, 1002.39, 1002.42, 1002.421 FS. Law Implemented 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, ~~1002.38~~, 1002.39, 1003.22, 1003.23, 1002.42, 1002.421 FS. History—New 10-13-04, Amended 9-20-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John L. Winn, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF EDUCATION  
State Board of Education**

RULE NO.: 6A-6.0960  
RULE TITLE: Corporate Tax Credit Scholarship Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify administrative procedures and establish requirements for student and nonprofit scholarship-funding organization participation in a scholarship program for children of families with limited financial resources supported by tax credit contributions from eligible taxpayers. The proposed rule also identifies the nationally norm-referenced tests that participating private schools may select to administer annually to assess the academic improvements of scholarship students. The effect will be a rule which is consistent with requirements set forth in statute for the administration and implementation of the scholarship program as authorized by Section 220.187, Florida Statutes.

SUMMARY: The proposed rule outlines eligibility and participation requirements for scholarship funding organizations, students, and private schools, the measurement

of student achievement, the complaint and inquiry process, and responsibilities of the Commissioner of Education for the Corporate Tax Credit Scholarship Program.

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 cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 220.187(9)(i), 220.187(12)(e) FS.  
LAW IMPLEMENTED: 220.187 FS.

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

DATE AND TIME: December 12, 2006, 8:30 a.m.  
PLACE: 400 South Monroe Street, Room LL24, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0960 Corporate Tax Credit Scholarship Program.  
The Corporate Tax Credit Scholarship Program will be implemented as required by Section 220.187, Florida Statutes, to allow nonprofit scholarship-funding organizations to provide scholarships from eligible contributions to qualified students attending eligible private schools or public schools outside the school district in which the student resides or in a laboratory school.

(1) Eligibility of nonprofit scholarship-funding organizations.

(a) A nonprofit charitable organization may apply to be an eligible scholarship-funding organization by having its principal officer or legal representative submit documentation to the Department of Education as specified in Form IEPC SFO-1, Nonprofit Scholarship-Funding Organization Participation Renewal for State Scholarship Programs, or Form IEPC SFO-2, Nonprofit Scholarship-Funding Organization Participation Application for State Scholarship Programs, which are hereby incorporated by reference to become a part of this rule to become effective upon the effective date of this rule. The appropriate Nonprofit Scholarship-Funding Organization Form must be signed by the owner or operator, submitted annually, and be postmarked no later than February 1.

(b) By December 1 of each year, beginning in 2006, the Department of Education shall make available the forms for organizations to use pursuant to paragraph (1)(a) of this rule.

(c) Each application to be listed shall be reviewed by the Department to determine compliance with Section 220.187, Florida Statutes, and requirements in this rule.

(d) By March 1, the Department shall send to each nonprofit scholarship-funding organization applicant, at the address listed on the Nonprofit Scholarship-Funding Organization Form, a notice of its eligibility to participate in the program for the next school year.

(e) No later than March 15 of each year, the Department shall submit to the Florida Department of Revenue a list of organizations that it has determined to be eligible to be listed as a nonprofit scholarship-funding organization for participation in the Corporate Tax Credit Scholarship Program.

(f) If, at any point during the school year, a nonprofit scholarship-funding organization no longer meets the eligibility requirements for nonprofit scholarship-funding organizations, the Commissioner shall:

1. Issue a notice of noncompliance that gives the nonprofit scholarship-funding organization a reasonable time to meet the requirements; or

2. Issue a notice of proposed action to suspend the nonprofit scholarship-funding organization or to remove the nonprofit scholarship-funding organization from the list of eligible nonprofit scholarship-funding organizations where the health, safety, or welfare of students is involved or the nonprofit scholarship-funding organization has failed to meet requirements specified in a notice of noncompliance pursuant to this paragraph.

(g) Nonprofit scholarship-funding organizations suspended or removed pursuant to paragraph (1)(f) of this rule shall have fifteen (15) days from receipt of the notice of proposed action to file with the Department's agency clerk a request for a proceeding pursuant to Sections 120.569 and 120.57, Florida Statutes. All resulting proceedings shall be conducted in accordance with Chapter 120, Florida Statutes.

(h) Upon removal of an approved nonprofit scholarship-funding organization, the Department shall notify the Department of Revenue that the organization is no longer approved to participate in the program.

(2) Nonprofit scholarship-funding organization requirements. Eligible nonprofit scholarship-funding organizations shall:

(a) Beginning with the 2007-2008 school year, upon each first-time scholarship student's entry to the scholarship program, obtain a written statement that the parent has informed the student's school district that the child will be attending an eligible private school. The written statement shall be maintained on file by each nonprofit scholarship-funding organization for no less than three (3) years or until such time as the student graduates or otherwise exits the program. This requirement shall not apply to a

kindergarten or first grade student who was not enrolled in a Florida public school prior to entering the scholarship program.

(b) Four (4) times a year, no later than August 15, October 15, January 15, and March 15 of each year, submit in a format to be specified by the Department an electronic list of all participating scholarship students. The list shall include the following information:

1. Demographic information for each student, including name, date of birth, social security number, grade level, gender, race, parent's name, and address;

2. Information on the student's school of attendance, including tuition, fees, and transportation amounts; and

3. The amount of each student's scholarship.

(c) No later than thirty (30) days after the last payment date of the school year, provide a summary to the Department detailing the amount paid for each scholarship student during the school year and the school attended. If a student attended more than one school during the year, the summary shall detail the amount of the scholarship payments that the student generated by each school.

(3) Nothing in this rule shall abrogate the Department's authority to request any other information related to the scholarship program.

(4) Qualified students. Applications for a Corporate Tax Credit Scholarship shall be made by parents directly through an eligible nonprofit scholarship-funding organization. The nonprofit scholarship-funding organization shall identify qualified students and award all scholarships consistent with the requirements of Section 220.187, Florida Statutes. The process used to identify qualified students and award scholarships is subject to the annual financial and compliance audit required by law.

(5) Private school participation. To participate in the Corporate Tax Credit Scholarship Program, a school must meet the definition of an "eligible private school" as defined in Section 220.187(2)(d), Florida Statutes, and:

(a) Register its intent to participate in the scholarship program with the Department using the Department's website;

(b) Complete the annual survey of private schools required by Section 1002.42(2), Florida Statutes, using the Department's website, and submit it to the Department in both an electronic format and by mail. The survey that is mailed to the Department must include a notarized statement verifying that the private school owner has complied with the background check requirements of Section 1002.42(2)(c), Florida Statutes.

(c) Annually meet all scholarship compliance requirements for private schools pursuant to Rule 6A-6.03315, FAC.

(d) Continue to adhere to all statutory and rule requirements after determined eligible to participate in the program.

(6) Measurement of student achievement. Private schools participating in the program are responsible for ensuring that all students receiving scholarships are assessed annually and the results reported as required by Section 220.187(8)(c)2., Florida Statutes. Achievement data for scholarship students shall not be used to rate publicly the performance of private schools that participate in the program.

(a) Pursuant to Section 220.187(9)(i), Florida Statutes, relating to the identification and selection of nationally norm-referenced tests for the measurement of student achievement, participating private schools must annually administer one of the following approved assessments in grades K-12 to students receiving Corporate Income Tax Credit Scholarships:

1. Basic Achievement Skills Inventory (BASI) – Comprehensive Version.
2. Florida Comprehensive Assessment Test (FCAT) – NRT Reading and Mathematics.
3. Iowa Tests of Basic Skills® (ITBS®) Forms A and B – Core Battery.
4. Metropolitan Achievement Tests®, Eighth Edition (METROPOLITAN8) – Short Form.
5. Stanford Achievement Test, Tenth Edition (Stanford 10) – Basic Battery.
6. TerraNova (CTBS/5) – Basic Battery.
7. TerraNova, Second Edition (CAT/6) – Basic Battery.

(b) The Department of Education may approve the use of another assessment if it meets the following criteria:

1. Internal consistency reliability coefficients of at least 0.8;
2. High validity evidenced by the alignment of the test with nationally recognized content standards, as well as specific evidence of content, concurrent, or criterion validity;
3. Norming studies within the last five (5) to ten (10) years, with norming within five (5) years being preferable; and
4. Serves as a measure of K-12 student achievement in core academic areas.

(7) Commissioner's duties. The Commissioner may deny, suspend, or revoke a private school's participation in the scholarship program pursuant to Section 220.187(10), Florida Statutes.

(a) If the Commissioner issues a notice of noncompliance:

1. Private schools shall be given a reasonable period from the date of the notice, as determined by the Commissioner, to demonstrate compliance.
2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner.
3. The private school's participation status shall be unaffected by the above notice of noncompliance process.

4. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(b) If the Commissioner issues a notice of proposed action denying, suspending, or revoking a private school's participation:

1. The notice shall state the reasons for the action and specify the private school's right to appeal.
2. The private school's participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired.

3. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(c) If the Commissioner immediately suspends payment of scholarship funds:

1. The Commissioner shall issue a notice of proposed action suspending payment of scholarship funds to the private school;
2. The notice shall state the reasons for the suspension and the rights the private school has to appeal; and
3. The private school's participation status will be adjusted so that it will be unable to receive payments or utilize the Department's website and its functionalities to participate in the scholarship program in any way; and
4. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(8) Complaint process. The following process is established to allow individuals to notify the Department of any violation by parents, private schools, or school districts of laws or rules related to scholarship program participation.

(a) Persons interested in filing a complaint should contact the Department through the toll-free hotline, established pursuant to Section 220.187, Florida Statutes, or through the Department's website.

(b) An initial complaint shall include, at a minimum, the complainant's name, phone number, address, and details of the situation.

(c) After receipt of the initial complaint, the Department shall offer to provide a formal complaint form to the complainant.

(d) To register a formal complaint, the complainant must complete the formal complaint form, sign it, and mail or fax it to the Department within 30 days of making the initial complaint.

(e) Upon receipt of a formal complaint, the Department shall review the complaint for legal sufficiency. If the complaint is legally sufficient, the Department shall conduct an inquiry, as described in subsection (9) of this rule, or refer the matter to the appropriate agency for investigation. If the complaint is not legally sufficient, the Department may close the complaint.

(f) The Department shall notify the complainant of the final result of all formal complaints.

(9) Inquiry Process. If an inquiry is made as to the conduct of an individual or entity participating in the program:

(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the department. A copy of the letter of inquiry shall be provided to the appropriate nonprofit scholarship-funding organization.

(b) Failure to respond to a letter of inquiry, in a timely manner by:

1. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the nature of the inquiry and the parent's deemed admission of alleged violation due to a failure to respond to the letter of inquiry. The nonprofit scholarship-funding organization can use that information to reconsider its determination of student eligibility.

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 220.187(10), Florida Statutes, and this rule.

3. A school district, then a formal notice will be sent from the Commissioner to the district's Superintendent stating that failure to respond within five (5) working days shall be deemed to be an admission of the stated violation or allegation.

(c) The Department shall review the response to the letter of inquiry and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the parent, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, or school district as appropriate.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the violation which it may use to reconsider its determination of student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 220.187(10), Florida Statutes, and this rule.

c. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, student, or private school as appropriate.

(d) The Department may at any point refer an inquiry to another appropriate agency for investigation.

(e) Notwithstanding any other provisions of this rule, the Commissioner may at any point during the inquiry process exercise the authority given under Section 220.187(10), Florida Statutes, to immediately suspend payments to a private school if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of students or suspected fraudulent activity on the part of the private school.

Specific Authority 220.187(9)(i), 220.187(12)(c) FS. Law Implemented 220.187 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John L. Winn, Commissioner of Education  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0970  
 RULE TITLE: John M. McKay Scholarships for Students with Disabilities Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify and establish specific student, school, school district, and state requirements for eligibility, participation, and administration of the John M. McKay Scholarships for Students with Disabilities Program. The effect will be a rule which is consistent with requirements set forth in statute for administration and implementation of the program.

SUMMARY: The proposed rule outlines application procedures, administrative requirements, the public school option, development of a matrix of services, scholarship payments, student and private school program eligibility, the complaint and inquiry process, and duties of the Commissioner of Education for the John M. McKay Scholarships for Students with Disabilities Program.

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 cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 1002.39(10) FS.

LAW IMPLEMENTED: 1002.39 FS.

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

DATE AND TIME: December 12, 2006, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL24, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program.

The John M. McKay Scholarship for Students with Disabilities Program will be implemented as required by Section 1002.39, Florida Statutes, in an effective and equitable manner that will maintain the integrity of the program.

(1) Scholarship application procedure.

(a) To receive a McKay Scholarship the parent of a public school student must first request a scholarship by filing a notice of intent with the Department by fully completing an online application for a McKay Scholarship using the Department's website.

1. A school district, a private school, or the Department may assist a parent in filing the notice of intent.

2. A notice of intent must be filed before a student withdraws from public school and must include the student's: name, date of birth, current public school district, last attended public school, parent's name, telephone number, mailing address, and email address (if applicable).

3. Upon filing a notice of intent the parent shall receive immediate online filing confirmation including: a confirmation number, a notice of potential eligibility or ineligibility, and, if ineligible, reasons for the ineligibility and instructions on contacting the public school district to correct any errors in information that may have caused the ineligibility.

(b) After receipt of a notice of intent, the Department shall, in cooperation with the school district, determine the student's eligibility for a scholarship by verifying that the student:

1. Meets the prior school year in attendance definition in Section 1002.39(2)(a), Florida Statutes, or is exempt because he or she is a dependent child of a member of the United States Armed Forces who transferred to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders and such transfer occurred less than one (1) full academic year from the time the notice of intent was filed;

2. Filed a valid notice of intent; and

3. Meets one (1) of the following requirements:

a. Is a current public school student with a disability and has an individual education plan; or

b. Is not a current public school student but filed a notice of intent while a public school student, and was a student with a disability and individual education plan at the time he or she left the public school.

(2) Public school McKay Scholarship option. Pursuant to Section 1002.39(5), Florida Statutes, a student meeting the McKay eligibility requirements may choose to attend another public school in the student's school district or in an adjacent school district.

(a) The McKay Scholarship public school options available are determined by the school district and may be subject to both capacity limitations and the ability of the public school to provide the required services for the individual student.

(b) Pursuant to Section 1002.39(4), Florida Statutes, the parent of a student receiving a McKay Scholarship to attend a private school may upon giving notice choose to exercise the public school McKay option.

1. Notice shall be no less than thirty (30) days prior to entering the public school, unless agreed to by the school district.

2. Notice shall be given to the Department and the school district through use of the Department's website.

3. Public school options are still determined by the school district and may be subject to both capacity limitations and the ability of the public school to provide the required services for the individual student.

4. After exercising the educational choice described in this paragraph, a student seeking to reenter a private school under the McKay Scholarship must re-establish initial eligibility requirements including the prior year public school attendance requirement.

(3) Term of McKay Scholarship. Pursuant to Section 1002.39(4)(a), Florida Statutes, a McKay Scholarship remains in effect until one of the following occurs. The student:

(a) Returns to a public school. A return to public school is the enrollment of a McKay Scholarship student in a public school or public school program.

1. For purposes of this paragraph, a public school or public school program is one in which students are reported for funding through the Florida Education Finance Program.

2. Notwithstanding subparagraph (3)(a)1., the following situations are not a return to public school:

a. Admission to a residential hospital for medical reasons.

b. Entry into a Department of Juvenile Justice detention center for a period of less than fifteen (15) days.

c. Entry into a public school for a period of less than thirty (30) days pursuant to placement by or while in the custody of the Department of Children and Families.

d. Completion of virtual school classes if limited to no more than two (2) courses per year.

e. Completion of dual enrollment or adult education courses that are not funded through the Florida Education Finance Program.

(b) Graduates from high school. The student may continue in the program until such time as he or she receives a GED, standard diploma, or the private school's equivalent. Certificates of completion or attendance do not constitute graduation from high school for purposes of this paragraph.

(c) Reaches the age of twenty-two (22). The student may complete the school year in which he or she reaches the age of twenty-two (22).

(4) Matrix of services.

(a) A matrix of services developed for purposes of the McKay Scholarship Program shall be consistent with the services described in the student's individual education plan at the time the student withdraws from the public school. The student's matrix of services may not be changed by the Department and may only be changed by the school district, pursuant to Section 1002.39(5)(b)2.c., Florida Statutes, to correct a technical, typographical, or calculation error.

(b) The process for development of a matrix of services for a student with a disability who is a dependent child of a member of the United States Armed Forces transferring from another state or country pursuant to the parent's permanent change of station orders shall be expedited as follows:

1. Upon receipt of the parent's notice of intent, the Department shall provide the parent's contact information to the appropriate school district.

2. The school district shall contact the parent and arrange for the student's current individual education plan to be submitted to the school district to develop a matrix of services. The parent will be responsible for providing the school district with a copy of the student's current individual education plan.

3. The school district shall have fifteen (15) days from receipt of the student's individual education plan to develop a matrix of services and communicate that information to the Department.

4. If the district is unable to complete the matrix of services within the fifteen (15) days required by this rule, the calculation shall be made as provided for in Section 1002.39(10)(a)4., Florida Statutes, until such time as the matrix of services is completed.

5. A matrix of services developed pursuant to this paragraph shall be developed by school district personnel responsible for developing a matrix of services required by Section 1011.62(1)(e), Florida Statutes.

(5) Scholarship payments. The following provisions detail information related to scholarship payments including timeframes, eligibility, and Departmental procedures.

(a) Scholarship payments will be made on or before September 1, November 1, February 1, and April 1 of each year. For purposes of statutory deadlines associated with payment dates, the above listed dates shall be considered the official payment dates.

(b) The following payment periods are established for administration of the scholarship payments:

<u>Payment</u>	<u>Payment Period</u>
<u>September 1</u>	<u>July 1 – September 30</u>
<u>November 1</u>	<u>October 1 – December 31</u>
<u>February 1</u>	<u>January 1 – February 28</u>
<u>April 1</u>	<u>March 1 – June 30</u>

(c) The following requirements must be met to qualify for a scholarship payment:

1. The notice of intent, described in subsection (1) of this rule, must be filed sixty (60) days before the first scholarship payment. This is a one-time requirement that applies to scholarship students entering the program for the first time, and no payment can be earned until such time as the notice requirement has been met.

2. A student must have an enrollment date thirty (30) days before the first scholarship payment is made. The submission of the school and student fee schedules are required to establish the enrollment date and are completed using the Department's website. A student that changes private schools after meeting the enrollment date requirement may still qualify for payment for that payment period.

3. A student must not be enrolled in a public school or violate any of the prohibitions found in Section 1002.39(3), Florida Statutes.

4. The private school must verify each student's continued enrollment and attendance using the Department's website three (3) times per year before the November, February, and April scholarship payments. Failure to verify a student's continued enrollment and attendance will result in a delayed payment until the next payment period. To receive payment at that time, the private school must verify student attendance for the delayed payment's payment period and, if the student is still enrolled in the program, for the current payment period.

(d) Private schools are responsible for the return of all scholarship funds to the Department that were received in error, including: for students that were not in attendance, or for services listed on a student's fee schedule that were not provided. If the Department identifies scholarship funds that should be returned, it shall send a letter via both regular and certified mail requesting the return of the funds. The letter shall state the reason the funds are being requested, the student or students involved, instructions on returning the funds, and the procedure to be followed if the private school believes that return of the funds is being requested in error or wishes to provide additional information related to the requested funds.

1. Private school shall respond to such letter within thirty (30) days by either returning the funds or detailing in writing why its retention of the funds is proper.

2. If the Department receives a letter detailing why the funds were properly retained, it shall determine whether the explanation is sufficient and thereafter alert the private school to any funds still due and a timeframe for the return of those funds. The response shall give the private school or parent at least twenty (20) additional days to repay the funds.

3. Failure to return the funds due back to the Department within the time period allotted shall result in the initiation of noncompliance procedures pursuant to the Commissioner's authority described in Section 1002.39(7), Florida Statutes, and this rule.

(e) Where a scholarship student attends multiple private schools or a private school and the public school in the same payment period, the right to retain the scholarship payment shall be given to the first private school the student attends for ten (10) or more school days during that payment period. If the student does not attend a private school for at least ten (10) days and attends a public school, then the funding generated, if any, shall be retained by the school district and no scholarship payment shall be generated.

(f) To ensure proper administration of scholarship funds, all claims by private schools for missed scholarship payments must be made within one (1) year of the date the payment was originally due.

(6) Private school participation. To participate in the John M. McKay Scholarship for Students with Disabilities Program, a school must:

(a) Register its intent to participate in the scholarship program with the Department using the Department's website;

(b) Complete the annual survey of private schools required by Section 1002.42(2), Florida Statutes, using the Department's website, and submit it to the Department in both an electronic format and by mail. The survey that is mailed to the Department must include a notarized statement verifying that the private school owner has complied with the background check requirements of Section 1002.42(2)(c), Florida Statutes.

(c) Annually meet all scholarship compliance requirements for private schools pursuant to Rule 6A-6.03315, F.A.C.

(d) Continue to adhere to all statutory and rule requirements after determined eligible to participate in the program.

(7) Commissioner's duties. The Commissioner may deny, suspend, or revoke a private school's participation in the scholarship program pursuant to Section 1002.39(7), Florida Statutes.

(a) If the Commissioner issues a notice of noncompliance:

1. Private schools shall be given a reasonable period from the date of the notice, as determined by the Commissioner, to demonstrate compliance.

2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner.

3. The private school's participation status shall be unaffected by the above notice of noncompliance process.

(b) If the Commissioner issues a notice of proposed action denying, suspending, or revoking a private school's participation:

1. The notice shall state the reasons for the action and specify the private school's right to appeal.

2. The private school's participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired.

(c) If the Commissioner immediately suspends payment of scholarship funds:

1. The Commissioner shall issue a notice of proposed action suspending payment of scholarship funds to the private school;

2. The notice shall state the reasons for the suspension and the rights the private school has to appeal; and

3. The private school's participation status will be adjusted so that it will be unable to receive payments or utilize the Department's website and its functionalities to participate in the scholarship program in any way.

(8) Complaint process. The following process is established to allow individuals to notify the Department of any violation by parents, private schools, or school districts of laws or rules related to scholarship program participation.

(a) Persons interested in filing a complaint should contact the Department through the toll-free hotline, established pursuant to Section 1002.39, Florida Statutes, or through the Department's website.

(b) An initial complaint shall include, at a minimum, the complainant's name, phone number, and address, and details of the situation.

(c) After receipt of the initial complaint, the Department shall offer to provide a formal complaint form to the complainant.

(d) To register a formal complaint, the complainant must complete the formal complaint form, sign it, and mail or fax it to the Department within thirty (30) days of making the initial complaint.

(e) Upon receipt of a formal complaint, the Department shall review the complaint for legal sufficiency. If the complaint is legally sufficient, the Department shall conduct an inquiry, as described in subsection (9) of this rule, or refer the



matter to the appropriate agency for investigation. If the complaint is not legally sufficient, the Department may close the complaint.

(f) The Department shall notify the complainant of the final result of all formal complaints.

(9) Inquiry Process. If an inquiry is made as to the conduct of an individual or entity participating in the program:

(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the Department.

(b) Failure to respond to a letter of inquiry in a timely manner by:

1. A parent, then the Department shall notify the parent that the parent's failure to respond to the letter of inquiry is deemed to be an acceptance of the allegations made in the formal complaint and may affect student eligibility.

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), Florida Statutes, and this rule.

3. A school district, then a formal notice will be sent from the Commissioner to the district's Superintendent stating that failure to respond within five (5) working days shall be deemed to be an admission of the stated violation or allegation.

(c) The Department shall review the response to the letter of inquiry and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the parent, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, or school district as appropriate.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the parent of any violation of laws or rules committed and any effect it will have on student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), Florida Statutes, and this rule.

c. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, student, or private school as appropriate.

(d) The Department may at any point refer an inquiry to another appropriate agency for investigation.

(e) Notwithstanding any other provision of this rule, the Commissioner may at any point during the inquiry process exercise the authority given under Section 1002.39(7), Florida Statutes, to immediately suspend payments to a private school if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of students or suspected fraudulent activity on the part of the private school.

Specific Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John L. Winn, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

#### **DEPARTMENT OF EDUCATION**

##### **Florida School for the Deaf and the Blind**

RULE NO.: 6D-9.007  
RULE TITLE: Health Care Policies

PURPOSE AND EFFECT: This rule addresses maintaining written policies and procedures of quality health services to meet the needs of students served at the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes policies and procedures manual for the Health Care Center of the Florida School for the Deaf and the Blind

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

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

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(1), 1003.49 FS.

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

DATE AND TIME: December 9, 2006, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall FSDB campus, St. Augustine, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Elmer Dillingham, Jr., President, Florida School

for the Deaf and the Blind If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-9.007 Health Care Policies.

(1) through (2) No change.

(3) The Florida School for the Deaf and the Blind Health Care Policies revised September, 2006, adopted by the Board of Trustees pursuant to the provisions of Section 1002.36(4)(c), F.S. shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 1002.36(4)(c) 242.331(3) FS. Law Implemented 1002.36(4)(d) 120.53(1)(a), 242.331(4) FS. History--New 12-6-92, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 39, September 29, 2006

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.: 6D-14.002  
RULE TITLE: Transportation Policies and Procedures

PURPOSE AND EFFECT: The purpose of this Rule is to establish written Policies and Procedures to be followed by the Transportation Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines and directives for the Transportation Department of the Florida School for the Deaf and the Blind.

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

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

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

DATE AND TIME: December 9, 2006, 9:00 a.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB Campus, St. Augustine, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-14.002 Transportation Policies and Procedures.

(1) through (2) No change.

(3) The Florida School for the Deaf and the Blind Transportation Manual revised July 1, 2006, adopted by the Board of Trustees pursuant to the provisions of Section 1002.36(4)(c), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History--New 12-20-92, Amended 5-19-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 29, July 21, 2006

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.: 6D-16.002  
RULE TITLE: Human Resources, Management and Development

PURPOSE AND EFFECT: The purpose of this Rule is to establish the role of the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines for the Florida School for the Deaf and the Human Resource Management and Development Department.

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

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

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

DATE AND TIME: December 9, 2006, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Elmer Dillingham, Jr., President, Florida School for the Deaf and the Blind If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine Ocuto Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-16.002 Human Resources, Management and Development.

(1) through (4) No change.

(5) The Human Resources Management and Development Policies and procedures Manual revised, August 2006, ~~August 2004~~; adopted by the Board of Trustees pursuant to the provisions of sections 1002.36(4)(c), FS shall be incorporated by this rule and made a part of the rules of the Board of trustees.

(6) No change.

Specific Authority 1002.36 (4)(c) FS. Law Implemented 1002.36(4)(f)2. FS. History—New 10-26-94, Amended 11-30-98, 9-29-99, 7-30-01, 1-19-04, 3-21-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 29, July 21, 2006

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: 19B-4.001 RULE TITLE: Application

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and the Master Covenant form by reference.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account application form and Master Covenant form.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

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

LAW IMPLEMENTED: 1009.98 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: December 4, 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-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2006-10, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723)

(prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 20065-02, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05,\_\_\_\_\_.

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 PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: 19B-5.002  
RULE TITLE: Contract Benefits

PURPOSE AND EFFECT: To amend the Florida Prepaid College Plan Contract Benefits to permit the use of prepaid benefits for graduate coursework.

SUMMARY: This rule change is being made to expand the Florida Prepaid College Plan Contract Benefits to permit beneficiaries the use of prepaid benefits to pay for graduate coursework.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

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

LAW IMPLEMENTED: 1009.98 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: December 4, 2006, 2:00 a.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-5.002 Contract Benefits.

(1) A qualified beneficiary may begin to receive benefits during the Summer Semester of the scheduled matriculation year. The fees contracted for by the purchaser shall be paid at the time of enrollment of the qualified beneficiary in a state postsecondary institution except in the event of legislative action pursuant to Section 1009.98(5), F.S. The credit hours purchased may be used during any semester of postsecondary ~~undergraduate~~ enrollment. To receive benefits under this program, a qualified beneficiary whose contract is in good standing will be issued an identification card prior to each postsecondary Fall enrollment period. No identification card will be issued to a beneficiary unless the beneficiary submits a social security number. Benefits under each contract are available for use by the specified beneficiary for one matriculation each semester, however, a beneficiary may matriculate more than once a semester if required by law or policy of the postsecondary institution.

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

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99,\_\_\_\_\_.

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 PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: 19B-7.001  
RULE TITLE: Beneficiary Defined

PURPOSE AND EFFECT: To amend the Florida Prepaid College Plan beneficiary definition to require each beneficiary to have a valid social security number for plan participation.

SUMMARY: This rule change is being made to the Florida Prepaid College Plan beneficiary definition to require beneficiaries to have a valid social security number.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

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

LAW IMPLEMENTED: 1009.98 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: December 4, 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-7.001 Beneficiary Defined.**

For each annual application period, a qualified beneficiary is defined as an individual who is under the age of 21 on the first day of the month in which the application period begins, has not completed the 11th grade, and is either:

- (1) A resident of Florida, or
- (2) A non-resident who is the child of a non-custodial parent who is a resident of this state. Documentation shall be in such form as required by the Board and may include a copy of the court order.

The qualified beneficiary must be either a United States citizen or a resident alien with a valid social security number.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98 FS. History—New 3-29-89, Amended 2-6-90, Formerly 4G-7.001, Amended 11-27-02, \_\_\_\_\_.

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 PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: 19B-8.003  
 RULE TITLE: Scholarship Programs

PURPOSE AND EFFECT: To add a rule permitting the transfer of a prepaid college scholarship to any qualified beneficiary who meets the residency requirements at the time of substitution, and to codify the I.R.S. regulations permitting the transfer of a prepaid college scholarship to a qualified beneficiary who is not a member of the family of the original beneficiary.

SUMMARY: The addition of this Rule permits the substitution of Florida Prepaid College Plan scholarships to beneficiaries.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

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

LAW IMPLEMENTED: 1009.98 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: December 4, 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-8.003 Scholarship Programs.

Advance payment contracts purchased through an approved non-profit organization as provided in Rule 19B-5.007, F.A.C., or the Florida Prepaid College Foundation Inc., may transfer the Prepaid benefits to any qualified beneficiary who meets the residency requirements at the time of substitution. An authorized representative for the scholarship donor organization will be required to sign and notarize any request to substituted beneficiaries on advance payment contracts.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New \_\_\_\_\_.

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 PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: 19B-16.002  
 RULE TITLE: Application for Participation in the Program

**PURPOSE AND EFFECT:** To amend the rule to require the applicant and beneficiary for have valid social security numbers to participate in the Florida College Savings Program, and to update the New Account Application effective date and form number.

**SUMMARY:** This rule change is being made to update the Florida College Savings Program application and to require the applicant and beneficiary to have valid social security numbers for participation.

**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 for a lower costs regulatory alternative must do so within 21 days of this notice.

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

**LAW IMPLEMENTED:** 1009.981 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:** December 4, 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-16.002 Application for Participation in the Program.

(1) Any person may apply for participation in the Program by submitting a completed Florida Prepaid College Plan and Florida College Investment Plan New Account Application, along with an initial contribution to the Program that meets the requirements of Rule 19B-16.004, F.A.C. Benefactors and designated beneficiaries do not have to be residents of the State of Florida. Any natural person named as the benefactor in a completed application must have reached the age of majority and must be a citizen or resident alien of the United States with a valid social security number. Any person named as the beneficiary in a completed application must be a citizen or resident alien of the United States with a valid social security number.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2006-10, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05,\_\_\_\_\_.

**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 PROPOSED RULE APPROVED BY AGENCY HEAD:** September 18, 2006

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 6, 2006

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

**RULE NO.:** 19B-16.011 **RULE TITLE:** Unclaimed Refunds

**PURPOSE AND EFFECT:** To amend the rule by correcting the references to the Florida Statutes which permit the transfer of unclaimed funds to the Florida Prepaid Tuition Scholarship Program.

**SUMMARY:** This Rule change is being made to correct the references regarding the Florida College Savings Program's disposition of unclaimed refunds

**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 for a lower costs regulatory alternative must do so within 21 days of this notice.

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

**LAW IMPLEMENTED:** 1009.981(4) 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:** December 4, 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-16.011 Unclaimed Refunds.

(1) The Board shall mail written notice to any benefactor of an account terminated pursuant to Rule 19B-16.010, F.A.C., when the benefactor has not negotiated the refund check for such account after a period of six (6) years. The notice shall indicate the procedure which the benefactor must follow to obtain a refund of the monies held by the Board for said

accounts and that if a claim for a refund is not made within seven (7) years of the termination of the account that the funds shall be subject to disposition as provided under Section Chapter 1009.981(2)(b)10, 747, F.S. An alphabetical list of the names of the account owners of such accounts shall be posted on the Board's website on the Internet. Any such refund for any account terminated pursuant to Rule 19B-16.010, F.A.C., which remains unclaimed after seven (7) years shall be subject to disposition pursuant to Section Chapter 1009.981(2)(b)10, 747, F.S.

(2) The Board shall annually review and approve the list of unclaimed refunds which have remained unclaimed for the periods required under this rule and are subject to disposition pursuant to Section Chapter 1009.981(2)(b)10, 747, F.S.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(4) FS. History--New 5-30-02, Amended.

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 PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.717  
RULE TITLE: Visiting Denial

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide that permission to visit shall be denied where an individual's criminal record demonstrates a release from incarceration for a felony conviction within the last two years, a release from incarceration for felony conviction within the last five years if the individual was incarcerated in the facility in which visitation is requested, a release from incarceration for a misdemeanor conviction within the last one year or termination from community supervision in any jurisdiction within the past one year.

SUMMARY: Amends the rule to provide that permission to visit shall be denied where an individual's criminal record demonstrates a release from incarceration for a felony conviction within the last two years, a release from incarceration for felony conviction within the last five years if the individual was incarcerated in the facility in which visitation is requested, a release from incarceration for a misdemeanor conviction within the last one year or termination from community supervision in any jurisdiction within the past one year.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 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 or Sherry Toothman, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.717 Visiting Denial.
- (1) through (4) No change.
- (5) Any person shall be denied permission to visit based upon the following criteria:
  - (a) through (b) No change.
  - (c) The nature and extent of the individual's criminal record, consideration of which includes:
    1. Release from incarceration in any jurisdiction for a felony conviction within the last two years if the prospective visitor was not incarcerated at any time in the facility in which visitation is requested. ~~Felony convictions for drug offenses within the last 5 years, convictions for violent felony offenses within the last 3 years' convictions for non-violent offenses within the last 2 years, withholds of adjudication, adjudications of delinquency, active warrant, and criminal history dispositions in any jurisdiction.~~
    2. Release from incarceration for a felony conviction within the last five years if the prospective visitor was incarcerated at any time in the facility in which visitation is requested. If an inmate transfer results in visitation in a facility in which an approved visitor was previously incarcerated and released within the last five years, the warden shall, on a case by case basis, determine if the approved visitor shall be allowed to visit, if the visitor was released from incarceration within the last five years. Factors to be considered shall include, but are not limited to, the visitor's adjustment during incarceration, the relationship of the inmate to the visitor, institutional security, and public safety.
    3. Release from incarceration in any jurisdiction for a misdemeanor conviction within the last one year;
    4. Termination from community supervision in any jurisdiction within the past one year.
    5. If the disposition of an arrest is not reflected, the disposition shall be ascertained prior to approval of the application. If additional documentation of the charge is

necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question;

~~2. Community supervision and prior incarceration in any jurisdiction.~~

(d) through (l) No change.

(6) No change.

Specific Authority 944.09, FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.706 and 33-601.707, Amended 5-27-02, 9-29-03, 6-15-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions - Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.205 RULE TITLE: Inmate Telephone Use

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-223, Inmate Telephone Agreement and Number List, to clarify how the form should be used to make additions/changes to the inmate telephone number list.

SUMMARY: Form DC6-223, Inmate Telephone Agreement, is amended to clarify how the form should be used to make additions or changes to the inmate telephone number list.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 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: Dorothy M. Ridgway or Sherry Toothman, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) No change.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate’s permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is \_\_\_\_\_ ~~11-25-04~~.

(c) through (l) No change.

(3) through (15) No change.

Specific Authority 944.09 FS. Law Implemented ~~20.315~~, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, 11-25-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

**LAND AND WATER ADJUDICATORY COMMISSION**

**Villages of Westport Community Development District**

RULE CHAPTER NO.: 42QQ-1 RULE CHAPTER TITLE: Villages of Westport Community Development District

RULE NO.: 42QQ-1.002 RULE TITLE: Boundary

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to amend the boundaries of the Villages of Westport Community Development District (“CDD”) pursuant to Chapter 190, F.S.

SUMMARY: The Petition, as supplemented and amended, was filed by the Villages of Westport Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition, as supplemented and amended, proposes to modify the land area presently serviced by the District by amending its boundary to delete approximately 41.66 acres and add approximately 195.16 acres to the District. The District currently covers approximately 1,340 acres of land and after amendment the



District will encompass approximately 1,493.006 acres. There is one excluded parcel within the proposed amended boundary of the District. The last known addresses of the owners of the excluded parcel are: Beverly R. Wilton, 6816 Keyes Road, Jacksonville, Florida 32219 and Charles K. and Joyce Roundtree, 6818 Keyes Road, Jacksonville, Florida 32219. Petitioner has written consent to include the expansion parcels into the District from 100% of the landowners. The expansion parcels proposed to be included within the boundary of the District are owned by Morteza Hosseini Kargar and Mitchell R. Montgomery. Pursuant to section 190.046(1)(e), F.S., the filing of the Petition, as supplemented and amended, for amendment by the District Board of Supervisors constitutes consent of the landowners. The development plan for the District includes construction of approximately 1,900 single family units, 500 multi-family units, and 200,000 square feet of non-residential mixed use space. No additional residential or non-residential development is anticipated due to the amendment of the District's boundary.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** In association with the Petition, as supplemented, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with section 120.541, F.S. The complete text of the SERC is contained at Exhibit "12" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the state, the City of Jacksonville, Florida, the current property owners within the existing District and the landowners within the District's proposed amended boundary. The SERC estimates the households and businesses that locate within the proposed expansion area and within the current District boundaries would be under the jurisdiction of the District. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no negative impact on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that to fund the cost of maintaining infrastructure, operation and maintenance assessments will be imposed on the District property owners. The SERC notes, prospective landowners in the District will be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bonds. Finally, the SERC concludes that the amendment of the District's boundary will have no impact on small businesses and should not have negative impact on small cities. The City of Jacksonville is not a "small" city as defined by Section 120.52, F.S. According to the SERC, the SERC analysis is based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated the developer.

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

SPECIFIC AUTHORITY: 190.046 FS.

LAW IMPLEMENTED: 190.005, 190.046 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: Wednesday, December 6, 2006, 10:00 a.m.

PLACE: Room 2107, The Capitol, Tallahassee, Florida 32399-0001

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42QQ-1.002 Boundary.

The boundaries of the district are as follows:

~~PARCEL "A":~~

~~(RESIDENTIAL PORTION)~~

~~A PORTION OF THE SOUTHWEST 3/4 OF THE NORTHWEST 1/4 OF SECTION 25; A PART OF THE SOUTH 1/2 OF GOVERNMENT LOT 2, SECTION 25; A PORTION OF SOUTHWEST 1/4 OF SECTION 36; TOGETHER WITH A PORTION OF THE A portion of Sections 25, 26, 35, 36 and the D. BLOODWORTH DONATION, SECTION 38, ALL BEING IN TOWNSHIP 1 NORTH, RANGE 25 EAST, together with a portion of 31, Township 1 North, Range 26 East, all lying in the City of Jacksonville, DUVAL COUNTY, FLORIDA, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FOR A POINT OF BEGINNING COMMENCE AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 25 EAST; THENCE NORTH 01°29'30" WEST ALONG THE EAST LINE OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 25 EAST, A DISTANCE OF 2,603.51 FEET TO THE NORTHWEST CORNER OF SAID~~

BLOODWORTH DONATION, SECTION 38; THENCE NORTH 00°01'57" EAST ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,095.58 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 3/4 OF THE NORTHWEST 1/4 OF SECTION 25; THENCE NORTH 88°35'23" EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 2,709.56 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 00°16'17" WEST ALONG THE WEST LINE OF GOVERNMENT LOT 2, SAID SECTION 25, A DISTANCE OF 665.00 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF SAID GOVERNMENT LOT 2; THENCE NORTH 89°17'07" EAST ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF GOVERNMENT LOT 2, A DISTANCE OF 1,013.00 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD (A 66 FOOT RIGHT OF WAY); THENCE THE FOLLOWING NINE (9) COURSES AND DISTANCES ALONG SAID WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD; FIRST COURSE: SOUTH 87°36'21" WEST, A DISTANCE OF 232.16 FEET TO A POINT OF CURVATURE; SECOND COURSE: IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 988.40 FEET, AN ARC DISTANCE OF 1,341.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 48°43'50" WEST, 1,240.69 FEET; THIRD COURSE: SOUTH 09°51'18" WEST, 1,332.49 FEET TO A POINT OF CURVATURE; FOURTH COURSE: IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY, AND HAVING A RADIUS OF 5,696.60 FEET, AN ARC DISTANCE OF 561.75 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 12°40'48" WEST, 561.52 FEET; FIFTH COURSE: SOUTH 15°30'18" WEST, 564.38 FEET TO A POINT OF CURVATURE; SIXTH COURSE: IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY, AND HAVING A RADIUS OF 1,943.10 FEET, AN ARC DISTANCE OF 495.95 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 08°11'35" WEST, 494.60 FEET; SEVENTH COURSE: SOUTH 00°52'52" WEST, A DISTANCE OF 2,599.00 FEET TO A POINT OF CURVATURE; EIGHTH COURSE: IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY, AND HAVING A RADIUS OF 5,762.60 FEET, AN ARC DISTANCE OF 141.81 FEET TO A POINT OF

TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 00°10'34" WEST, 141.80 FEET; NINTH COURSE: SOUTH 00°31'43" EAST, 227.25 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF KEYES ROAD (A 60 FOOT RIGHT OF WAY); THENCE NORTH 89°54'20" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 591.63 FEET TO THE WESTERLY TERMINUS OF SAID KEYES ROAD; THENCE SOUTH 00°20'28" WEST, ALONG SAID WESTERLY TERMINUS, A DISTANCE OF 30.00 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF SAID SECTION 36; THENCE NORTH 89°54'20" WEST ALONG SAID NORTH LINE, A DISTANCE OF 496.00 FEET TO THE NORTHWEST CORNER OF DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 3930, PAGE 603; THENCE SOUTH 00°04'32" EAST ALONG THE WEST LINE OF SAID DEED ALSO ALONG A WESTERLY LINE OF DEED RECORDED IN SAID OFFICIAL RECORDS IN VOLUME 6693, PAGE 1952, A DISTANCE OF 336.03 FEET; THENCE NORTH 89°30'08" WEST ALONG A NORTHERLY LINE OF SAID OFFICIAL RECORDS VOLUME 6693, PAGE 1952, A DISTANCE OF 953.20 FEET TO THE WEST LINE OF SAID SECTION 36; THENCE NORTH 02°05'31" EAST ALONG SAID WEST LINE, A DISTANCE OF 329.52 FEET TO THE SOUTHWEST CORNER OF SAID BLOODWORTH DONATION, SECTION 38; THENCE NORTH 03°20'30" EAST ALONG THE EAST LINE OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 25 EAST, A DISTANCE OF 2,608.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 424.50 ACRES, MORE OR LESS.

TOGETHER WITH; PARCEL "B":

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF KEYES ROAD (A 60 FOOT RIGHT OF WAY) WITH THE WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD (A 66 FOOT RIGHT OF WAY); THENCE SOUTH 00°31'43" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD, A DISTANCE OF 2,467.31 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF A 150 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2738, PAGE 557 (PARCEL "C"); THENCE SOUTH 89°42'00" WEST ALONG SAID NORTH LINE OF RIGHT OF WAY, A DISTANCE OF 2,143.60 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 36; THENCE NORTH

02°05'31" EAST ALONG SAID WEST LINE, A DISTANCE OF 1,724.16 FEET; THENCE SOUTH 89°38'04" EAST ALONG A SOUTHERLY LINE OF DEED RECORDED IN SAID OFFICIAL RECORDS IN VOLUME 6693, PAGE 1952, A DISTANCE OF 1,025.39 FEET; THENCE SOUTH 00°10'33" WEST ALONG A WESTERLY LINE OF LAST MENTIONED DEED, A DISTANCE OF 139.72 FEET; THENCE SOUTH 89°35'54" EAST ALONG THE MOST SOUTHERLY LINE OF SAID DEED, A DISTANCE OF 435.00 FEET; THENCE NORTH 00°20'28" EAST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/2 OF SAID SECTION 36, A DISTANCE OF 905.72 FEET TO ITS INTERSECTION WITH PREVIOUSLY MENTIONED SOUTHERLY RIGHT OF WAY LINE OF KEYES ROAD; THENCE SOUTH 89°54'20" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 592.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 91.79 ACRES, MORE OR LESS, AND SUBJECT TO A 100 FOOT WIDE EASEMENT TO JACKSONVILLE ELECTRIC AUTHORITY OVER THE SOUTHERLY 100 FOOT OF THE ABOVE DESCRIBED PROPERTY PER DEED RECORDED IN SAID OFFICIAL RECORDS IN VOLUME 5762, PAGE 352.

TOGETHER WITH; PARCEL "C":

A PORTION OF THE SOUTH 3/4 OF THE NORTHWEST 1/4 OF SECTION 25; PART OF THE SOUTH 1/2 OF GOVERNMENT LOT 2, SAID SECTION 25; PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 36; PART OF THE BLOODWORTH DONATION, SECTION 38, ALL IN TOWNSHIP 1 NORTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA, TOGETHER WITH THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 31; THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 31; AND PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, TOWNSHIP 1 NORTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 2, SECTION 25, ALSO BEING THE SOUTHWEST CORNER OF FOREST VIEW ESTATES, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 49, PAGES 52 THROUGH 52C, CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 01°24'17" WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID BLOODWORTH DONATION, SECTION 38, A DISTANCE OF 2,707.55 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88°50'25" EAST ALONG THE SOUTH LINE OF SAID EAST 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1,351.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 31; THENCE NORTH 89°58'41" EAST ALONG THE NORTH

LINE OF SAID SECTION 31, A DISTANCE OF 1,321.03 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE SOUTH 00°10'52" EAST ALONG THE EAST LINE OF SAID WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 31, A DISTANCE OF 2,648.06 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 88°57'35" EAST ALONG THE NORTH LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 637.55 FEET TO THE NORTHWEST CORNER OF SIMMONS ROAD (A 60 FOOT RIGHT OF WAY PER DEED BOOK 730, PAGE 189); THENCE SOUTH 00°19'18" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID SIMMONS ROAD, A DISTANCE OF 2,537.14 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF A 150 FOOT JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2738, PAGE 557 (PARCEL "B"); THENCE SOUTH 89°23'14" WEST ALONG SAID NORTH LINE OF RIGHT OF WAY, A DISTANCE OF 633.03 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES AROUND SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31; FIRST COURSE: NORTH 00°59'05" WEST, 1,170.15 FEET TO THE NORTHEAST CORNER THEREOF; SECOND COURSE: SOUTH 89°22'15" WEST, 1,315.81 FEET TO THE NORTHWEST CORNER THEREOF; THIRD COURSE: SOUTH 00°40'33" EAST, 1,169.75 FEET TO A POINT ON THE NORTH LINE OF SAID 150 FOOT JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2738, PAGE 557 (PARCEL "A"); THENCE SOUTH 89°42'00" WEST ALONG SAID NORTH LINE OF RIGHT OF WAY, A DISTANCE OF 3,367.45 FEET TO THE EASTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD (A 66 FOOT RIGHT OF WAY); THENCE THE FOLLOWING NINE (9) COURSES AND DISTANCES ALONG SAID EASTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD; FIRST COURSE: NORTH 00°31'43" WEST, 2,754.83 FEET TO A POINT OF CURVATURE; SECOND COURSE: IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY, AND HAVING A RADIUS OF 5,696.60 FEET, AN ARC DISTANCE OF 140.18 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 00°10'34" EAST, 140.18 FEET; THIRD COURSE: NORTH 00°52'52" EAST, 2,599.00 FEET TO A POINT OF CURVATURE; FOURTH COURSE: IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE

EASTERLY, AND HAVING A RADIUS OF 1,877.10 FEET, AN ARC DISTANCE OF 479.10 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 08°11'35" EAST, 477.80 FEET; FIFTH COURSE: NORTH 15°30'18" EAST, 564.38 FEET TO A POINT OF CURVATURE; SIXTH COURSE: IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY, AND HAVING A RADIUS OF 5,762.60 FEET, AN ARC DISTANCE OF 568.25 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 12°40'48" EAST, 568.02 FEET; SEVENTH COURSE: NORTH 09°51'18" EAST, 1,332.49 FEET TO A POINT OF CURVATURE; EIGHTH COURSE: IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY, AND HAVING A RADIUS OF 922.40 FEET, AN ARC DISTANCE OF 1,251.70 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 48°43'50" EAST, 1,157.85 FEET; NINTH COURSE: NORTH 87°36'21" EAST, 607.94 FEET TO A POINT ON THE EAST LINE OF SAID SOUTH 1/2 OF GOVERNMENT LOT 2, SECTION 25, THENCE SOUTH 00°22'11" WEST ALONG SAID EAST LINE (ALSO BEING PARTIALLY ALONG THE WEST LINE OF SAID FOREST VIEW ESTATES), A DISTANCE OF 1,275.51 FEET TO THE POINT OF BEGINNING. CONTAINING 709.07 ACRES, MORE OR LESS, AND SUBJECT TO A 100 FOOT WIDE EASEMENT TO JACKSONVILLE ELECTRIC AUTHORITY OVER THE SOUTHERLY 100 FEET OF THE ABOVE DESCRIBED PROPERTY, PER DEEDS RECORDED IN OFFICIAL RECORDS IN VOLUME 5762, PAGE 351 AND VOLUME 5762, PAGE 352.

TOGETHER WITH; PARCEL "D":

A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31, AND A PORTION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 31, TOWNSHIP 1 NORTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE WEST LINE OF ANGEL LAKES PHASE 1, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 53, PAGES 87 THROUGH 87B, CURRENT PUBLIC RECORDS OF SAID COUNTY WITH THE NORTH LINE OF A 150 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 2738, PAGE 557 (PARCEL "B"); THENCE SOUTH 88°54'50" WEST ALONG SAID NORTH LINE OF RIGHT OF WAY, A DISTANCE OF 1,315.68 FEET TO A POINT ON THE WEST LINE OF SAID WEST 1/2 OF

THE SOUTHEAST 1/4 OF SECTION 31; THENCE SOUTH 89°23'14" WEST, CONTINUING ALONG SAID NORTH LINE OF JACKSONVILLE ELECTRIC AUTHORITY RIGHT OF WAY, A DISTANCE OF 628.63 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF SIMMONS ROAD (A 60 FOOT RIGHT OF WAY PER DEED BOOK 730, PAGE 189); THENCE NORTH 00°19'18" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2,537.59 FEET TO THE NORTHEAST CORNER OF SAID ROAD RIGHT OF WAY; THENCE NORTH 88°57'35" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31 AND THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 1,969.33 FEET TO THE NORTHEAST CORNER OF THE SAID WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31; THENCE SOUTH 00°14'31" WEST ALONG THE EAST LINE OF SAID WEST 1/2 OF THE SOUTHEAST 1/4 (ALSO PARTIALLY ALONG THE WEST LINE OF SAID ANGEL LAKES PHASE 1, A DISTANCE OF 2,541.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 114.15 ACRES, MORE OR LESS AND SUBJECT TO A 100 FOOT WIDE EASEMENT TO JACKSONVILLE ELECTRIC AUTHORITY OVER THE SOUTHERLY 100 FEET OF THE ABOVE DESCRIBED PROPERTY PER DEEDRECORDED IN SAID OFFICIAL RECORDS IN VOLUME 5762, PAGE 351.

Beginning at the common corner of said Sections 25, 26 and 38, Township 1 North, Range 25 East, said point being the POINT OF BEGINNING; thence North 00°01'57" East, along the East line of said Section 26, Township 1 North, Range 25 East, a distance of 2,095.58 feet to the Northwest corner of the South 3/4 of the Southwest 1/4 of said Section 25; thence North 88°35'23" East, along the North line of the said South 3/4 of the Southwest 1/4 of said Section 25 distance of 2,709.56 feet to the Northeast corner thereof, said point also being on the West line of Government Lot 2, said Section 25, thence South 00°16'17" West, along said West line of Government Lot 2, a distance of 665.00 feet to the Northwest corner of the South 1/2 of Government Lot 2 of said Section 38; thence North 89°17'07" East along the North line of said South 1/2 of Government Lot 2, a distance of 1,013.00 feet to its intersection with the Westerly right of way line of Braddock road (a 66 foot right of way); thence North 87°36'21" East, along said Northerly right of way line, a distance of 378.97 feet; thence South 00°22'12" West, along the Easterly line of said Government Lot 2, a distance of 1,341.58 feet to the Southeast corner of said Government Lot 2, Section 25, also being the Southwest corner of Forest View Estates, as shown on plat recorded in Plat Book 49, Pages 52 through 52C, Current Public Records of said county; thence South 01°24'17" West along the West line of the East 1/2 of the Northeast 1/4 of said Bloodworth Donation, Section 38, a distance of 2,707.55 feet to the Southwest corner thereof; thence North 88°50'25"

East, along the South line of said East 1/2 of the Northeast 1/4, a distance of 1,351.88 feet to the Northwest corner of said Section 31; thence North 89°58'41" East along the north line of said Section 31, a distance of 1,321.03 feet to the Northeast corner of the West 1/2 of the Northwest 1/4 of said Section 31; thence South 00°10'52" East along the East line of said West 1/2 of the Northwest 1/4 of Section 31, a distance of 2,648.06 feet to the Southeast corner thereof; thence North 88°57'35" East along the north line of the East 1/2 of the Southwest 1/4 and the West 1/2 of the Southeast 1/4, said Section 31, a distance of 2,666.89 feet to a point on the West line of Angel Lakes Phase I, as shown on plat recorded in Plat Book, 53, Pages 87 through 87b, of said Current Public Records; thence South 00°14'31" West, along said West line, distance of 2,541.97 feet to the intersection of said West line of Angel Lakes Phase I with the Northerly right of way line of a 150 foot wide Jacksonville Electric Authority (now JEA) right of way by deed recorded in the said Current Public Records in Official Records Volume 2738, Page 557; thence South 88°54'50" West, along said Northerly right of way line, a distance of 1,278.77 feet; thence South 89°23'14" West, continuing along said Northerly right of way line, a distance of 2,680.74 feet; thence South 89°42'00" West, continuing along said Northerly right of way line, a distance of 5,576.99 feet to a point situate on the West line of said Section 36; thence North 02°05'32" East, along the West line of said Section 36, a distance of 738.81 feet; thence South 67°10'46" West, a distance of 518.48 feet; thence North 29°01'19" West, a distance of 1,057.47 feet; thence North 25°55'03" East, a distance of 930.98 feet; thence North 89°57'08" East, a distance of 616.58 feet; thence North 01°39'01" East, a distance of 262.86 feet; thence North 59°03'21" West, a distance of 639.85 feet to the point of curvature of a non-tangent curve to the right, being concave Northerly and having a radius of 1,040.00 feet; thence westerly along the arc of said curve to the right, through a central angle of 03°48'40", a arc distance of 69.18 feet, said curve being subtended by an chord bearing and distance of North 82°35'28" West, 69.16 feet to the point of tangency; thence North 80°41'08" West, a distance of 1,206.62 feet to the point of curvature of a curve concave Southeasterly and having a radius of 895.00 feet; thence Westerly along the arc of said curve to the left, through a central angle of 30°41'03", an arc distance of 479.31 feet, said curve being subtended by a chord bearing and distance of South 83°58'21" West, 473.60 feet to the point of tangency; thence South 68°37'50" West, a distance of 349.75 feet; thence South 23°37'50" West, a distance of 35.87 feet to a point on the Easterly right of way line of U.S. Highway No. 1 (New Kings Road); thence North 21°22'10" West, along said Easterly right of way line, a distance of 314.01 feet; thence North 69°40'05" East, departing said Easterly right of way line, a distance of 242.46 feet ; thence South 00°06'48" East, a distance of 176.24 feet; thence North 68°37'50" East, a distance of 196.59 feet to the point of curvature of curve concave Southeasterly and having a radius of 1,015.00 feet;

thence Easterly along the arc of said curve to the right, through a central angle of 30°41'03" an arc distance of 543.57 feet, said curve being subtended by a chord bearing and distance of North 83°58'21" East, 537.10 feet to the point of tangency; thence South 80°41'08" East, a distance of 1,206.62 feet to the point of curvature of a curve concave Northerly and having a radius of 920.00 feet; thence Easterly along the arc of said curve to the left, having a central angle of 43°06'26" an arc distance of 692.17 feet, said curve being subtended by a chord bearing and distance of North 77°45'39" East, 675.96 feet to a point on the West boundary of said Bloodworth Donation, Section 38; thence North 03°20'25" East, along said West boundary, a distance of 560.39 feet; thence North 66°18'16" West, departing said West boundary, a distance of 1,638.30 feet; thence North 01°28'41" West, a distance of 1,500.00 feet; thence North 88°31'19" East, a distance of 1,599.81 feet to a point on said West boundary of said Bloodworth Donation, Section 38; thence North 01°29'30" West, along said West boundary, a distance of 1,105.18 feet; thence South 88°27'17" West, departing said West boundary, a distance of 847.98 feet; thence North 01°51'50" East, a distance of 742.26 feet; thence South 88°08'10" East, a distance of 805.91 feet to the POINT OF BEGINNING.

LESS AND EXCEPT (EXCEPTION TO PARCEL "B")

A PARCEL OF LAND BEING A PORTION OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 26 EAST, CITY OF JACKSONVILLE, DUVAL COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF BRADDOCK ROAD (A 66 FOOT PUBLIC ROAD RIGHT OF WAY) AND THE NORTHERLY LINE OF A 100 FOOT JEA EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 6752, PAGE 352 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; RUN THENCE NORTH 29°27'58" WEST A DISTANCE OF 1,680.27 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THUS DESCRIBED RUN THENCE NORTH 00°16'20" EAST A DISTANCE OF 609.45 FEET; RUN THENCE SOUTH 89°51'20" WEST A DISTANCE OF 288.63 FEET; RUN THENCE SOUTH 00°08'40" EAST A DISTANCE OF 10.00 FEET; RUN THENCE SOUTH 06°58'23" EAST A DISTANCE OF 461.07 FEET; RUN THENCE SOUTH 00°06'24" WEST A DISTANCE OF 139.72 FEET; RUN THENCE SOUTH 89°40'03" EAST A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING. LANDS DESCRIBED ABOVE CONTAIN 154,062 SQUARE FEET OR 3.54 ACRES, MORE OR LESS IN AREA.

Overall parcel containing 65,189,638 square feet or 1,493.01 acres, more or less (after exception above).

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History—New 6-14-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-4.055	County Health Department Clinic Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, January 2007. The revised handbook contains updated policies for the services that are provided by county health department clinics. The effect will be to incorporate by reference in the rule the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, January 2007.

In the Notice of Rule Development that was published on April 14, 2006, we stated that the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook was effective March 2006. We changed the effective date to January 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, January 2007.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY 409.919 FS.

LAW IMPLEMENTED 409.905, 409.906, 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, December 4, 2006, 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Glen Davis, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7305

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.055 County Health Department Clinic Services.

(1) No change.

(2) All county health department clinic services providers enrolled in the Medicaid program must comply with the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, January 2007 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent.~~ Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 6-27-93, Formerly 10P-4.350, Amended 4-16-95, 6-4-96, 6-24-98, 7-18-01, 11-17-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Glen Davis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2006

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-4.230	Physician Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007. The handbook revisions include policy clarifications and updated billing information. The effect will be to incorporate by reference in the rule the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007.

In the Notice of Rule Development that was published on March 31, 2006, we stated that the Florida Medicaid Physician Services Coverage and Limitations Handbook was effective January 2006. We changed the effective date to January 2007.

**SUMMARY:** The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007. The effect will be to incorporate by reference in the rule the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement of 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 cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY** 409.919 FS.

**LAW IMPLEMENTED** 409.905, 409.907, 409.908, 409.9081 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, December 4, 2006, 2:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room F, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Eleanor Cofer, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7331

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007 ~~2004, updated January 2005 1, January 2005 2, and September 2006~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, 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 1(800)377-8216.

(3) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, 8-18-05, 8-31-05, 10-26-06,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Eleanor Cofer

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Christa Calamas

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 26, 2006

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
60BB-2.032	Employing Unit Records
60BB-2.037	Public Use Forms

**PURPOSE AND EFFECT:** The Agency for Workforce Innovation seeks to amend Rules 60BB-2.032 and 60BB-2.037, Florida Administrative Code rules by prescribing a new form by which employers may designate a power of attorney in tax matters.

**SUMMARY:** The rule amendments set forth in this Notice of Proposed Rulemaking update the present rules by substituting a new form by which employers may designate a power of attorney in tax matters for the old power of attorney form.

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

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

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

**LAW IMPLEMENTED:** 443.071(2),(3), 443.141(2), 443.171 FS.

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 RULES IS:**

60BB-2.032 Employing Unit Records.

(1) Retention of Records. Each employing unit will maintain all records pertaining to remuneration for services performed. Such records must be maintained for a period of five years following the calendar year in which the services were rendered and must also be made available to the Agency or Department upon request. If the records are maintained outside of Florida, a resident agent must be designated in Florida, through which the records may be obtained by the Agency or the Department.

(2) Record Contents. Records must contain true and accurate information regarding each worker as follows:

(a) Name and social security number; and

(b) Place of employment within the State. For the purpose of this rule, the place of employment is to be recorded as the county in Florida in which the work was performed. The place of employment of a worker who performed work in more than one county is to be recorded as the county in Florida which serves as the worker's base of operation; or, if the worker has no base of operations in Florida, the place of employment is to be recorded as the State of Florida at large; and

(c) Beginning and ending dates of each pay period and dates on which work was performed during each pay period; and

(d) Amount of remuneration paid to each worker for each pay period and dates of payment. If paid on an hourly or piece rate basis, the records must state for each day the remuneration earned on such basis and the date of payment. If paid on an hourly basis, the number of hours worked in each pay period must be recorded; and

(e) Date(s) hired, re-hired, and returned to work after temporary separation from work, and the date(s) of separation; and

(f) Special payments of any kind. All special payments, including bonuses, gifts, prizes, etc., must be recorded separately. The record must include the amount of money payments, reasonable cash value of other remuneration, the nature of such payments and, if appropriate, the period during which services were performed for such payments; and

(g) The address of each location where payroll records are maintained.

(3) Failure to Maintain Records. An employing unit that fails to maintain and/or provide required records of employment will be determined liable effective on the date employment first occurred, as established by the Department using the best available information.

(4) Power of Attorney. An employing unit may authorize its representative to receive confidential tax records or information by submitting a power of attorney with the Department. The Department prescribes Form DR-835, "Power of Attorney and Declaration of Representative" (Rev. 07/06) ~~DOR Form UCT-62~~, incorporated by reference in Rule 60BB 2.037, F.A.C.

Specific Authority 443.1317 FS. Law Implemented 443.071(2), (3), 443.141(2), 443.171 FS. History--New 8-25-92, Formerly 38B-2.032, Amended 1-19-03, 7-18-06,\_\_\_\_\_.

60BB-2.037 Public Use Forms.

(1) The following forms are incorporated into this Chapter by reference.

(a) Form DR-1, Application to Collect and/or Report Tax in Florida (Rev. 07/06).

(b) Form DR-835, Power of Attorney and Declaration of Representative (Rev. 07/06).

~~(c)~~(b) Form UCS-2A, Questionnaire for Voluntary Election of Unemployment Compensation Coverage (Rev. 09/01).

~~(d)~~(e) Form UCS-1S, Report to Determine Succession and Application for Transfer of Experience Rating Records (Rev. 01/06).

~~(e)~~(d) Form UCS-1SA, List of Employees Employed in the Transferred Unit (05/06).

~~(f)~~(e) Form UCS-2, Voluntary Election to Become an Employer Under the Florida Unemployment Compensation Law (Rev. 08/01).

~~(g)~~(f) Form UCS-3, Employer Account Change Form (Rev. 01/06).

~~(h)~~(g) Form UCS-6, Employers Reciprocal Coverage Election (Rev. 12/00).

~~(i)~~(h) Form UCS-6061, Independent Contractor Analysis (Rev. 11/05).

~~(j)~~(i) Form UCS-70, Application for Common Paymaster (Rev. 08/01).

~~(k)~~(j) Form UCT-1, Notice of Benefits Paid (Rev. 05/03).

~~(l)~~(k) Form UCT-6, Employer's Quarterly Report (Rev. 01/06).

~~(m)~~(l) Form UCT-7, Annual Report for Employers of Domestic Employees Only (Rev. 08/04).

~~(n)~~(m) Form UCT-7A, Application to Select Filing Period for Employers who Employ ONLY Employees who Perform Domestic Services (Rev. 06/03).

~~(o)~~(n) Form UCT-8A, Correction to Employer's Quarterly or Annual Domestic Report (UCT-6) (Rev. 05/04).

~~(p)~~(o) Form UCT-18, Notice of Tax Lien (Rev. 07/04).

~~(q)~~(p) Form UCT-20, Unemployment Compensation Tax Rate Notice (Rev. 01/06).

~~(r)~~(q) Form UCT-27, Unemployment Tax Notice of Tax Action (Rev. 09/04).

~~(s)~~(r) Form UCT-28T Indian Tribe Election of Payment Method Under the Unemployment Compensation Law (Rev. 08/02).

~~(t)~~(s) Form UCT-29, Unemployment Compensation Reimbursement Invoice (Rev. 01/05).

~~(u)~~(t) Form UCT-40 Indian Tribe Unemployment Surety Bond (Rev. 05/03).



~~(v)(t)~~ Form UCT-50T, Magnetic Media Reporting Transmittal (Rev. 01/01).

~~(w)(v)~~ Form UCTFL06A, Incomplete Report Notice (Rev. 05/01).

~~(x)(w)~~ Form UCTFL16F, Notification of Audit Results (Rev. 01/04).

~~(y)(x)~~ Form UCT-FL13A, Missing Wage Report (Rev. 05/01).

~~(y) Form UCT 62, Power of Attorney for Unemployment Tax (Rev. 11/05).~~

(z) Form UCS-8, Firm's Statement of Claimant's Work and Earnings (Rev. 07/03).

(2) Copies of forms. Forms incorporated in this rule are available, by one or more of the following methods:

(a) Writing to the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304;

(b) Faxing a request to the Forms Distribution Center at (850)922-2208;

(c) Visiting any local Department of Revenue Service Center to personally obtain a copy;

(d) Calling the Forms Request Line Monday-Friday from 8:00 AM to 5:00 PM Eastern Time at (800)352-3671 (in Florida only) or (850)488-6800;

(e) Downloading selected forms from the Department of Revenue's Internet site ([www.myflorida.com/dor](http://www.myflorida.com/dor));

(f) Dialing the TDD number for the Department of Revenue at (800)367-8331 for persons with hearing or speech impairments.

Specific Authority 443.1317 FS. Law Implemented 443.131, 443.141, 443.171(5) FS. History—New 1-19-03, Amended 7-18-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John R. Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Professions – Asbestos Licensing Unit**

RULE NO.: 61E1-1.002  
 RULE TITLE: Continuing Education Requirements for Asbestos Consultants/Contractors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to create consistency between the continuing education monitoring requirements of the Asbestos Licensing Unit Rules and those requirements of Section 455.2177(1), Florida Statutes.

SUBJECT AREA: The subject area to be addressed in this rule is the regulatory scope of the Asbestos Licensing Unit over the monitoring of the continuing education requirements for Asbestos Consultants and Asbestos Contractors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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: 469.011 FS.

LAW IMPLEMENTED: 469.004(3), 469.012(4) 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, December 4, 2006, 4:00 p.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 North Monroe Street, Tallahassee, Florida, 32399

Those persons who cannot attend in person may submit their comments in writing to: Jennifer A. Tschetter, Assistant General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399, 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 hearing is asked to advise the agency at least 48 hours before the hearing by contacting Jennifer A. Tschetter at (850)488-0062. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8700 (Voice) or 1(800)955-8771 (TTD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer A. Tschetter, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61E1-1.002 Continuing Education Requirements for Asbestos Consultants/Contractors  
 (1) No change.  
 (a) through (b) No change.  
 (2) No change.

(a) through (b) No change.

~~(3) The Department shall perform random audits of not less than five (5%) percent of asbestos contractors and five (5%) percent of asbestos consultants in accordance with Rule 61-6.010, Florida Administrative Code, to verify compliance with continuing education required for license renewal.~~

Specific Authority 469.011 FS. Law Implemented 469.004(3), 469.012(4), FS. History--New 8-13-90, Formerly 21-25.002, Amended 11-11-97, 5-25-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tiffany A. Harrington, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.0035  
RULE TITLE: Application for Provisional and/or Standard Certification

PURPOSE AND EFFECT: The proposed rule amendment clarifies the specific requirements for certification as a 1 and 2 family dwelling inspector.

SUMMARY: The proposed rule amendment clarifies the specific requirements for certification as a 1 and 2 family dwelling inspector.

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

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

SPECIFIC AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

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

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to the specific requirements in Rule 61G19-6.017, F.A.C.

(d) through (3) No change.

Specific Authority 468.606, 468.609 FS. Law Implemented 468.609 FS. History--New 11-28-95, Amended 10-1-97, 2-23-99, 6-3-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida State Boxing Commission**

RULE NO.: 61K1-1.001  
RULE TITLE: Purpose, Applicability and Scope of Rules

PURPOSE AND EFFECT: This technical change to Rule 61K1-1.001, F.A.C., updates the rule to reflect a statutory change that brings amateur boxing within the regulatory scope of the Florida State Boxing Commission as required by Section 548.006, Florida Statutes.

SUMMARY OF RULE: Paragraph 61K1-1.001(2)(a), F.A.C., exempts amateur boxing and kickboxing from the regulatory scope of the Florida State Boxing Commission. Section 548.006(4), Florida Statutes, clearly makes amateur events subject to Chapter 548, Florida Statutes as well as any rules adopted by the Florida State Boxing Commission. A repeal of paragraph 61K1-1.001(2)(a), F.A.C., will create consistency between the rules and statutes applicable to amateur boxing and kickboxing.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 548.003(8), 548.006(4) FS.  
 LAW IMPLEMENTED: 548.004, 548.006, 548.007, 548.061 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, December 4, 2006, 1:00 p.m. – 2:30 p.m.

PLACE: Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

Those persons who cannot attend in person may submit their comments in writing to: Jennifer A. Tschetter, Assistant General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399, 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 hearing is asked to advise the agency at least 48 hours before the hearing by contacting Jennifer A. Tschetter at (850)488-0062. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8700 (Voice) or 1(800)955-8771 (TTD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer A. Tschetter, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

**THE FULL TEXT OF THE PROPOSED RULE IS:**

61K1-1.001 Purpose, Applicability and Scope of Rules.

(1) No change.

(2) Chapter 548, F.S., and these rules do not apply to any:

~~(a) Match in which the participants are amateurs;~~

~~(a)(b)~~ Match conducted or sponsored by a university, college, or secondary school if all the participants are students regularly enrolled in the institution;

~~(b)(e)~~ Match conducted or sponsored solely by a nationally chartered veterans’ organization registered with the state;

~~(c)(d)~~ Match conducted or sponsored solely by any company or detachment of the Florida National Guard; or

~~(d)(e)~~ Official Olympic event.

(3) No change.

Specific Authority 548.003(8), 548.006(4) FS. Law Implemented 548.004, 548.006, 548.007, 548.061 FS. History—New 2-7-85, Formerly 7F-1.01, Amended 4-6-89, 1-1-90, Formerly 7F-1.001, Amended 9-10-95, 4-3-00, 6-1-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer A. Tschetter, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-303.150	Relationship Between Planning and Verified Lists
62-303.351	Nutrients in Streams
62-303.410	Determination of Aquatic Life Use Support
62-303.600	Evaluation of Pollution Control Mechanisms
62-303.810	Impairment of Interstate and Tribal Waters

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to allow the above five (5) rules in Chapter 62-303, F.A.C., to be re-promulgated as new or revised water quality standards. Because there were no revisions to the sections identified above, they were not noticed in the August 31, 2006, Notice of Proposed Rulemaking or identified at the ERC hearing on September 28, 2006, wherein the ERC adopted the entire Chapter 62-303, F.A.C. as new or revised water quality standards.

SUMMARY: This rulemaking includes the remaining rules of Chapter 62-303, F.A.C. that are to be repromulgated as new or revised water quality standards.

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

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

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.021(11), 403.062, 403.067 FS.

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

DATE AND TIME: December 5, 2006, 9:00 a.m.

PLACE: Department of Environmental Protection, Conference Room A, Major Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Nancy Mould, 3900 Commonwealth Blvd., Tallahassee, Florida 32399 or by calling her at (850)245-2242. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Daryll Joyner, Division of Water Resource Management, Bureau of Watershed Management, Mail Station 3510, Florida Department of Environmental Protection, 2600 Blairstone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8431

THE FULL TEXT OF THE PROPOSED RULES IS:

62-303.150 Relationship Between Planning and Verified Lists.

(1) The Department shall follow the methodology in Rule 62-303.300, F.A.C. to develop a planning list pursuant to subsection 403.067(2), F.S. As required by subsection 403.067(2), F.S., the planning list shall not be used in the administration or implementation of any regulatory program, and shall be submitted to EPA for informational purposes only. Waters on this planning list will be assessed pursuant to subsection 403.067(3), F.S., as part of the Department's watershed management approach. During this assessment, the Department shall determine whether the water body is impaired and whether the impairment is due to pollutant discharges using the methodology in Part III. The resultant verified list of impaired waters, which is the list of waters for which TMDLs will be developed by the Department pursuant to subsection 403.067(4), will be adopted by Secretarial Order and will be subject to challenge under subsection 120.569 and 120.57, F.S. Once adopted, the list will be submitted to the EPA pursuant to paragraph 303(d)(1) of the CWA.

(2) Consistent with state and federal requirements, opportunities for public participation, including workshops, meetings, and periods to submit comments on draft lists, will be provided as part of the development of planning and verified lists.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New 6-10-02, Repromulgated.

62-303.351 Nutrients in Streams.

A stream or stream segment shall be included on the planning list for nutrients if the following biological imbalances are observed:

(1) Algal mats are present in sufficient quantities to pose a nuisance or hinder reproduction of a threatened or endangered species, or

(2) Annual mean chlorophyll a concentrations are greater than 20 ug/l or if data indicate annual mean chlorophyll a values have increased by more than 50% over historical values for at least two consecutive years.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New 6-10-02, Repromulgated.

62-303.410 Determination of Aquatic Life Use Support.

Failure to meet any of the metrics used to determine aquatic life use support listed in Rules 62-303.420-.450, F.A.C., shall constitute verification that there is an impairment of the designated use for propagation and maintenance of a healthy, well-balanced population of fish and wildlife.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New 6-10-02, Repromulgated.

62-303.600 Evaluation of Pollution Control Mechanisms.

(1) Upon determining that a water body is impaired, the Department shall evaluate whether existing or proposed technology-based effluent limitations and other pollution control programs under local, state, or federal authority are sufficient to result in the attainment of applicable water quality standards.

(2) If, as a result of the factors set forth in (1), the water segment is expected to attain water quality standards in the future and is expected to make reasonable progress towards attainment of water quality standards by the time the next 303(d) list is scheduled to be submitted to EPA, the segment shall not be listed on the verified list. The Department shall document the basis for its decision, noting any proposed pollution control mechanisms and expected improvements in water quality that provide reasonable assurance that the water segment will attain applicable water quality standards.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New 6-10-02, Repromulgated.

62-303.810 Impairment of Interstate and Tribal Waters.

The Department shall work with Alabama, Georgia, and federally recognized Indian Tribes in Florida to share information about their assessment methodology and share water quality data for waters that form state boundaries or flow into Florida. In cases where assessments are different for the same water body, the Department shall, to the extent practical, work with the appropriate state, Indian Tribe and EPA to determine why the assessments were different.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New 6-10-02, Repromulgated.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jerry Brooks, Deputy Director, Division of Water Resource  
 Management, Department of Environmental Protection  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Mike Sole, Deputy Secretary,  
 Department of Environmental Protection  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: October 18, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 1, 2005

**DEPARTMENT OF JUVENILE JUSTICE**

**Prevention Programs**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 63C-1 Children/Families in Need of  
 Service Programs  
 RULE NOS.: RULE TITLES:  
 63C-1.001 Purpose and Scope  
 63C-1.002 Nonjudicial Procedures for Families  
 Needing Services  
 63C-1.003 Coordinating Children-in-  
 Need-of-Services Programs

PURPOSE AND EFFECT: The proposed rule is intended to  
 implement requirements relating to children/families in need of  
 services, including standards for administering the programs  
 and coordinating services.

SUMMARY: The rule establishes the procedure by which  
 children in need of services and their families may receive  
 available services to preserve the unity and integrity of the  
 family, while emphasizing parental responsibility, and along a  
 continuum of increasing intensity and participation by the  
 parent and child.

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

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

SPECIFIC AUTHORITY: 20.316, 985.405, 985.404(8),  
 984.04(3) FS.

LAW IMPLEMENTED: 984.04(3), 985.404(8) FS.

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

DATE AND TIME: Friday, December 1, 2006, 1:00 p.m.  
 PLACE: Department of Juvenile Justice Headquarters, 2737  
 Centerview Dr., General Counsel's Conference Room 312,  
 Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE  
 PROPOSED RULES IS: John Milla, Asst. General Counsel,  
 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100;  
 Tel. (850)921-4129

THE FULL TEXT OF THE PROPOSED RULES IS:

63C-1.001 Purpose and Scope.

The rule establishes the procedure by which children in need of  
 services and their families may receive available services to  
 preserve the unity and integrity of the family, while  
 emphasizing parental responsibility, and along a continuum of  
 increasing intensity and participation by the parent and child.

Specific Authority 20.316, 985.405, 985.404(8), 984.04(3) FS. Law  
 Implemented 984.04(3), 985.404(8) FS. History--New

63C-1.002 Nonjudicial Procedures for Families Needing  
 Services.

(1) The department or its designated provider shall offer  
 and refer services to families in need of services as available in  
 the community. Where available, services may include, but are  
 not limited to, crisis counseling, parent training, group and/or  
 family counseling, community mental health services, referrals  
 to other community services, access to short-term shelter for  
 the youth, a case staffing committee meeting, and other  
 services as set forth in Section 984.11, F.S.

(2) When a family seeks help or upon referral from a  
 source outside the family, the following procedure shall  
 govern:

(a) An intake counselor shall conduct a screening to  
 determine if the family is eligible for services pursuant to  
 Section 984.03(25), F.S. All available family members shall be  
 interviewed as appropriate or relevant to the current needs of  
 the child.

(b) If the family meets the definition of a "Family in need  
 of services" pursuant to Section 984.03(25), F.S., referral for  
 services shall be made for the family.

(c) If the family is not eligible for services, the family shall  
 be notified and the family shall be referred to other community  
 resources to assist the family.

Specific Authority 20.316, 985.405, 985.404(8), 984.04(3) FS. Law  
 Implemented 984.04(3), 985.404(8) FS. History--New

63C-1.003 Coordinating Children-in-Need-of-Services  
 Programs.

(1) The department shall coordinate its efforts with those  
 of the Federal Government, state agencies, county and  
 municipal government, private agencies and child advocacy  
 groups to ensure the administering program and service  
 delivery to children in need of services in the following ways:

(a) The department shall establish an agreement and work  
 in concert with the Department of Children and Families to  
 claim federal Title IV-E maintenance funds for children served  
 in shelters contracted to provide services to children and  
 families in need of services. The department shall also comply  
 with federal and state mandated monitoring of such funds.

(b) Subject to appropriations, the department shall establish programs and services for children/families in need of services through a provider or providers. The department, through this provider or providers, shall be responsible for ensuring coordinated use of resources at the local, state and federal levels as relevant by providing support and oversight through technical assistance, training, interagency agreements, contract management, data collection and advocacy.

(c) The department shall work with the local juvenile justice boards and councils throughout Florida's judicial circuits to compile a list of available resources. These boards and councils shall coordinate local community resources.

(2) The department shall develop Quality Assurance Standards and conduct Quality Assurance site visits to ensure that children/families in need of services programs meet the following performance objectives:

(a) Provide a continuum of non-residential and residential services which have increasing levels of intensity and participation by youth and families.

(b) Provide services to youth and families that focus on resolution of family problems and conflicts in order to reduce or avoid the need for judicial intervention.

(c) Provide community outreach and education to the public at large and at-risk groups designed to increase public awareness of the needs of troubled youth and families and the services offered by children/families in need of services programs.

(d) Provide safe, humane and therapeutic temporary residential care for youth with a focus on family reunification or permanency in living arrangements.

(e) Provide follow-up, short-term aftercare services and/or referrals to longer term community services to address family reunification and presenting problems.

Specific Authority 20.316, 985.405, 985.404(8), 984.04(3) FS. Law Implemented 984.04(3), 985.404(8) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kareemah Muhammad, Department of Juvenile Justice, Prevention and Victim Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Greg Johnson, Assistant Secretary, Department of Juvenile Justice Prevention and Victim Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy**

RULE NO.: 64B4-31.007

RULE TITLE: Definition of a "Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the meaning of "accredited" and to expand who can serve as a qualified supervisor.

SUMMARY: The rule amendment will clarify the meaning of "accredited" and to expand who can serve as a qualified supervisor.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-31.007 Definition of a "Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor."

(1) A "licensed mental health counselor, or the equivalent, who is a qualified supervisor," as used in Section 491.005(4)(c), F.S., is defined as an individual who, during the period for which the applicant claims supervision, meets one of the following:

(a) through (b) No change.

(c) Is licensed as a clinical social worker or marriage and family therapist in Florida or in the state in which the supervision took place and can demonstrate a three semester or four quarter hour graduate level course in three of the following six content areas: counseling theories, counseling practice, assessment, career counseling, substance abuse, or legal, ethical, and professional standards from a clinical counseling program in an institution fully accredited by an accrediting body recognized by the Council for Higher

Education Accreditation and/or the U.S. Department of Education an accredited graduate program in mental health counseling;

- (d) No change.
- (2) through (3) No change.

Specific Authority 491.004(5), 491.005(4)(c) FS. Law Implemented 491.005(4)(c) FS. History--New 8-14-88, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-1.004  
 RULE TITLE: Address of Record and Place of Practice

PURPOSE AND EFFECT: The purpose and effect of this rule development is to implement the provisions of Section 456.035, F.S.

SUMMARY: The proposed rule amendment implements the provisions of Section 456.035, F.S.

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

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

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 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 Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-1.004 Address of Record and Place of Practice.

(1) Each person holding a license issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current address at which any notice required by law may be served by the Board

or its agent. Within 30 days of changing this address, whether or not within this state, the licensee shall change his or her address at the Board's website [www.doh.state.fl.us/mqa/OrthPros/index.html] or notify the Board by e-mail or in writing of the new address at which the licensee may be served with notices or other documents.

(2) Each person holding a license issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current primary place of practice.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-3.001  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to limit approved supervisors to those licensees who have not had disciplinary action taken against their licenses.

SUMMARY: The proposed rule amendment limits approved supervisors to those licensees who have not had disciplinary action taken against their licenses.

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

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

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 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 Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-3.001 Definitions.

(1) through (24) No change.

(25) Qualified Supervisor – an individual licensed or certified as required by the applicable rule who has not had action taken against his or her license or certification by a licensing jurisdiction or certifying body.

~~(26)(25)~~ Residency – a training program that meets the requirements of Rule 64B14-4.100, F.A.C.

~~(27)(26)~~ Shoe Modification – additions to footwear that alter the forces applied to the foot, making the footwear therapeutic.

~~(28)(27)~~ Soft – composed of materials such as fabric or foams having a porous cellular structure without any rigid support either internal or external other than flexible supports used to maintain proper fit.

~~(29)(28)~~ Therapeutic – applying forces to the body to modify structural alignment, correct a deformity or alleviate pain.

Specific Authority 468.802 FS. Law Implemented 468.802, 468.803 FS. History—New 10-21-99, Amended 2-19-04, 5-5-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NOS.:	RULE TITLES:
64B14-4.100	Requirements for Prosthetic or Orthotic Residency or Internship
64B14-4.110	Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic

PURPOSE AND EFFECT: In Rule 64B14-4.100, F.A.C., the purpose and effect of the rule development is to provide a more comprehensive description of the elements of approved training for applicants for licensure as orthotists and prosthetists, and to set a limit on the amount of time an intern/resident can practice without a license in the state of Florida. In Rule 64B14-4.110, F.A.C., the purpose and effect of the rule development is to delete references to specific providers of the approved education for orthotic fitter and orthotic fitter assistant candidates, because the previously identified providers have changed titles and other providers are anticipated who will meet the statutory and rule requirements for training programs.

SUMMARY: In Rule 64B14-4.100, F.A.C., a more comprehensive description of the elements of approved training for applicants for licensure as orthotists and prosthetists is provided, and a limit is set on the amount of time an intern/resident can practice without a license in the state of Florida. In Rule 64B14-4.110, F.A.C., references to specific providers of the approved education for orthotic fitter and orthotic fitter assistant candidates are deleted.

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

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

SPECIFIC AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 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 Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) To meet the requirements for licensure as an orthotist or prosthetist, the applicant must document an internship that meets the requirements of this rule, or must complete a residency program accredited by NCOPE. An applicant for combined licensure as a prosthetist/orthotist must document a discrete internship or residency in each field.

(2) An internship must consist of ~~1900 hours of~~ orthotic or prosthetic clinical experience practicing under the supervision of a licensed or ABC-certified orthotist or prosthetist, respectively. The internship must consist of a minimum of 1900 hours and may not exceed 2700 hours. The intern is eligible to take the approved licensure examination upon completion of 1900 hours. If the intern has not taken and passed the applicable licensure examination at the expiration of 2700 hours of clinical experience, the intern may not practice as an orthotist or prosthetist in the state.

(3) Internships must be completed at facilities primarily engaged in providing orthotic and prosthetic patient care. Interns must provide direct patient care, but only under the supervision of a licensed orthotist or prosthetist; the educational mission must not be compromised by an excessive reliance on residents to fulfill facility service obligations.



Students should progress from observing to actually providing direct patient care. Sufficient amounts of lab and technical experience must accompany the clinical training.

(4) The internship must require the intern to meet the following objectives:

(a) Clinical Assessment. Determine the orthotic or prosthetic needs of the patient by integrating the information obtained from history, examination, measurement and observation; develop a treatment protocol for the patient through review of patient data in order to formulate an orthotic or prosthetic recommendation and treatment plan.

(b) Patient Management. Apply a properly fitting prosthetic/orthotic device by using accepted prosthetic/orthotic techniques to achieve optimum outcomes; inform the patient of the various procedures to be performed by using appropriate communication skills; provide continuing patient care and periodic evaluation to ensure proper fit and function of the prosthetic/orthotic device.

(c) Professional Responsibility. Select the most appropriate course of action when faced with patient-related problems while adhering to the laws and rules applicable to practice in Florida and the standards of care of the profession.

(d) Practice Management. Demonstrate proper documentation of a patient's history and financial records by using established record-keeping techniques and demonstrate an understanding of the facility's financial and safety policies and procedures.

(e) Technical Implementation. Interpret patient data and modify a patient model to ensure optimal fit and function; demonstrate the ability to fabricate or repair a prescribed device, selecting appropriate materials and components based on patient criteria to ensure optimum strength, durability and function.

(5) The objectives must include experience in the acute, rehabilitative and chronic phases of the care of pediatric, adult and geriatric populations, and shall include experience in lower and upper extremity and spinal orthoses or lower and upper extremity prostheses.

(6) Each intern shall keep a daily patient log, subject to review by the Board. Each intern shall be evaluated by his/her supervising practitioner on a quarterly basis and at the conclusion of the internship.

~~The internship must be of sufficient variety and volume to afford the intern adequate educational experience in orthotics or prosthetics to include clinical assessment, patient management, technical implementation, practice management and professional responsibility in the acute, rehabilitative and chronic phases of the care of pediatric, adult and geriatric populations. This shall include experience in lower extremity, upper extremity and spinal orthoses, or upper and lower extremity prostheses. Each intern shall keep a daily patient log, subject to audit by the Board.~~

~~(7)(3) Clinical experience in prosthetics and orthotics, to satisfy the requirements of internship or to satisfy the experience requirements of Section 468.803(4), F.S., may not be achieved concurrently.~~

~~Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History--New 11-1-99, Amended \_\_\_\_\_.~~

~~64B14-4.110 Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic.~~

~~(1) Requirements for Licensure as an Orthotic Fitter. The applicant must demonstrate:~~

~~(a) Successful completion of 40 hours of training in orthotics that meets the requirements of Rule 64B14-4.111, F.A.C., the 32-hour Trulife Healthcare or the 32-hour Surgical Appliance Industries orthotics course and examination, and completion of an approved eight hour course in custom molded shoes.~~

~~(b) No change.~~

~~(2) Requirements for Licensure as an Orthotic Fitter Assistant. The applicant must demonstrate successful completion of 40 hours of training in orthotics that meets the requirements of Rule 64B14-4.111, F.A.C., the 32-hour Trulife Healthcare or the 32-hour Surgical Appliance Industries orthotics course and examination, and completion of an approved eight hour course in custom molded shoes.~~

~~(3) No change.~~

~~Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History--New 11-1-99, Amended 1-16-06, 9-21-06, \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.:  
64B16-28.303

RULE TITLE:  
Destruction of Controlled Substances  
All Permittees (excluding Nursing Homes)

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow for more flexibility in the destruction of controlled substances by permittees.

SUMMARY: The rule amendment will provide more flexibility for permittees in the destruction of controlled substances.

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

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

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.018 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.303 Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

(1) through (2) No change.

(3) Another method of destruction requires the pharmacist of record for the permit, ~~one other pharmacist~~, a licensed physician, pharmacist, mid-level practitioner, or nurse, and a sworn law enforcement office to serve as the witnesses. A copy of the completed D.E.A. Form 41 and a letter providing the proposed date of destruction, the proposed method of destruction and the names and titles of the proposed witnesses must be received by D.E.A. at least two weeks prior to the proposed date of destruction which shall constitute a request for destruction. The drugs may not be destroyed until D.E.A. grants approval of the request for destruction. A copy of the completed and witnessed D.E.A. Form 41 shall be mailed to D.E.A. immediately after destruction.

(4) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.018 FS. History--New 4-24-87, Formerly 21S-19.003, Amended 7-31-91, Formerly 21S-28.303, 61F10-28.303, Amended 1-30-96, Formerly 59X-28.303, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.451 RULE TITLE: Pharmacy Common Database

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to create instructions concerning pharmacies that utilize a common database.

SUMMARY: The creation of the rule will provide instructions concerning pharmacies that utilize a common database.

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

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

SPECIFIC AUTHORITY: 465.05, 465.022 FS.

LAW IMPLEMENTED: 465.0266 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.451 Pharmacy Common Database.

(1) A pharmacy licensed under this chapter may perform prescription drug processing for other pharmacies, provided that all pharmacies are under common ownership, utilize a common database, and are properly licensed, permitted or registered in this state or another state. Nothing in this subsection shall prohibit a pharmacist employee of said pharmacies who is licensed in Florida from remotely accessing the pharmacy's electronic database from outside the pharmacy in order to process prescriptions, provided the pharmacy establishes controls to protect the privacy and security of confidential records.

(2) Prescription drug processing does not include the dispensing of a prescription drug but includes any of the following:

- (a) Receiving, interpreting, or clarifying a prescription;
- (b) Entering prescription data into the pharmacy's record;
- (c) Verifying or validating a prescription;
- (d) Performing prospective drug review as defined by the Board;
- (e) Obtaining refill and substitution authorizations;
- (f) Interpreting or acting on clinical data;
- (g) Performing therapeutic interventions;
- (h) Providing drug information concerning a patient's prescription;
- (i) Providing patient counseling.

(3) Each pharmacy performing prescription drug processing pursuant to this section must maintain a policy and procedure manual, which shall be made available to the Board or its agent upon request. The policy and procedures manual shall include the following information:

(a) A description for how each pharmacy will comply with federal and state laws, rules and regulations;

(b) The procedure for maintaining appropriate records to identify the pharmacies and pharmacists responsible for the prescription drug processing and dispensing of the prescription;

(c) The policy and procedure for providing adequate security to protect the confidentiality and integrity of patient information;

(d) The procedure to be used by the pharmacy in implementing and operating a quality assurance program designed to objectively and systematically monitor, evaluate, and improve the quality and appropriateness of patient care.

(4) The prescription drug processing of a prescription by one pharmacy for another pursuant to this section shall not be construed as the transferring of a prescription as set forth in Section 465.026, F.S.

(5) In addition to all record requirements of Rule 64B16-28.140, F.A.C., all pharmacies participating in prescription drug processing, shall maintain appropriate records which identify, by prescription, the name(s), initials, or identification code(s) of each pharmacist or pharmacy technician who performs a processing function for a prescription. Such records shall be maintained:

(a) Separately by each pharmacy and pharmacist; or

(b) In a common electronic file, as long as the records are maintained in such a manner that the data processing system can produce a printout which lists the functions performed by each pharmacy, pharmacist, pharmacy intern and pharmacy technician.

Specific Authority 465.05, 465.022 FS. Law Implemented 465.0266 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-11.004  
RULE TITLE: Licensure by Examination: Additional Educational Requirements for Initial Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete language regarding compliance of the requirements of Section 456.031, Florida Statutes.

SUMMARY: The rule amendment will cause language to be deleted concerning the licensee's compliance of requirements of Section 456.031, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.013(7), 456.031, 490.004(4) FS.

LAW IMPLEMENTED: 456.013(7), 456.031 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.004 Licensure by Examination: Additional Educational Requirements for Initial Licensure.

~~(1) Before licensure, each applicant shall comply with the requirements of Section 456.031, F.S., and shall demonstrate compliance by completing and submitting PY FORM 3.domviol (rev. 12/01), "Domestic Violence Affirmation Form," effective 3-24-02, which is incorporated herein by reference and which may be obtained from the Board office. Courses on domestic violence approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.031, F.S., are approved by this Board.~~

(2) Before licensure, each applicant shall comply with the requirements of Section 456.013(7), F.S., regarding instruction on prevention of medical errors.

Specific Authority 456.013(7), 456.031, 490.004(4) FS. Law Implemented 456.013(7), 456.031 FS. History--New 8-12-90, Amended 11-18-92, 7-14-93, Formerly 21U-11.0063, Amended 6-14-94, Formerly 61F13-11.0063, Amended 1-7-96, Formerly 59AA-11.004, Amended 8-3-97, 3-24-02, 6-26-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-13.003  
 RULE TITLE: Continuing Psychological Education Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment to change some of the requirements for earning continuing psychological education credit.

SUMMARY: The rule amendment will change some requirements for earning continuing psychological education credit.

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

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

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (3) 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

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

(f) Attainment of diplomate status in a specialty area from the American Board of Professional Psychology, for which thirty-seven (37) continuing psychological education credits, not including the ~~two one~~-hour continuing education course on domestic violence required by Section 456.031(1), F.S., and the two-hour continuing education course on the prevention of medical errors required by Section 456.013(7), F.S., will be allowed only during the biennium during which the diplomate is first awarded;

(g) through (2) No change.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education.

~~(a) One (1) of the forty (40) hours must be on domestic violence or on end-of-life and palliative health care consistent with Section 456.031(1)(a), F.S.,~~

~~(a)(b)~~ Three (3) of the forty (40) hours must be on professional ethics and Florida Statutes and rules affecting the practice of psychology.

~~(b)(e)~~ Two (2) of the forty (40) hours must relate to prevention of medical errors. In addition to the study of root-cause analysis, error reduction and prevention, and patient safety, the course content shall also be designed to discuss potential errors within a psychological setting, such as inadequate assessment of suicide risk, failure to comply with mandatory abuse reporting laws, and failure to detect medical conditions presenting as a psychological disorder. If the course is offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility.

~~(c)(d)~~ Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and rules affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for the two (2) ~~one (1)~~ credit hours of continuing education on domestic violence required every third biennial licensure renewal period, nor the requirement for two (2) hours relating to prevention of medical errors.

(4) The licensee shall maintain, and make available upon request, documentation to substantiate continuing psychological education credit required by the Board. The licensee shall retain such documentation for two (2) years following the renewal period during for which the continuing psychological education credit was required ~~obtained~~.

(5) No change.

(6) Every third biennial licensure renewal, two (2) of the forty (40) hours of continuing psychological education must be on domestic violence as defined in Section 741.28, F.S.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-17.002  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to implement new legislation.

SUMMARY: The rule amendment implements new legislation.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.002 Disciplinary Guidelines.  
 (1)(a) through (z) No change.

(aa) Performing or attempting to perform wrong health care services (Section 456.072(1)(bb) <del>(aa)</del> , FS.	From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.	From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.	Revocation and a \$10,000 fine.
(bb) Termination from impaired practitioner treatment program (Section 456.072(1)(hh) <del>(gg)</del> , F.S.)	From Suspension and a fine up to \$10,000 to Revocation.	From Suspension and a fine up to \$10,000 to Revocation.	Revocation

(2) through (3) No change.

Specific Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History—New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02, 4-3-05, 1-2-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-4.002  
 RULE TITLE: Reactivation of Retired Status License

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule to provide language for reactivation of retired status licenses.

SUMMARY: The promulgation of the rule will provide language for reactivation of retired status license.

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

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

SPECIFIC AUTHORITY: 456.036(7), (9), 468.353(1) FS.

LAW IMPLEMENTED: 456.036(7) 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: Susan Love, Executive Director, Board of Respiratory Care/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-4.002 Reactivation of Retired Status License.

(1) A retired status licensee for less than five years may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, F.A.C., for each biennium the licensee was in retired status.

(d) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(2) A retired status licensee for five years or more may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, Florida Administrative Code for each biennium the licensee was in retired status.

(d) A licensee is required to provide evidence of attendance of a Board-approved comprehensive review course, within six months prior to reactivation of license, in order to ensure that he or she has the sufficient skills to re-enter the profession.

(e) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(3) Board-approved comprehensive review course means any curriculum topic required by the Commission on Accreditation for Respiratory Care (COARC).

Specific Authority 456.036(7), (9), 468.353(1) FS. Law Implemented 456.036(7), (9) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program Office**

RULE NOS.:	RULE TITLES:
65E-5.100	Definitions
65E-5.115	Mental Health Personnel
65E-5.260	Transportation
65E-5.280	Involuntary Examination
65E-5.285	Involuntary Outpatient Placement
65E-5.290	Involuntary Inpatient Placement
65E-5.300	Continued Involuntary Inpatient Placement at Treatment Facilities
65E-5.400	Baker Act Funded Services Standards

PURPOSE AND EFFECT: Chapter 65E-5, Florida Administrative Code, is being amended to comply with the new Chapter 2006-171, Laws of Florida, (amends Chapter 394, Part I, the Baker Act) which adds mental health counselors, and marriage and family therapists to certain sections of the

Act. The amendments to Chapter 65E-5, Florida Administrative Code, are being proposed to bring it into compliance with Chapter 2006-171, Laws of Florida.

SUMMARY: In order to comply with the new statutory amendment the Department of Children and Families, Mental Health Program Office, is amending eight rules in Chapter 65E-5, Florida Administrative Code (Mental Health Act Regulation-commonly referred to as the Baker Act rule) to include mental health counselors, and marriage and family therapists. In addition, five Baker Act forms are being amended to include mental health counselors, and marriage and family therapists, as well as technical changes.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not requested nor prepared for this rule.

Any person who wishes to provide information regarding the statement of estimated regulatory costs must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Chapter 2006-171, L.O.F., 394.457, 394.46715 FS.

LAW IMPLEMENTED: 316, 394.455, 394.457, 394.4573, 394.459, 394.4599, 394.4615, 394.462, 394.4625, 394.463, 394.4655, 394.467, 395, 397.675, 400, 491, 765 FS.

IF REQUESTED WITHIN 21 DAYS 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: Thursday, November 30, 2006, 9:00 a.m.

PLACE: Building 6, Conference Room A, Winewood Office Complex, 1317 Winewood Blvd., Tallahassee, Florida

Persons with disabilities requiring accommodations contact Linda Henshaw, Department of Children and Families, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 239, Tallahassee, Florida 32399, (850)921-5724, (Voice) or (850)921-8880 (TDD), no later than five full working days prior to the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ron Kizirian, Medical/Healthcare Program Analyst, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 211, Tallahassee, Florida 32399-0700. Telephone: (850)413-0928

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-5.100 Definitions.

As used in this chapter the following words and phrases have the following definitions:

(1) through (9) No change.

~~(10) Mental Health Counselor means an individual who is licensed as a mental health counselor under Chapter 491, F.S.~~

~~(10)(11) Person means an individual of any age, unless statutorily restricted, with a mental illness served in or by a mental health facility or service provider.~~

~~(11)~~~~(12)~~ PRN means an individualized order for the care of an individual person which is written after the person has been seen by the practitioner, which order sets parameters for attending staff to implement according to the circumstances set out in the order.

~~(12)~~~~(13)~~ Protective medical devices mean a specific category of restraint that includes devices, or combinations of devices, to restrict movement for purposes of protection from falls or complications of physical care, such as geri-chairs, posey vests, mittens, belted wheelchairs, sheeting, and bed rails. The requirements for the use and documentation of use of these devices are for specific medical purposes rather than for behavioral control.

~~(13)~~~~(14)~~ Restraint means the immobilization of a person's body in order to restrict free movement or range of motion, whether by physical holding or by use of a mechanical device. For purposes of this chapter, restraint includes all applications of such procedures, specifically including emergency treatment orders and emergency medical procedures which includes protective medical devices for ambulating safety, or furniture used to protect mobility-impaired persons from falls and injury. The use of walking restraints when used during transportation under the supervision of trained staff is not considered restraint.

~~(14)~~~~(15)~~ Seclusion means an emergency response in which, as a means of controlling a person's immediate symptoms or behavior, the person's ability to move about freely has been limited by staff or in which a person has been physically segregated in any fashion from other persons. Seclusion requires a written emergency treatment order by a physician except as described and authorized in Rule 65E-5.1602, F.A.C., of this rule chapter.

~~(15)~~~~(16)~~ Standing order means a broad protocol or delegation of medical authority that is generally applicable to a group of persons, hence not individualized. As limited by this chapter, it prohibits improper delegations of authority to staff that are not authorized by the facility, or not permitted by practice licensing laws, to independently make such medical decisions; such as decisions involving determination of need, medication, routes, dosages for psychotropic medication, or use of restraints or seclusion upon a person.

Specific Authority 394.457(5), 494.46715 FS. Law Implemented 394.455(1), 394.457, 394.4573(1)(b), 394.459(2), 394.4625, 394.4655, 394.467, 491, 765.101, 765.401 FS. History--New 11-29-98, Amended 4-4-05,\_\_\_\_\_.

#### 65E-5.115 Mental Health Personnel.

Whenever the term physician, psychiatrist, clinical psychologist, clinical social worker, psychiatric nurse, marriage and family therapist, or mental health counselor is used in these rules, the term is as defined in Section 394.455, F.S., ~~or this rule chapter.~~

Specific Authority 394.457(5), 394.46715 FS. Law Implemented 394.455, 394.457(5)(a) FS. History--New 4-4-05, Amended  
\_\_\_\_\_.

#### 65E-5.260 Transportation.

(1) Each law enforcement officer who takes a person into custody upon the entry of recommended form CF-MH 3001, Feb. 05, "Ex Parte Order for Involuntary Examination," which is incorporated by reference and may be obtained pursuant to Rule 65E-5.120, F.A.C., of this rule chapter, or other form provided by the court, or the execution of mandatory form CF-MH 3052b, Sept. 06 ~~Feb. 05~~, "Certificate of Professional Initiating Involuntary Examination," which is hereby incorporated by reference and may be obtained pursuant to Rule 65E-5.120, F.A.C., of this rule chapter or completion of mandatory form CF-MH 3052a, Sept. 06 ~~Feb. 05~~, "Report of a Law Enforcement Officer Initiating Involuntary Examination," which is incorporated by reference and may be obtained pursuant to Rule 65E-5.120, F.A.C., of this rule chapter shall ensure that such forms accompany the person to the receiving facility for inclusion in the person's clinical record.

(2) No change.

Specific Authority 394.457(5) FS. Law Implemented 394.462, 394.462(1) FS. History--New 11-29-98, Amended 4-4-05,\_\_\_\_\_.

#### 65E-5.280 Involuntary Examination.

(1) No change.

(2) Law Enforcement.

(a) If a law enforcement officer, in the course of his or her official duties, initiates an involuntary examination, the officer shall complete the mandatory form CF-MH 3052a, ~~Feb. 05~~, "Report of Law Enforcement Officer Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C.

(b) No change.

(3) through (4) No change.

(5) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, designated receiving facilities shall forward copies of each recommended form CF-MH 3001, "Ex Parte Order for Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., or other order provided by the court, mandatory form CF MH 3052a, "Report of Law Enforcement Officer Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., mandatory form CF-MH 3052b, "Certificate of Professional Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., accompanied by mandatory form CF-MH 3118, Sept. 06 ~~Feb. 05~~, "Cover Sheet to Agency for Health Care Administration," which is hereby incorporated by reference and may be obtained pursuant to Rule 65E-5.120, F.A.C., of

this rule chapter to: BA Reporting Center, FMHI-MHC 2737, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

(6) through (8) No change.

Specific Authority 394.457(5) FS. Law Implemented 394.463, 394.463(2)(e), (h), 400 FS. History—New 11-29-98, Amended 4-4-05,

65E-5.285 Involuntary Outpatient Placement.

(1) Petition for Involuntary Outpatient Placement.

(a) No change.

(b) Petition Filed by Receiving Facility Administrator.

1. through 2. No change.

3. The administrator of the receiving facility or a designated department representative shall identify the service provider that will have the responsibility of developing a treatment plan and primary responsibility for service provision under an order for involuntary outpatient placement, unless the person is otherwise participating in outpatient psychiatric treatment and is not in need of public financing for that treatment. Recommended form CF-MH 3140, Sept. 06 Feb. 05, “Designation of Service Provider for Involuntary Outpatient Placement,” which is incorporated by reference and may be obtained pursuant to Rule 65E-5.120, F.A.C., of this rule chapter may be used for this purpose.

4. A treatment plan, complying with the requirements of Section 394.4655, F.S., and this rule, shall be attached to the petition, along with a certification from the service provider that:

- a. The proposed services are available in the person’s local community;
- b. There is space available in the program or service for the person;
- c. Funding is available for the program or service;
- d. The service provider agrees to provide those services; and
- e. Proposed services have been deemed to be clinically appropriate by a physician, clinical psychologist, clinical social worker, mental health counselor, marriage and family therapist, or psychiatric nurse, as defined in Section 394.455 394.4599, F.S., who consults with, is employed by, or has a contract with the service provider.

5. Recommended form CF-MH 3145, Sept. 06 Feb. 05, “Proposed Individualized Treatment Plan for Involuntary Outpatient Placement and Continued Involuntary Outpatient Placement”, which is incorporated by reference and may be obtained pursuant to Rule 65E-5.120, F.A.C., of this rule chapter may be used for the development of a treatment plan.

6. through 7. No change.

(c) Petition Filed by Treatment Facility Administrator

1. through 3. No change.

4. The petition shall have attached an individualized treatment or service plan that addresses the needs identified in the discharge plan developed by the treatment facility as represented by form CF-MH 3145, ~~Feb. 05~~, “Proposed Individualized Treatment Plan for Involuntary Outpatient Placement and Continued Involuntary Outpatient Placement,” as referenced in subparagraph 65E-5.285(1)(b)5.4., F.A.C. The plan must have been deemed to be clinically appropriate by a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker, as defined in Section 394.455, F.S.

5. No change.

(2) No change.

(3) Court Order.

(a) No change.

(b) Upon receipt of the court order for Involuntary outpatient placement, the administrator of a treatment facility will provide a copy of the court order and adequate documentation of a person’s mental illness to the service provider, including any advance directives, a psychiatric evaluation of the person, and any evaluations of the person performed by a clinical psychologist, mental health counselor, marriage and family therapist, or clinical social worker.

(c) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, service providers shall forward copies of each recommended form CF-MH 3155, “Order for Involuntary Outpatient Placement or Continued Involuntary Outpatient Placement,” as referenced in paragraph 65E-5.285(3)(a), F.A.C., or other order provided by the court, accompanied by mandatory form CF-MH 3118, ~~Feb. 05~~, “Cover Sheet to Agency for Health Care Administration,” as referenced in subsection 65E-5.280(5), F.A.C., to: BA Reporting Center, FMHI-MHC 2637, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

(d) No change.

(e) If a physician has determined the person who is subject to a court order for involuntary outpatient placement has failed or has refused to comply with the treatment ordered by the court, and in his or her clinical judgment, efforts were made to solicit compliance and the person meets the criteria for involuntary examination, the person may be brought to a receiving facility pursuant to Section 394.463, F.S. Mandatory form CF-MH 3052b, ~~Feb. 05~~, “Certificate of a Professional Initiating Involuntary Examination,” as referenced in subsection 65E-5.260(1), F.A.C., shall be used.

(4) Continued Involuntary Outpatient Placement.

(a) through (h) No change.

(i) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, service providers shall



forward copies of each recommended form CF-MH 3155, "Order for Involuntary Outpatient Placement or Continued Involuntary Outpatient Placement," as referenced in paragraph 65E-5.285(3)(a), F.A.C., or other order provided by the court, accompanied by mandatory form CF-MH 3118, ~~Feb. 05,~~ "Cover Sheet to Agency for Health Care Administration," as referenced in subsection 65E-5.280(5), F.A.C., to: BA Reporting Center, FMHI-MHC 2637, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

(j) No change.

(k) If a physician has determined the person who is subject to a court order for involuntary outpatient placement has failed or has refused to comply with the treatment ordered by the court, and in his or her clinical judgment, efforts were made to solicit compliance and the person meets the criteria for involuntary examination, the person may be brought to a receiving facility pursuant to Section 394.463, F.S. Mandatory form CF-MH 3052b, ~~Feb. 05,~~ "Certificate of a Professional Initiating Involuntary Examination," as referenced in subsection 65E-5.260(1), F.A.C., shall be used.

(5) No change.

Specific Authority 394.46715 FS. Law Implemented 394.455, 394.455(18), 394.4599, 394.463, 394.4655, 394.4655(2)(a), 397.675 FS. History--New 4-4-05, Amended \_\_\_\_\_.

65E-5.290 Involuntary Inpatient Placement.

(1) through (9) No change.

(10) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, designated receiving facilities and treatment facilities shall forward copies of each recommended form CF-MH 3008, "Order for involuntary Inpatient Placement," as referenced in paragraph 65E-5.1302(1)(b), F.A.C., or other order provided by the court, accompanied by mandatory form CF-MH 3118, ~~Feb. 05,~~ "Cover Sheet to Agency for Health Care Administration," as referenced in subsection 65E-5.280(5), F.A.C., to: BA Reporting Center, FMHI-MHC 2637, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

Specific Authority 394.457(5), 394.46715 FS. Law Implemented 394.463(2)(e), 394.467, 397.675 FS. History--New 11-29-98, Amended 4-4-05, \_\_\_\_\_.

65E-5.300 Continued Involuntary Inpatient Placement at Treatment Facilities.

(1) through (5) No change.

(6) In order for the department to implement the provisions of Section 394.463(2)(e), F.S., and to ensure that the Agency for Health Care Administration will be able to analyze the data it receives pursuant to that section, designated receiving facilities and treatment facilities shall forward copies of each recommended form CF-MH 3031, "Order for

Continued Involuntary Inpatient Placement or Release," as referenced in subsection 65E-5.300(5), F.A.C., accompanied by mandatory form CF-MH 3118, ~~Feb. 05,~~ "Cover Sheet to Agency for Health Care Administration," as referenced in subsection 65E-5.280(5), F.A.C., to: BA Reporting Center, FMHI-MHC 2637, 13301 Bruce B. Downs Boulevard, Tampa, Florida 33612-3807.

Specific Authority 394.457(5), 394.46715 FS. Law Implemented 394.463(2)(e), 394.467(6), (7) FS. History--New 11-29-98, Amended 4-4-05, \_\_\_\_\_.

65E-5.400 Baker Act Funded Services Standards.

(1) through (5) No change.

(6) Mobile Crisis Response Service and Mental Health Overlay Program Requirements.

(a) through (b) No change.

(c) Procedures must require employee's clinical activities and performance, as opposed to primarily administrative functions, are supervised by one of the following: a psychiatrist, physician, clinical psychologist, clinical social worker, mental health counselor, marriage and family therapist, or psychiatric nurse, as defined in Section 394.455, F.S.

(d) through (e) No change.

(7) No change.

Specific Authority 394.457(3), (5)(c), (6)(a) FS. Law Implemented 316, 394, Part I, 394.455(2), (4), (17), (19), (21), (23), (25), ~~(34), (35),~~ 394.4615, 394.462, 394.4625, 394.463, 395 FS. History--New 11-29-98, Amended 4-4-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ron Kizirian

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Roderick L. Hall, Ph.D., Director, Mental Health Program Office

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.: 69J-7.004  
RULE TITLE: Participating Contractors

PURPOSE AND EFFECT: This rule implements Section 215.5586, F.S., by incorporating a pamphlet which contains procedures relating to participation as a Participating Contractor under the Florida Comprehensive Hurricane Damage Mitigation Program.

SUMMARY: The rule would adopt as a form a document entitled "Guide for Participating Contractors and Participating Contractor Applicants." The Guide has a Frequently Asked Questions section, explains how to apply to be a Participating

Contractor with examples of the forms to be used, and sets out the Participation Agreement which Participating Contractor must consent to in order to become Participating Contractors  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 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: December 13, 2006, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ray Wenger, (850)413-5660 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ray Wenger, 4th Floor Larson Building, 200 E Gaines St., Tallahassee, FL 32399-0333; Email ray.wenger@FLDFS.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-7.004 Participating Contractors.

The standards and procedures for participation as a Participating Contractor pursuant to Section 215.5586(2)(c), F.S., are set forth in Florida Department of Financial Services Florida Comprehensive Hurricane Damage Mitigation Program My Safe Florida Home Program Guide for Participating Contractors and Applicants for Participating Contractor Status (Eff. \_\_\_\_\_), which is hereby incorporated by reference into this rule.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Wenger, Senior Management Analyst Supervisor, Bureau of Investigations, Division of Agent & Agency Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Fountain, Assistant Director, Division of Agent & Agency Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-2 Water Use Permitting

RULE NOS.: RULE TITLES:

40D-2.091 Publications Incorporated By Reference

40D-2.801 Water-Use Caution Areas

**NOTICE OF CHANGE**

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed Rule 40D-2.801, F.A.C., and the Basis of Review published in Vol. 32, No. 19, May 12, 2006, issue of the Florida Administrative Weekly, page 2110.

Proposed amendments to 40D-2.801(3)(b)2. are now as follows:

40D-2.801 Water-Use Caution Areas.

~~4.2.~~ Regulations applicable to this Water Use Caution Area are specified in this Chapter and in the Basis described in Rule 40D-2.091, F.A.C., and are incorporated into this rule. Amendments to those regulations adopted \_\_\_\_\_, shall become effective on \_\_\_\_\_. Those amendments and rRegulations relating to SWUCA effective January 1, 2003 and \_\_\_\_\_, are not intended to affect, and shall not be construed to affect, any water use permit that does not have a withdrawal point within the SWUCA.

The Basis of Review incorporated in 40D-2.091 is changed as described below:

**BASIS OF REVIEW PROVISIONS**

**CHAPTER 1 OF THE BASIS OF REVIEW**

Changes proposed to Section 1.12, new paragraph 2.b. are shown to the proposed language in an underline and strikethrough format below:

**1.12 MODIFICATION OF PERMITS**

2. Letter Modification.