

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ray Spudeck, Economist, Office of Insurance Regulation, E-mail ray.spudeck@fldfs.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09421 RULE TITLE: High School Competency Test Requirements

PURPOSE AND EFFECT: The proposed rule amendment will change the required administration schedule for the High School Competency Test to an annual administration. This change will provide an administration schedule that is commensurate with the current number of test takers each year. In addition, the amendment will eliminate obsolete provisions.

SUMMARY: This rule is amended to reduce the number of administrations per year of the High School Competency Test (HSCT) and to allow students to meet the high school testing requirement through earning passing scores on the Florida Comprehensive Assessment Test (FCAT). In addition, obsolete provisions are eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 1001.02, 1008.22 (11) FS.

LAW IMPLEMENTED: 1001.02, 1003.428, 1003.43, 1008.22 FS.

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

DATE AND TIME: December 11, 2007, 10:00 a.m.

PLACE: Marriott Tampa Airport, Pinellas Room, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cornelia Orr, Assistant Deputy Commissioner, Assessment and School Performance, Florida Department of Education, 325 West Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09421 High School Competency Test Requirements. The minimum student performance skills and competencies required for high school graduation by Section 229.57(3)(c)5., Florida Statutes, for the period 1994-95 through 1998-99 shall be determined in the manner prescribed below:

(1) The student examination, known as the High School Competency Test, required by Sections 232.246(5)(a) and 229.57(3)(c)5., Florida Statutes, shall be administered annually developed under the direction and supervision of the Deputy Commissioner for Educational Programs, and shall be:

(a) Kept secured at all times.

(b) Provided to testing centers ~~all school districts~~ in the quantity needed ~~for the students in the district.~~

(c) Administered in accordance with standard written instructions appropriate for the examination.

~~(d) Revised and updated as needed.~~

(2) ~~The test shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The test shall:~~

(a) Consist of two (2) sections; one (1) comprising communications skills, and one (1) comprising mathematical skills.

(b) Be derived from the skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period from 1994-95 through 1998-99.

~~(3) The High School Competency Test shall be administered in cooperation with district school boards at least four (4) times during each school year.~~

~~(a) The test shall be scheduled at least twice each year for secondary students who are classified as high school juniors or seniors. The Division of Public Schools and the district school boards shall cooperate to the extent practicable in using other scheduled administrations to accommodate migrant students, transfer students, and others who are unable to be tested on the designated dates. No student shall be tested more than one (1) time in any thirty (30) day period.~~

~~(b) An adult who has earned sufficient credits to be classified as a high school sophomore, junior, or senior may take the examination initially at any scheduled administration. Adults who have taken the test previously but who have not yet earned passing scores in both sections of the test may retake the examination at any subsequent scheduled administration.~~

(4) To qualify for a high school diploma, each ~~secondary~~ ~~or~~ adult student must earn passing scores on both sections of the High School Competency Test or earn passing scores on the FCAT, as defined in Section 1008.22(3)(c), F.S., or scores on a standardized test that are concordant with passing scores on the FCAT as defined in Section 1008.22(9), F.S. High School Competency Test scores shall be reported in terms of an equated score scale. The passing scale score shall be seven hundred (700).

(a) For the time period of October 1994 through August 1996, the passing scale scores for the communications and mathematics sections of the High School Competency Test shall be set so that the percentage of grade eleven (11) students passing each section of the test in the 1994 administration will be equivalent to the percentage of grade eleven students who passed the respective sections of the High School Competency Test in October 1993. The passing scores for the High School Competency Test specified in this rule shall be reviewed not later than August 31, 1995, and recommendations to adjust the passing scores, as appropriate, shall be presented to the State Board by the Commissioner.

(b) After August 1996, all students shall meet the following passing score requirements regardless of whether they had taken and failed to pass the High School Competency Test prior to August 1996; the mathematics section passing scale score shall be set equivalent to a raw score of forty two (42) out of fifty five (55) test questions on the October 1994 test; the communications section passing scale score shall be set equivalent to a raw score of fifty five (55) out of sixty five (65) test questions on the October 1994 test.

(c) Beginning in 1994, secondary students classified as juniors and adults who anticipate graduating after the 1994-95 academic year shall be tested on the skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period from 1994-95 through 1998-99.

(d) A student who was initially tested on skills adopted in subsection 6A-1.0942(1), F.A.C., for the time period 1985-86 through 1993-94 and who expects to graduate from high school before August 1996 shall meet the High School Competency Test requirements prescribed in Rule 6A-1.0942, F.A.C.

(e) After August 1996, all students shall meet the High School Competency Test requirements described in Rule 6A-1.0942, F.A.C.

(5) No time limit shall be established for answering the questions on the High School Competency Test; provided, however, that no student shall be permitted to answer test items which have been seen by the student at a time other than the examination session in which the test questions are given to the student and provided that the examination session shall not be longer than the length of time normally scheduled for a school day.

(6) If a student fails to pass a section of the High School Competency Test as prescribed herein, the district school board shall provide special instructional assistance for such student in a manner deemed most appropriate by policies of the district school board.

(a) Such special assistance may take the form of:

1. Informal consultation between student and teachers;
2. Tutoring of one (1) student by another student;
3. Structured or nonstructured independent study;
4. Special classroom study of short duration (one (1) to five (5) days);

5. Special classroom study of longer duration, or
6. Such other appropriate form as determined by the district school board.

(6)(b) When the student earns a passing score on a section of the High School Competency Test, it shall be recorded in the student's cumulative record. If the student has previously been awarded a Certificate of Completion in lieu of a standard high school diploma by virtue of failure to pass the High School Competency Test, such student shall be awarded a standard high school diploma. Appropriate instructional assistance and adequate opportunity to be retested so as to earn a passing score shall remain available to each student until such time as the student earns passing scores on each section of the test.

(7) Once a student has passed a section of the test measuring skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period 1985-86 through 1993-94, the student will not be required to pass that section of the test measuring skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period from 1994-95 through 1998-99.

(8) Invalidity of a section of this rule shall not invalidate the remainder of the rule.

Specific Authority 1001.02, 1008.22(11), 120.53(1)(b), 229.053(1), 229.57(3)(e)5. FS. Law Implemented 1001.02, 1003.428, 1003.43, 1008.22, 120.53(1)(b), 229.57, 232.246, 232.247 FS. History—New 1-2-95, Amended 12-19-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cornelia Orr

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099822
RULE TITLE: School Improvement Rating for Alternative Schools

PURPOSE AND EFFECT: The purpose of this new rule is to define the terms and process used to calculate a school improvement rating for alternative schools. The effect of the rule will be the definition of an alternative school for the purpose of calculating an improvement rating; the establishment of a process to identify alternative schools; and the establishment of a process for calculating a school improvement rating that fulfills statutory requirements for school accountability.

SUMMARY: This rule is proposed to provide a definition of an alternative school for the purpose of calculating an improvement rating, the establishment of a process to identify

alternative schools; and the establishment of a process for calculating a school improvement rating that fulfills statutory requirements for school accountability.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 1008.34, 1008.341 FS.

LAW IMPLEMENTED: 1008.34, 1008.341 FS.

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

DATE AND TIME: December 11, 2007, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juan Copa, Director, Office of Evaluation and Reporting, 325 West Gaines Street, Room 445, Tallahassee, Florida 32399-0400; (850)245-0744

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099822 School Improvement Rating for Alternative Schools.

(1) Purpose. The Purpose of this rule is to implement the requirements of Sections 1008.34 and 1008.341, Florida Statutes.

(2) School Eligibility.

(a) Definition of an alternative school for accountability purposes. An alternative school, for purposes of school accountability improvement ratings, is any school that provides dropout prevention and academic intervention services pursuant to Section 1003.53, Florida Statutes, and has students referred to the school by another school in any district. Charter schools can be designated as alternative schools for the purposes of school accountability improvement ratings if the school's charter explicitly states that the mission of the charter school is to provide dropout prevention and academic intervention services through alternative education. This definition does not include "second chance schools" as defined by Section 1003.53, Florida Statutes, educational programs operated or contracted by Department of Juvenile Justice facilities, or district school board programs that serve students officially enrolled in dropout retrieval programs.

(b) In school year 2007-2008, and annually thereafter, school districts will have the opportunity to identify alternative schools for accountability purposes in compliance with the above guidelines. Those identified schools will have the option of earning a school grade, pursuant to Section 1008.34, Florida Statutes, or a school improvement rating, as outlined in subsection (5) of this rule.

(3) Accuracy of Data.

(a) Prior to the calculation of School Improvement Ratings for Alternative Schools, as described in subsection (5) of this rule, alternative schools will be identified in a cumulative list according to primary service type as designated in the Department of Education's Master School Identification file.

(b) Districts will be given the opportunity to review the cumulative list and submit additions and/or deletions, as necessary, to the Department of Education. Documentation required to make an addition or deletion to the list of alternative schools shall include, at a minimum:

1. Statement of the current mission of the school;

2. Description of the targeted student population;

3. Explanation of enrollment procedures; and

4. Verification that a majority of enrolled students are at-risk, low-performing students exhibiting discipline or attendance problems.

(4) Student Inclusion.

(a) As outlined in Section 1008.341(3), Florida Statutes, the calculation of a school improvement rating shall include the aggregate scores of students assigned to and enrolled in the alternative school during the October or February FTE count.

(b) As outlined in Section 1008.34(3)(b)3., Florida Statutes, the following students are not included in the accountability calculations for alternative schools:

1. Students subject to district school board policies for expulsion for repeated and/or serious offenses;

2. Students who are in dropout-retrieval programs who have officially been designated as dropouts; and

3. Students who are in programs operated or contracted by the Department of Juvenile Justice.

(5) Procedures for Calculating School Improvement Ratings for Alternative Schools.

(a) The school improvement ratings for alternative schools will be considered fully implemented with the following accountability elements:

1. The school improvement rating shall be based on a comparison of student learning gains for the current year and previous year. The learning gains definition will be consistent with the learning gains definition for school grades defined in Rule 6A-1.09981, F.A.C. The school improvement rating shall be calculated for each alternative school that has chosen to be rated by this method and:

a. Has a minimum of ten (10) eligible students with valid Florida Comprehensive Assessment Test (FCAT) scores in reading in the current and two previous years; and

b. Has a minimum of ten (10) eligible students with valid Florida Comprehensive Assessment Test (FCAT) scores in math in the current and two previous years.

2. The school improvement rating shall be designated as following:

a. “Improving” means the schools with students making more academic progress than when the students were served in their home schools. In order for a school to earn an “improving” designation, the percent of students making learning gains in reading and math in the current year must be at least five (5) percentage points higher than the percent of the same students making learning gains in the prior year in their home school.

b. “Maintaining” means schools with students making progress equivalent to the progress made when the students were served in their home schools. In order for a school to earn a “maintaining” designation, the percent of students making learning gains in reading and math in the current year must be less than five (5) percentage points above or below the percent of the same students making learning gains in the prior year in their home school.

c. “Declining” means schools with students making less academic progress than when the students were served in their home schools. In order for a school to earn a “declining” designation, the percent of students making learning gains in reading and math in the current year must be at least five (5) percentage points lower than the percent of the same students making learning gains in the prior year in their home school.

d. Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school’s improvement rating or designate the school in a lower improvement rating category. If less than ninety (90) percent of the school’s student population eligible for inclusion in the designation of the school’s improvement rating were assessed, the school’s improvement rating shall be designated incomplete (I) for at least thirty (30) days or until the data are determined by the Commissioner to accurately represent the performance of the school.

3. Pursuant to Section 1008.341, Florida Statutes, schools that improve at least one (1) level or maintain an “improving” rating are eligible for school recognition awards pursuant to Section 1008.36, Florida Statutes.

4. If a school earns a “declining” rating, the school is subject to the same requirements as a school designated School Performance Grade F as outlined in Rule 6A-1.09981, F.A.C.

(6) After the initial issuance of the school improvement ratings, school districts shall have the opportunity to review and submit for state review any appeal of the calculation as outlined in paragraph 6A-1.09981(9)(c), F.A.C.

(a) Crediting of Student Performance at the Alternative School to the Home School for the Purposes of Calculating the Home School’s School Grade. If an alternative school chooses to be evaluated through a school improvement rating rather than a school grade, the student performance of eligible

students (identified in Section 1008.34(3)(b)3., Florida Statutes) shall be included in the students’ home school’s grade as well as the alternative school’s school improvement rating.

(b) Definition of Home School. “Home School” is defined as the school the student was attending when assigned to an alternative school, pursuant to Section 1008.34, Florida Statutes. Limitations on Students Credited Back. Student performance data will only be credited back to the home school if:

1. The student was referred to the alternative school by another school in any district; and

2. The student’s grade level at the alternative school is within the same grade configuration as the student’s home school.

(c) Eligible students’ performance will be included in the calculation of the home school’s overall percentage of students making learning gains in reading and in math. Eligible students’ performance will be included in the home school’s grade calculation for a period of one (1) year unless the student returns to the traditional school system and then re-enters the alternative school system.

Specific Authority 1008.34, 1008.341 FS. Law Implemented 1008.34, 1008.341 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Juan Copa, Director, Office of Evaluation and Reporting,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner
for Assessment, Research, and Measurement, Department of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 10, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-2.0010 RULE TITLE: Educational Facilities

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the State Requirements for Educational Facilities to ensure compliance with Florida Statutes and alignment with other governing state rules.

SUMMARY: The rule is to be amended to comply with governing statutes as they relate to educational facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: Section 1(a) Article IX, State Constitution; 1001.02(1), 10013.02(2), 1013.37 FS.

LAW IMPLEMENTED: 1(a) Article IX, State Constitution; 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1031.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

DATE AND TIME: December 11, 2007, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Tallahassee, Florida, (850)245-9229

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0010 Educational Facilities.

State Board of Education Commissioner of Education requirements adopted pursuant to Chapter 120, Florida Statutes, to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, Florida Statutes, are contained in Section 423 of the Florida Building Code and the Department of Education publications titled “State Requirements for Educational Facilities 2007”, ~~1999 Volume I Process~~, ~~2005 Addendum to State Requirements for Educational Facilities Volume I~~, and ~~2006 Addendum to State Requirements for Educational Facilities~~ which ~~is~~ are hereby incorporated by reference and made a part of this rule to become effective with the effective date of the amended rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with “State Requirements for Educational Facilities 2007”, ~~1999 Volume I Process~~, ~~2005 Addendum to State Requirements for Educational Facilities, Volume I~~, and ~~2006 Addendum to State Requirements for Educational Facilities~~, the Florida Building Code (FBC), including Section 423, and the Florida Fire Prevention Code (FFPC). The FBC shall supersede any other code adopted by a board, or any other building code or ordinance, for the construction of educational and ancillary facilities and plants whether at the local, county, or state level rule. Copies of “State Requirements for Educational Facilities 2007” are available from the Office of Educational Facilities, Florida Department of Education, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400, at a cost to be determined by Commissioner, but which shall not exceed actual cost, or from the Department of Education’s website at: <http://www.fldoe.org/edfacil> in PDF format.

~~(1) In addition to “State Requirements for Educational Facilities, 1999 Volume I,” “2005 Addendum to State Requirements for Educational Facilities, Volume I,” and “2006 Addendum to State Requirements for Educational Facilities” all, or the specific portions cited, of the following building codes are hereby incorporated by reference and made a part of this rule. If there should be conflicting requirements between these codes and “State Requirements for Educational Facilities, 1999 Volume I,” “2005 Addendum to State Requirements for Educational Facilities, Volume I,” “2006 Addendum to State Requirements for Educational Facilities” the more, or most stringent requirement shall apply:~~

~~(a) AHERA. Asbestos Hazard Emergency Response Act, 40 CFR, Part 763, as revised July 1, 1995.~~

~~(b) AISC. American Institute of Steel Construction Allowable Stress Design (Manual of Steel Construction), as adopted by the Florida Building Commission in Rule 9B-3.047, F.A.C.~~

~~(c) ANSI. American National Standards Institute. References to ANSI standards as adopted by the Florida Building Commission in Chapter 35 of the Florida Building Code.~~

~~(d) ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers.~~

~~(e) ASTM. American Society for Testing Materials. References to ASTM standards shall be the edition as adopted by the Florida Building Commission in Chapter 35 of the Florida Building Code.~~

~~(f) DOT – AASHTO, American Association of State Highway and Transportation Officials, “Standard Specification for Highway Bridges, 17th Edition (2002)” and “Bridge Design Specifications, 3rd Edition (2004)” Sections 3.3.2, 3.14.1, 11, and 13, and Table 3.4.1-1 as modified by the Florida Department of Transportation (DOT) in “Structures Design Guidelines” Jan. Jul., January 2006 Revision (Topic Number 625-020-150-e) and DOT “Drainage Manual” Chapter 4, as required by the structure type and as incorporated by reference in subsection 14-15.002(2), F.A.C.~~

~~(g) FEMA. Federal Emergency Management Agency. Rules and Regulations 44 vention Code in State Fire Marshal Rules 69A 60.002 through 69A 60.005, F.A.C., NFPA 101, and other NFPA codes as applicable. Exceptions are NFPA 101 Sections 14.2.2.5 “Horizontal Exits” and 14.2.2.7 “Exit Passageways” and where NFPA codes are exceeded by these State Requirements.~~

~~(k) OSHA. Occupational Safety and Health Administration, U.S. Department of Labor, 29 CFR as Revised July 1, 2005.~~

~~(l) Chapter 69A, F.A.C., as adopted by the Division of State Fire Marshal.~~

~~(m) TMS. The Masonry Society Standards, 2005; TMS 402-02.~~

~~(2) Copies of the publications “State Requirements for Educational Facilities, 1999 Volume I”, “2005 Addendum to State Requirements for Educational Facilities”, and “2006 Addendum to State Requirements for Educational Facilities” are available from the Office of Educational Facilities, Florida Department of Education, Room 1054, 325 West Gaines Street, Tallahassee, Florida 32399-0400, at a cost to be determined by the Commissioner, but which shall not exceed actual cost or from the Department of Education’s website at <http://www.firn.edu/doc/edfacil> in pdf format. Copies of the codes listed in subsection (1) of this rule are available from the publisher whose location and address are available from the Office of Educational Facilities. These listed codes are readily available to the public upon request at the cost established by the publisher.~~

~~(3) All documents incorporated by reference in this rule are effective as they read on the date of the effective date of this rule.~~

Specific Authority Section 1(a) Article IX, State Constitution; 1001.02(1), 1001.37 FS. Law Implemented 1(a) Article IX, State Constitution; ~~50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071,~~ 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1031.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History–New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Spessard Boatright, Director, Office of Educational Facilities
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0282
 RULE TITLE: Specialization Requirements for the Endorsement in Athletic Coaching – Academic Class

PURPOSE AND EFFECT: The purpose of the rule amendment is to add other approved training organizations as providers of cardiopulmonary resuscitation (CPR) training for a CPR certificate or card, a requirement for certification as an athletic coach. The effect will be a rule that offers additional training providers for CPR training for athletic coaches.

SUMMARY: The rule is amended to offer additional approved training providers for the required CPR certificate for athletic coaching certification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 1001.02, 1012.55, 1012.56 FS.
 LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

DATE AND TIME: December 11, 2007, 10:00 a.m.
 PLACE: Tampa Airport Marriott, Tampa, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0282 Specialization Requirements for the Endorsement in Athletic Coaching – Academic Class.

- (1) Certification in another subject, and
- (2) Nine (9) semester hours in athletic coaching to include the areas specified below:
 - (a) Three (3) semester hours in care and prevention of athletic injuries and the effects and dangers of drug use including performance enhancing drugs,
 - (b) Three (3) semester hours in coaching theory,
 - (c) A course in theory and practice of coaching a specific sport, and
 - (3) A valid cardiopulmonary resuscitation course completion card or certificate issued by the American Heart Association or the American Red Cross or an equivalent cardiopulmonary resuscitation course completion card or certificate issued by an entity approved by the Florida Department of Health pursuant to Rule 64E-2.038, F.A.C.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History–New 12-4-89, Amended 10-26-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beverly Gregory, Chief Bureau of Educator Certification
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor, Educator Quality, K-12 Public Schools
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03014
 RULE TITLE: Exceptional Student Education
 Eligibility for Students Who Are
 Visually Impaired

PURPOSE AND EFFECT: The purpose of the proposed revisions is to update rule language to reflect current knowledge in the field and to insure consistency with the federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing regulations. The effect of this revision will be consistency with the federal requirements and current knowledge in the field.

SUMMARY: The rule is amended to reflect current knowledge in the field of special education and visual impairments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 1001.02(1), 1003.57(1)(e) FS.

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

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

DATE AND TIME: December 11, 2007, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

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:

(Substantial rewording of Rule 6A-6.03014 follows. See Florida Administrative Code for current text.)

6A-6.03014 Exceptional Student Education Eligibility Special Programs for Students Who Are Visually Impaired.

(1) Definition. Students who are visually impaired include the following:

(a) A student who is blind, has no vision, or has little potential for using vision.

(b) A student who has low vision.

(c) The term visual impairment does not include students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties.

(2) Activities Prior to Referral. Prior to referral for evaluation, the requirements in Rule 6A-6.0331, F.A.C., must be met.

(3) Procedures for student evaluation.

(a) The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology, diagnosis, treatment regimen, prognosis, near/distance, corrected/uncorrected acuity measures for left eye, right eye and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate. For children birth to five (5) years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.

2. If a medical criterion listed in paragraph (4)(a) of this rule is met, then in addition to the provisions of Rule 6A-6.0331, F.A.C., a comprehensive assessment of skills known to be impacted by visual impairment, shall include, but is not limited to: functional vision evaluation, learning media assessment, and, if appropriate, orientation and mobility assessment.

(b) Reevaluation shall occur at least every three (3) years and shall include a minimum of a medical eye examination within the last calendar year, functional vision assessment, learning media assessment, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

(4) Criteria for eligibility. A student is eligible for special education and related services if the following medical and educational criteria are met:

(a) Medical. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:

1. A visual acuity of 20/70 or less in the better eye after best possible correction;

2. A peripheral field so constricted that it affects the student's ability to function in an educational setting;

3. A progressive loss of vision which may affect the student's ability to function in an educational setting, not including students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties, or,

4. For children birth to five (5) years of age or students who are otherwise unable to be assessed, bilateral lack of central, steady, or maintained fixation of vision with an estimated visual acuity of 20/70 or less after best possible correction; bilateral central scotoma involving the perimacula area (20/80-20/200); bilateral grade III, IV, or V Retinopathy of Prematurity (ROP); or documented eye impairment as stated in paragraph (3)(a) of this rule.

(b) The student needs special education as defined in Rules 6A-6.0331 and 6A-6.03411, F.A.C.

(5) Supportive services.

(a) The district shall make available the professional services needed to support the program. This shall include registration of all students who are visually impaired for services from the Florida Instructional Materials Center for the Visually Impaired.

(b) Other support services may include, but are not limited to:

1. Provision of specialized textbooks, learning materials, assessment materials, and equipment; and

2. Cooperative planning with the Division of Blind Services, including parent involvement activities.

(6) This rule shall become effective March 1, 2008.

Specific Authority ~~1000.01, 1001.02, 1001.42(4)(l), 1003.01(3)(a), (b), 1003.55, 1003.57(4)~~ FS. Law Implemented 1001.02, 1010.305(2), 1011.62(1)(c) FS. History--New 7-1-77, Amended 7-13-83, Formerly 6A-6.3014, Amended 2-12-91, 3-1-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Smith, Deputy Chancellor, Curriculum, Instruction and Student Services, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03020
RULE TITLE: Specially Designed Instruction for Students Who Are Homebound or Hospitalized

PURPOSE AND EFFECT: The purpose of these revisions is to incorporate amendments necessary due to the repeal and amendment of other State Board of Education rules relating to students with disabilities.

SUMMARY: The rule is amended to correctly reference other related State Board of Education rules relating to students with disabilities that were recently amended.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 1001.02(1), 1003.57(1)(e) FS.

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

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

DATE AND TIME: December 11, 2007, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

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-6.03020 Specially Designed Instruction for Students Who Are Homebound or Hospitalized.

(1) through (2) No change.

(3) Criteria for eligibility. A student, who is homebound or hospitalized, is eligible for specially designed instruction if the following criteria are met:

(a)1. through 5. No change.

(b) The student is enrolled in a public school in kindergarten through twelfth grade prior to the referral for homebound or hospitalized services, unless the student meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, ~~6A-6.03015~~, 6A-6.03015L, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, ~~6A-6.03021~~, 6A-6.03022, 6A-6.03023, and 6A-6.03027, F.A.C.; and

(c) No change.

(4) through (7)(c) No change.

Specific Authority 1001.02(1), (2)(n), 1003.01(3)(a), 1003.57(5) FS. Law Implemented 1001.03(8), 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57(5), 1011.62(1)(c) FS. History--New 7-1-77, Amended 7-2-79, 4-27-82, Formerly 6A-6.3020, Amended 5-18-86, 9-20-04, 9-20-04, _____ Cf. PL 105-17 (20 USC 1401, 1412, 1414, 1415).

NAME OF PERSON ORIGINATING PROPOSED RULE: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Smith, Deputy Chancellor for Curriculum, Instruction, and Student Services, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.002
RULE TITLE: Institutional Licensure

PURPOSE AND EFFECT: The purpose and effect is to clarify the existence of an exception to the granting of a provisional license when an institution holding an annual license or license by means of accreditation, undergoes a substantive change and to implement a technical change by correcting a reference.

SUMMARY: Generally, when an institution holding an annual license or license by means of accreditation undergoes a substantive change, a provisional license is granted by the Commission. The proposed rule clarifies that an exception exists where an institution holding a license by means of accreditation undergoes a substantive change by offering a program exceeding its accreditation and in that instance, the institution must apply for an annual license, rather than a provisional license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 1005.22(1)(e), 1005.31(2), (3) FS.

LAW IMPLEMENTED: 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS.

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

DATE AND TIME: December 11, 2007, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.002 Institutional Licensure.

(1) Provisional license.

(a) through (b) No change.

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(55)(52), F.A.C., while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission, except as provided in paragraph 6E-2.002(3)(g), F.A.C. An institution may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation. The Commission may delegate to the Executive

Director, the authority to return institutions to their previous status between Commission meetings, if the Executive Director determines that changes have no negative impact on the institution or the students attending the institution. Such action shall be reported to the Commission at the next meeting for further action.

(d) through (g) No change.

(2) through (3) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3) FS. Law Implemented 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03, 7-10-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sam Ferguson, Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:

6E-4.001 Fees and Expenses

PURPOSE AND EFFECT: The purpose and effect is to institute a more equitable fee structure and to ensure that sufficient funds are collected in order for the Commission to carry out its duties and responsibilities.

SUMMARY: The rule sets forth the fees associated with licensure. The proposed rule increases fees due for licensure and provides for decreases or increases in the future based upon collections and expenditures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38 FS.

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

DATE AND TIME: December 11, 2007, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-4.001 Fees and Expenses.

(1) The Base Fee and the Workload Fee shall be assessed at one of six levels based upon the Florida student enrollment (per license issued) for the last reported fiscal year. For each licensed institution, Florida student enrollment consists of all students enrolled at a Florida campus of an institution plus all Florida residents enrolled in any CIE licensed distance education program. If an institution that holds a license has not submitted enrollment data to the Commission (using the CIE Annual Data Collection) they shall be assessed at the highest level.

- (a) Level 1 = 0 to 100 students
- (b) Level 2 = 101-500 students
- (c) Level 3 = 501-1,000 students
- (d) Level 4 = 1,001 to 5,000 students
- (e) Level 5 = 5,001 to 10,000 students
- (f) Level 6 = over 10,000 students

If the total revenue collected by the Commission during a fiscal year is greater than 12% of the Commission's budgeted expenditures for the same fiscal year, the Commission is authorized to reduce the Base Fee and Workload Fee up to 3%. If the total revenue collected by the Commission during a fiscal year is less than the Commission's budgeted expenditures for the same fiscal year, the Commission is authorized to increase the Base Fee and Workload Fee up to 3%.

~~(2)(1)~~ Base Fee. All nonpublic institutions and centers of out-of-state institutions under the jurisdiction of the Commission derive benefit from the services performed by the Commission. Such services include but are not limited to administration of the fair consumer practices program and the data collection and dissemination program. To defray the cost of such general services, each institution holding a provisional or annual license, or a license by means of accreditation, with an enrollment at Level 1 shall pay \$500, enrollment at Level 2 shall pay \$1,000, enrollment at Level 3 shall pay \$2,000, enrollment at Level 4 shall pay \$3,000, enrollment at Level 5 shall pay \$4,000 and enrollment at Level 6 shall pay \$5,000 of less than 100, shall submit annually a Base Fee of \$ 300, and each such institution with an enrollment of 100 or more shall submit annually a Base Fee of \$ 900. Enrollment shall be determined by the institution's data submission to the CIE Annual Data Collection during the previous fiscal year total student headcount in Florida, full-time and part-time, reported by each institution in its annual data report; or for a new institution, by its anticipated enrollment in Florida during its first year of operation. The Base Fee shall be due and collected

at the time of application for provisional licensure, annual review of licensure, or the annual Licensure by Means of Accreditation review.

~~(3)(2)~~ Workload Fees. Each licensed Florida location of each institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and other duties assigned by the Commission making reviews. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action.

Initial Application for License, or Moving from Nondegree to Degree:

New Nondegree Institutions \$2,000 + \$ 200 per program + cost of visit

New Degree-Granting Institutions \$3,000 + \$ 200 per program + cost of visit

Annual Review of Licensure and License by Means of Accreditation Review:

- Level 1 = \$1,500
- Level 2 = \$2,000
- Level 3 = \$5,000
- Level 4 = \$7,000
- Level 5 = \$8,500
- Level 6 = \$10,000

Institutions not Licensed by Means of Accreditation shall pay \$50 per licensed program (not to exceed \$500) as part of the Annual Review of License.

~~Nondegree Institutions \$1,500 + \$ 50 per program
Degree-Granting Institutions \$2,500 + \$ 50 per program
Review of Extended Annual License or Substantive Change Review \$1,000~~

Licensure by Means of Accreditation, Annually \$1,250
Provisional or Annual Licensure Extension (first) \$500
Provisional or Annual Licensure Extension (second) \$750
Provisional or Annual Licensure Extension (third) \$1,500
New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year:

Nondegree Programs \$500
Degree Programs \$1,000
Site Visits:
One Visit per Year Included in licensure fee
Subsequent Visits directed by Commission \$300 Expenses + Costs + \$200 per day
Approval to Use "College" or "University", First Time or Special Review \$500

Annual Licensure of Recruiting Agents (nontransferable) \$200

Criminal Justice Information Investigation \$50

Copy of Student Academic Transcript on File Search \$10

~~(4)~~(3) Fines and disciplinary oversight:

Fine for Probation Requiring Oversight Up to \$5,000 depending on level and length of oversight required

Continuing Activity after Cease and Desist Letter, Per Day \$1,000

Monitoring Institution under Probable Cause, Per Calendar Quarter \$1,000

~~(5)~~(4) Licensure application fees, base fees and program fees shall be paid annually.

~~(6)~~(5) Student Protection Fund: Nondegree institutions will be charged a fee for the Student Protection Fund. The fees are specified in Rule 6E-4.005, F.A.C.

~~(7)~~(6) Investigations and Resolution of Complaints. In cases where the Commission must investigate complaints pertaining to fair consumer practices, initiate Probable Cause proceedings, render findings of fact, and issue decisions, the institution shall be assessed a fee of no less than \$500 and no more than \$2,000, according to the administrative time required for the specific case, which is payable within 14 days of the official action being taken by the Commission.

~~(8)~~(7) Failure to Submit Materials in a Timely Manner. In cases where the Commission has set a specific date for the filing of materials regarding licensure or other matters under its purview, and the institution has not filed said materials within 14 calendar days of the specified date, the Commission shall assess the institution \$100 per working day until the materials are received by the Commission. The postal date on the envelope or package containing the materials shall serve as the date of receipt.

~~(9)~~(8) All fees, and any fines imposed for probation or other violations shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund as established in Section 1010.83, F.S., and identified as a separate revenue account for the authorized expenses of the Commission under the provisions of Section 1010.83, F.S.

Specific Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History—New 1-7-03, Amended 7-27-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007 and July 6, 2007

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 NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.041	Permits Required
40D-4.321	Duration of Permit
40D-4.331	Modification of Permits

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to provide greater flexibility for conceptual ERP permits by reducing the level of application detail required and extending the duration of conceptual permits. This rulemaking will also clarify the circumstances under which subsequent rule changes will not affect projects constructed pursuant to a conceptually approved design.

SUMMARY: A conceptual permit is an environmental resource permit that approves the concepts of a phased development master plan. Under current rules, a conceptual permit "locks in" current rule criteria for all subsequent construction phases of the project. Additionally, issuance of a conceptual permit constitutes State Water Quality Certification. Although the level of detail required in a conceptual permit application is less than that required for a construction permit, the level of detail required to justify locking in current rules and to grant State Water Quality Certification is substantial and nearly as great as that required for a construction permit. The substantial level of detail required can be a disincentive to potential applicants. The proposed amendments to Chapter 40D-4, F.A.C., will allow more flexibility and require less detail in applications for conceptual permits. subsection 40D-4.021(3), F.A.C., defines the term "Conceptual Permit" Revisions are proposed to the current definition such that each subsequent construction phase will be reviewed under the permitting criteria in effect at the time the permit application is filed. Rule 40D-4.041, F.A.C., establishes the criteria by which an Environmental Resource Permit is required. Paragraph 40D-4.041(2)(c), F.A.C., specifically relates to conceptual permits. Revisions are proposed to the language in this section to clearly state that the elements of a conceptually approved design that will be binding on the District are those expressly stated in that permit. These design concepts will not be affected by subsequent rule changes so long as the permit is valid. Additional revisions are

proposed to this section to make it clear that design concepts approved in a conceptual permit that will contribute to the degradation of a water body designated as impaired pursuant to Rule 62-303, F.A.C., or are inconsistent with an adopted Total Maximum Daily Load (TMDL) or Basin Management Action Plan (BMAP) will not be binding on the District. Rule 40D-4.321, F.A.C., establishes the duration of Environmental Resource Permits, including conceptual permits. This rule currently provides a two-year duration for conceptual permits but allows the permit to remain valid so long as the phases are constructed consistent with the conceptual permit. Revisions are proposed to this section to change the duration of a conceptual permit from two years to five years. Rule 40D-4.331, F.A.C., allows a conceptual permit to be extended up to two years and a construction permit to be extended for five years. The proposed rule amendment will allow conceptual permits to be extended for an additional five years following approval of each construction phase.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.403, 373.413, 373.416, 373.416(1), 373.426, 373.427, 373.429, 373.805 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 RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.021 Definitions.

When used in this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (2) No change.

(3) “Conceptual Permit” means an Environmental Resource Permit ~~that issued by the District which~~ approves the design concepts of a phased development master plan for a surface water management system or for a mitigation bank ~~which is binding upon the District and the permittee based upon the rules in effect at the time of filing of the conceptual application and constitutes final District action so that construction and operation permits for each phase will be reviewed under the permitting criteria in effect when the application for the conceptual permit was filed.~~

(4) through (22) No change

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.413 FS. History—Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, 2-6-07, _____.

40D-4.041 Permits Required.

(1) No change.

(2) The District issues the following types of Environmental Resource Permits:

(a) through (b) No change.

(c) Conceptual permits are individual permits for mitigation banks and projects to be developed in phases that ~~which~~ approve the design concepts of a phased development master plan. Construction and operation permits for each phase must meet the conditions for issuance in Rules 40D-4.301 and 40D-4.302, F.A.C., in effect when the application for the construction permit is filed. Design concepts approved by the District in the conceptual permit will be expressly stated in that permit and shall not be affected by subsequent rule changes so long as the permit is valid. Design concepts approved in a conceptual permit that will contribute to the degradation of a water body on the verified list of impaired waters adopted pursuant to Rule 62-303, F.A.C., or are inconsistent with an adopted TMDL or BMAP shall not be binding on the District. A conceptual permit does not authorize construction, alteration, operation, or abandonment of a surface water management system or establishment of a mitigation bank.

(d) No change.

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History—Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1), (2), (4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, 7-16-02, 9-26-02, 3-26-03, _____.

40D-4.321 Duration of Permit.

(1) Unless revoked, extended, or otherwise modified, the duration of an Environmental Resource Permit issued pursuant to this chapter is:

(a) ~~Five Two~~ years from the date of issuance; or the date specified as a condition of the permit for a conceptual permit, unless within that period an application for a construction permit is approved filed for any portion of the project. ~~If an the application for a construction permit is approved and construction is commenced according to Rule 40D-4.321, F.A.C., then the conceptual permit remains is valid for the term of the construction permit. Multiple construction permits may be approved for projects approved by a conceptual permit, and the latest date calculated from any related construction permit will determine the duration of the conceptual permit. Conceptual permits that have no construction permit approved for a period of five years shall expire automatically at the end~~

of the five-year period. A construction permit that constitutes a substantial modification of the conceptual permit shall not extend the duration of the conceptual permit. For the purposes of this section, the term "substantial modification" shall mean a modification that is reasonably expected to lead to substantially different water resource or environmental impacts and requires a detailed review. A construction permit that constitutes a substantial modification of the conceptual permit must comply with the same criteria as new applications so long as the conceptually permitted phases are under construction consistent with a phased development master plan for a surface water management system that has been permitted by the District. If construction of the permitted phases is discontinued or is inconsistent with the phased development master plan then the conceptual permit shall expire.

(b) through (e) No change.

(2) ~~Conceptual Permits~~ expire automatically at the end of their duration as described herein unless modified pursuant to Rule 40D-4.331, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, _____.

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked, ~~suspended~~ or expired.

(1) through (3) No change.

(4) Application for permit modification to ~~renew or~~ extend the existing permit duration shall occur by formal application and review, and such requests shall be submitted no sooner than 180 days prior to the permit expiration date.

(a) A modification seeking extension of a ~~for~~ construction permit ~~renewal~~ will be granted if it is reasonably assured by the applicant and determined that any completed construction is in compliance with a currently valid permit, and the proposed construction will be in compliance with the District's rules in effect at the time the application for modification to extend ~~renew~~ is filed.

(b) ~~A~~ Applications for conceptual permit or renewal and site conditions assessment permit may be extended if the permit complies ~~renewal or extension must comply~~ with the same criteria as new applications.

(c) Each modification to ~~renew or~~ extend can be granted for a duration as needed, up to five years ~~for construction permits and site conditions assessment permits, and up to two years for conceptual permits.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-21.231	Declaring a Water Shortage
40D-21.331	Declaring a Water Shortage Emergency
40D-21.441	Public Supply Water Shortage Mitigation Plans

PURPOSE AND EFFECT: The proposed amendments will provide that approved Water Shortage Mitigation Plans will be considered by the District in determining whether to declare a water shortage or water shortage emergency. The proposed amendments will also clarify submittal documentation for a Water Shortage Mitigation Plan and the effect on the District's authority under its Water Shortage Plan and water use permits where the District approves a variance or waiver to the District's Water Shortage Plan based on a Water Shortage Mitigation Plan.

SUMMARY: The proposed amendments add that approved Water Shortage Mitigation Plans will be a factor to be considered by the Governing Board or Executive Director in determining whether to declare a water shortage or water shortage emergency, respectively. The proposed amendments also clarify that the District retains its authority to impose restrictions and to affect water use permits during a declared water shortage or water shortage emergency in areas where a Water Shortage Mitigation Plan has been approved.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.175, 373.246 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 RULES IS: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-21.231 Declaring a Water Shortage.

(1) No change.

(2) In considering whether to declare a Water Shortage, the Board shall consider the effect of any Water Shortage Mitigation Plans approved by the Board pursuant to Rule 40D-21.441, F.A.C.

(2) through (5) renumbered (3) through (6) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06,_____.

40D-21.331 Declaring a Water Shortage Emergency.

(1) through (2) No change.

(3) If the monitoring and evaluation process indicates that conditions are rapidly deteriorating, or if the District receives a request for an emergency action related to an ongoing drought or other Water Shortage event, District staff shall ascertain whether the provisions of Part II of this Rule are sufficient to protect public health, safety or welfare and Essential Uses, or the health of livestock and other animals, fish or aquatic life in the affected area. This shall be accomplished through consideration of the following:

(a) through (b) No change.

(c) The effect of any Water Shortage Mitigation Plans approved by the Board pursuant to Rule 40D-21.441, F.A.C., and rRecommendations from, and emergency actions taken by, a local government in the affected area.

(4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06,_____.

40D-21.441 Public Supply Water Shortage Mitigation Plans.

(1) No change.

(2) A Regional Authority or Local Water Supplier may request that the District approve its WSMP for implementation in lieu of some or all of the applicable provisions of this Chapter so that it may take pre-designated local action in response to conditions described in the WSMP. The request shall be submitted in the form of a petition for variance or waiver of some or all of the provisions of this Chapter, pursuant to Section 120.542, F.S. A petition for variance or waiver may be filed at any time, whether the District has declared a Water Shortage or not, and the Regional Authority

or Local Water Supplier is encouraged to file its petition well in advance of its need to implement the drought provisions of its WSMP.

(3) Once a WSMP is approved by the District, it shall be binding on the applicable Regional Authority or Local Water Supplier and its customers. Each Regional Authority and Local Water Supplier and their customers shall continue to comply with any provisions of this Chapter and any order issued pursuant thereto which are not varied or waived through the District's approval of the WSMP. The District shall consider the effect of an approved WSMP in conjunction with Rule 40D-21.231, F.A.C. The existence of an approved WSMP does not affect the authority of the District to declare or rescind a water shortage and applicable response mechanisms as provided in this Chapter and Chapter 373, F.S. Each Regional Authority and Local Water Supplier should seek clarification as to the applicability of any orders that are issued after District approval of its WSMP.

(4)(3) In addition to fulfilling the requirements of Section 120.542, F.S., and Rule 40D-1.1002, F.A.C., the proposed WSMP shall contain the following:

(a) through (c) No change.

(d) Identification of supply management response mechanisms to be implemented for each Water Shortage Phase. Supply management includes, but is not limited to, supply supplementation through the use of permitted supply sources, including withdrawal of quantities or for a purpose not expressly granted by the applicable Water Use Permit, or the temporary use of emergency supply sources, which may include unpermitted sources. Identification of each supply management response must include a detailed description of the methodologies used to select the applicable proposed supplementation source and a detailed description of the legal and physical means through which the proposed supplementation will be accomplished. The granting of a variance or waiver based on a WSMP does not constitute a modification to the petitioner's Water Use Permit nor does it constitute issuance of an emergency authorization. However, Each Regional Authority or Local Water Supplier is encouraged to proactively coordinate with the District to develop a template executive director order or other document to be presented used, when needed, for the District's consideration, to expedite the processing of any request for a temporary permit modification or other emergency authorization in conjunction with implementation of the WSMP authorize emergency use of each proposed supplementation source, as part of the petition for variance or waiver.

(e) through (j) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 4-9-06, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.004
 RULE TITLE: General Sanitation and Safety Requirements

PURPOSE AND EFFECT: This rule amendment corrects Division of State Fire Marshal and Department of Agriculture and Consumer Services rules cited and adopted by reference in Chapter 61C-1, F.A.C. These changes are necessary due to the transfer of Chapter 4A, F.A.C., to Chapter 69A, F.A.C. and the adoption of federal standards for the regulation of bottled water.

SUMMARY: These amendments correct Division of State Fire Marshal and Department of Agriculture and Consumer Services rules cited and adopted by reference in Chapter 61C-1, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 509.032 FS.

LAW IMPLEMENTED: 509.032, 509.215, 509.221 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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.004 General Sanitation and Safety Requirements.
 The following general requirements and standards shall be met by all public lodging and public food service establishments.

(1) Water, plumbing and waste.
 Except as specifically provided in these rules, standards for water, plumbing and waste shall be governed by Chapter 5, Food Code, herein adopted by reference. For the purposes of this section, the term “food establishment” as referenced in the Food Code shall apply to all public lodging and public food establishments as defined in Chapter 509, F.S.

(a) No change.
 (b) Bottled and packaged potable water shall be transported and obtained in accordance with the requirements of Title 21, Code of Federal Regulation, Parts 129 and 165, as adopted by the Department of Agriculture and Consumer Services in Rule 5K-4.002 Chapter 5E-15, F.A.C., herein adopted by reference.

(c) through (e) No change.
 (2) through (4) No change.
 (5) All fire safety, protection and prevention equipment must be installed, approved, maintained and used in accordance with Chapter 509, FS, and the National Fire Protection Association Life Safety Code Chapter 101, as adopted by the Division of State Fire Marshal in Chapter 69A-3 4A-3, F.A.C., herein adopted by reference.

(6) through (8) No change.
 (9) Fire safety equipment.
 (a) No change.
 (b) A standard state approved service tag shall be attached to each extinguisher and a person holding a valid state permit issued by the State Fire Marshal shall recharge or inspect the extinguisher and shall prepare the tag to include the information required by Rule 69A-21.241 rule 4A-21.041, F.A.C., herein adopted by reference.

(c) through (e) No change.
 (10) No change.
 (11) Electrical wiring – To prevent fire or injury, defective electrical wiring shall be replaced and wiring shall be kept in good repair. No extension cords shall be used except during cleaning, maintenance and other temporary activities. Only a wall switch or approved pull cord shall be permitted in bathrooms. In accordance with the provisions of NFPA 70, the National Electrical Code, as adopted by the Division of State Fire Marshal in Chapter 69A-3 4A-3, F.A.C., ~~Uniform Fire Safety Rules and Standards~~, sufficient electrical outlets shall be provided.

(12) No change.
 (13) Gas appliances – All appliances, including water heaters using gas, shall be kept in good repair and properly vented when manufacturers’ instructions require venting of the appliance and shall meet the following requirements:

(a) All appliances shall have a nationally recognized testing laboratory seal such as AGA or UL seal.

(b) Heating appliances shall be properly sized in BTU input for room air space. Proper sizing of heating appliances shall be determined in accordance with the provisions of NFPA 54, the National Fuel Gas Code, as adopted by the Division of State Fire Marshal in Chapter ~~69A-3 4A-43 and 4A-55~~, F.A.C.; ~~for public lodging establishments and public food service establishments, respectively.~~

Specific Authority ~~509.032(2)(d), 509.032(3), 509.032(6)~~ FS. Law Implemented ~~509.032(2)(d), (3)(a)(b)(c)~~, 509.215, 509.221 FS. History—Amended 2-20-64, 7-14-67, 2-8-69, Revised 2-4-71, Amended 2-17-73, Repromulgated 12-18-74, Amended 9-19-84, Formerly 7C-1.04, Amended 12-31-90, 2-11-92, 6-15-92, Formerly 7C-1.004, Amended 3-31-94, 10-9-95, 9-25-96, 5-11-98, 7-2-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill L. Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-10.001	Definitions
61J1-10.002	Registered Trainee Real Estate Appraiser
61J1-10.003	Certified Residential Appraiser
61J1-10.004	Certified General Appraiser

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to create the qualifications for licensure.
SUMMARY: The rule promulgation defines the qualifications for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.613, 475.615, 475.617 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 RULES IS: Thomas O’Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J1-10.001 Definitions.

(1) “Accredited” means accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(2) “AOB” means Appraiser Qualifications Board, which is an independent board of the Appraisal Foundation.

(3) “Classroom hour” is defined as 50 minutes out of each 60-minute segment.

(4) “USPAP” means Uniform Standards of Professional Appraisal Practice, and are the most recent standards approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.613, 475.615, 475.617 FS. History—New _____.

61J1-10.002 Registered Trainee Real Estate Appraiser.

(1) An applicant for registration as a trainee real estate appraiser must present evidence satisfactory to the Board that the applicant has successfully completed at least 100 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required curriculum:

(a) Basic appraisal principles (30 hours);

(b) Basic appraisal procedures (30 hours);

(c) The 15-hour National USPAP course, or its equivalent, taught by an AOB-certified USPAP instructor; and

(d) Appraisal Subject Matter Electives (20 hours) which shall include the Florida laws and rules and Roles and Responsibilities of Supervisors and Trainees.

(2) An applicant must have passed examinations in the prerequisite courses set forth in subsection 61J-10.002(1), F.A.C., for the courses to be acceptable.

(3) An applicant must have completed the 15-hour National USPAP course, or its equivalent, within the 2 years immediately preceding the receipt of the application for registration by the Board or department.

(4) An applicant who was previously registered as a trainee real estate appraiser and whose registration expired due to failure to renew pursuant to Rule 61J-4.007, F.A.C., may not use the qualifying education for the void trainee real estate appraiser registration to obtain another trainee real estate appraiser registration.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New _____.

61J1-10.003 Certified Residential Appraiser.

An applicant for certification as a residential real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

(1) Education requirement.

(a) An Associate degree, or higher, from an accredited college, junior college, community college, or university; or

(b) Successful passage of at least 21 semester credit hours or its equivalent, including all of the following collegiate subject matter courses from an accredited college, junior college, community college, or university:

1. English Composition;
2. Principles of Economics (Micro or Macro);
3. Finance;
4. Algebra, Geometry, or higher mathematics;
5. Statistics;
6. Computer Science; and
7. Business or Real Estate Law.

If an accredited college or university accepts the College-Level Examination Program (CLEP) examinations(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(c) Satisfactory completion of at least 200 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:

1. Basic appraisal principles (30 hours);
2. Basic appraisal procedures (30 hours);
3. The 15-hour National USPAP course, or its equivalent, taught by an AQB-certified USPAP instructor;
4. Residential Market Analysis and Highest and Best Use (15 hours);
5. Residential Appraiser Site Valuation and Cost Approach (15 hours);
6. Residential Sales Comparison and Income Approaches (30 hours);
7. Residential Report Writing and Case Studies (15 hours);
8. Statistics, Modeling and Finance (15 hours);
9. Advanced Residential Applications and Case Studies (15 hours); and
10. Appraisal Subject Matter Electives (20 hours) which shall include the Florida laws and rules and the Roles and Responsibilities of Supervisors and Trainees.

(2) Experience requirements. At least 2500 hours as set forth in Rule 61J1-6.001, Florida Administrative Code.

(3) Examination. Successful completion of the AQB-approved Certified Residential Real Property Examination and the Florida laws and rules examination.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New _____.

61J1-10.004 Certified General Appraiser.

An applicant for certification as a general real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

(1) Education requirement.

(a) A Bachelors degree, or higher, from an accredited college or university; or

(b) Successful passage of at least 30 semester credit hours or its equivalent, including all of the following collegiate subject matter courses from an accredited college, junior college, community college, or university:

1. English Composition;
2. Micro Economics;
3. Macro Economics;
4. Finance;
5. Algebra, Geometry, or higher mathematics;
6. Statistics;
7. Computer Science;
8. Business or Real Estate Law; and
9. Two electives courses in accounting, geography, agricultural economics, business management, or real estate.

If an accredited college or university accepts the College-Level Examination Program (CLEP) examinations(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(c) Satisfactory completion of at least 300 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:

1. Basic appraisal principles (30 hours);
2. Basic appraisal procedures (30 hours);
3. The 15-hour National USPAP course, or its equivalent, taught by an AQB certified USPAP instructor;
4. General Appraiser Market Analysis and Highest and Best Use (30 hours);
5. Statistics, Modeling and Finance (15 hours);
6. General Appraiser Sales Comparison Approach (30 hours);
7. General Appraiser Site Valuation and Cost Approach (30 hours);
8. General Appraiser Income Approach (60 hours);
9. General Appraiser Report Writing and Case Studies (30 hours); and
10. Appraisal Subject Matter Electives (30 hours) which shall include the Florida laws and rules and the Roles and Responsibilities of Supervisors and Trainees.

(2) Experience requirements. At least 3000 hours as set forth in Rule 61J1-6.001, Florida Administrative Code.

(3) Examination. Successful completion of the AQB-approved Certified General Real Property Appraiser Examination and the Florida laws and rules examination.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

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 NO.: 62-213.205 RULE TITLE: Annual Emissions Fee

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-213, F.A.C., to increase the annual Title V emissions fee factor from \$25.00 to \$30.00, and to provide that the Title V permit serve as written notice to the Title V source of the annual requirement for submission of the emissions fee.

SUMMARY: The proposed rule amendment involves the department's EPA-approved Title V air operation permit program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.0872 FS.

LAW IMPLEMENTED: 403.0872 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:

DATE AND TIME: Wednesday, December 12, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Trina Vielhauer at (850)921-9503 or trina.vielhauer@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-213.205 Annual Emissions Fee.

Each Title V source permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice as provided in the Title V permit from the Department, an annual emissions fee in an amount determined as set forth in subsection 62-213.205(1), F.A.C.

(1) Emissions Fee Calculation and Payment. Each Title V source must calculate the annual fee, based upon the source's previous year's emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent certification, construction permit or operation permit, times the annual hours of operation allowed by specific condition; provided, however, that:

(a) For emissions occurring prior to calendar year 2008, the emissions fee factor is \$25. For emissions occurring in calendar year 2008 and thereafter, the emissions fee factor is \$30. The emissions fee factor may be increased beyond \$25 only if the Secretary of the Department affirmatively finds that a shortage of revenue for support of the Title V source operation permit program will occur in the absence of a fee factor adjustment. The annual emissions fee factor may never exceed \$35 without legislative approval.

(b) through (k) No change.

(2) through (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 1-3-01, 4-16-01, 6-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: RULE TITLES:
 64B8-50.005 Final Orders
 64B8-50.006 Designation of Official Reporter

PURPOSE AND EFFECT: The Board proposes the repeal of these rules since they are not necessary.

SUMMARY: The rules are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 478.43(1) FS.

LAW IMPLEMENTED: 120.53(2), 456.013 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 RULES IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-50.005 Final Orders.

Specific Authority 478.43(1) FS. Law Implemented 456.013 FS. History--New 5-31-93, Formerly 21M-75.005, Amended 11-16-93, Formerly 61F6-75.005, 59R-50.005, Repealed.

64B8-50.006 Designation of Official Reporter.

Specific Authority 478.43(1) FS. Law Implemented 120.53(2) FS, History--New 5-31-93, Formerly 21M-75.006, 61F6-75.006, 59R-50.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
 64B8-51.005 Issuance of Temporary Permits

PURPOSE AND EFFECT: The Board proposes the repeal of this rule since the substance of the rule is addressed by statute.

SUMMARY: The rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 478.43(1), (4) FS.

LAW IMPLEMENTED: 478.46 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.005 Issuance of Temporary Permits.

Specific Authority 478.43(1), (4) FS. Law Implemented 478.46 FS. History--New 5-31-93, Formerly 21M-76.005, 61F6-76.005, 59R-51.005, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
 64B16-26.103 Continuing Education Credits;
 License Renewal; Consultant
 Pharmacist License Renewal;
 Nuclear Pharmacist License
 Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for continuing education credits and license renewal.

SUMMARY: Requirements for continuing education credits and license will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), (9), 456.033, 465.009 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: 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:

64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

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

(c) Prior to renewal, a licensee must complete, within the 24 month period prior to the expiration date of the license, a two-hour continuing education course approved in advance by an Accreditation Council for Pharmacy Education (ACPE) provider ~~the Board or the Accreditation Council for Pharmacy Education (ACPE)~~ on medication errors that covers the topics set forth in subsection Rule 64B16-26.6011(2), F.A.C. Hours obtained pursuant to this section may be applied by the licensee to the requirements of subsection (1).

(d) through (j) No change.

(k) All programs accredited ~~approved by an~~ the ACPE provider for continuing education for pharmacists are deemed approved by the Board for general continuing education hours for pharmacists. ~~Any course necessary to meet the continuing education requirement for HIV/AIDS, consultant pharmacist license renewal or nuclear pharmacist license renewal shall be Board approved.~~

(l) No change.

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

(3)(a) Prior to renewal a nuclear pharmacist shall complete no less than 24 hours of Board approved continuing education in the course work specified in Rule 64B16-26.304, ~~64B16-26.303~~, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. A nuclear program or course accredited by an ACPE provider shall be deemed approved by the Board for nuclear pharmacist continuing education hours. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(b) through (c) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7), (9), 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, 4-12-05, _____.

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, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.141
 RULE TITLE: Automated Pharmacy System in a Community Pharmacy

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide additional updated requirements for an automated pharmacy system in a community pharmacy.

SUMMARY: Requirements for an automated pharmacy system in a community pharmacy will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 465.018, 465.022 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:

64B16-28.141 Automated Pharmacy System in a Community Pharmacy.

(1) Definitions. “Automated pharmacy system” means a mechanical system, located within or adjacent to ~~the confines~~ the prescription department, that performs operations or activities, other than compounding or administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

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

(3) Additional Requirements for Patient Accessed Automated Pharmacy Systems. A pharmacy may use a patient accessed automated pharmacy system, provided that:

(a) Meets the requirements in subsection (2) above.

(b) The stocking or restocking of a medicinal drug shall only be completed by a Florida licensed pharmacist, except as provided in paragraph (c) below.

(c) If the automated pharmacy system uses removable cartridges or container to store the drug, the stocking or restocking of the cartridges or containers may occur at a licensed repackaging facility and be sent to the provider pharmacy to be loaded by personnel designated by the pharmacist if:

1. A Florida licensed pharmacist verifies the cartridge or container has been properly filled and labeled.

2. The individual cartridge or container is transported to the provider pharmacy in a secure, tamper-evident container.

3. The automated pharmacy system uses a bar code verification, electronic verification, weight verification, radio frequency identification (RFID) or similar process to ensure that the cartridge or container is accurately loaded into the automated pharmacy system.

4. The Florida licensed pharmacist verifying the filling and labeling is responsible if the cartridge or container is stocked or restocked incorrectly by the personnel designated to load the cartridges or containers.

(d) The automated pharmacy system must use at least two separate verifications, such as bar code verification, electronic verification, weight verification, radio frequency identification (RFID) or similar process to ensure that the proper medication is being dispensed from the automated system.

(e) The medication shall bear a patient specific label that complies with Rule 64B16-28.108, F.A.C.

(f) The record of transactions with the patient accessed automated pharmacy system shall be available to authorized agents of the Department of Health. The record of transactions shall include:

1. Name of the patient.

2. Name, strength, and dosage form of the drug product dispensed.

3. Quantity of drug dispensed.

4. Date and time of dispensing.

5. Name of provider pharmacy.

6. Prescription number.

7. Name of prescribing practitioner.

8. Identity of the pharmacist who approved the prescription or order.

9. Identity of the person to whom the drug was released.

(4) The Florida licensed pharmacist responsible for filling, verifying, or loading the automated pharmacy system shall be responsible for her or his individual action.

(5) A prescription dispensed pursuant to the requirements of this rule shall be deemed to have been certified by the pharmacist.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.018, 465.022 FS. History—New 11-29-04, 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: August 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:
64B16-28.501

RULE TITLE:
Institutional Permit – Consultant Pharmacist of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for an institutional permit and for the consultant pharmacist of record.

SUMMARY: The requirements for an institutional permit and for the consultant pharmacist of record will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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, 465.0125, 465.022 FS.

LAW IMPLEMENTED: 465.0125, 465.019, 465.022 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:

64B16-28.501 Institutional Permit – Consultant Pharmacist of Record.

Each facility holding a Class I, a Class II, or a Modified Class II Institutional permit shall designate a consultant pharmacist of record to ensure compliance with the laws and rules governing the permit. The Board office shall be notified in writing within 10 days of any change in the consultant pharmacist of record. The consultant pharmacist of record for a Class I ~~or a~~ Modified Class II, or a Special ALF permit shall conduct Drug Regimen Reviews as required by Federal or State law, inspect the facility and prepare a written report to be filed at the permitted facility at least monthly. In addition, the consultant pharmacist of record must monitor monthly the facility system for providing medication administration records and physician order sheets to ensure that the most current

record of medications is available for the monthly drug regimen review. The consultant pharmacist of record may utilize additional consultant pharmacists to assist in this review and or in the monthly facility inspection.

Specific Authority 465.005, 465.0125, 465.022 FS. Law Implemented 465.0125, 465.019, 465.022 FS. History—New 7-18-94, Formerly 61F10-28.501, 59X-28.501, Amended 1-2-02_____.

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, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-5.001
RULE TITLE: Requirements for Reactivation of an Inactive or Retired License

PURPOSE AND EFFECT: The purpose and effect is to delete the requirement of a documented completion of the required HIV/AIDS course for each biennium the license was inactive.

SUMMARY: The requirement of a documented completion of the required HIV/AIDS course for each biennium the license was inactive is deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 486.025, 486.085(2), (4)(a), 486.108(2), 456.036 FS.

LAW IMPLEMENTED: 486.085, 486.108, 456.036 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 Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-5.001 Requirements for Reactivation of an Inactive or Retired License.

Depending upon the time of reactivation, an inactive or retired license shall be reactivated upon demonstration that the licensee has paid the reactivation fee, the biennial renewal fee

for an active license or the difference between the inactive or retired status renewal fee and the active status renewal fee, and if applicable, a change of status and/or delinquency fee, provided that the licensee has:

(1) No change.

~~(2) Documented completion of the required HIV/AIDS course as prescribed in Rule 64B17-8.001, F.A.C., for each biennium the license was inactive.~~

~~(2)(3)~~ Documented completion of the required medical errors prevention courses as prescribed in Rule 64B17-8.002, F.A.C., for each biennium after the effective date of the statutory requirement while the license was inactive.

~~(3)(4)~~ Documented proof of completion of 24 hours of approved continuing education as provided in Rule 64B17-9.001, F.A.C., including ~~HIV/AIDS~~ and medical errors prevention for the preceding biennium during which the licensee held an active license.

~~(4)(5)~~ Documented successful passage of the Laws & Rules examination.

Specific Authority 486.025, 486.085(2), (4)(a), 486.108(2), 456.036 FS. Law Implemented 486.085, 486.108, 456.036 FS. History—New 8-6-84, Formerly 21M-8.11, Amended 9-22-87, 12-30-87, 6-20-89, Formerly 21M-8.011, Amended 3-24-93, Formerly 21MM-5.001, 61F11-5.001, Amended 12-22-94, 4-4-95, 8-16-95, 7-1-97, Formerly 59Y-5.001, Amended 8-9-04, 7-19-06_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-8.001
RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome

PURPOSE AND EFFECT: The purpose and effect is to clarify the time of completion required for coursework accepted from schools of physical therapy.

SUMMARY: The time of completion required for coursework accepted from schools of physical therapy is clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.033, 486.025 FS.

LAW IMPLEMENTED: 456.033 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 Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-8.001 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

(1) No change.

(2) Each licensee must complete at least one clock hour on HIV/AIDS education no later than upon the licensee's first renewal of licensure. The Board shall accept coursework from schools of physical therapy, provided such coursework was completed no more than five (5) years preceding initial licensure date after July 1, 1991.

(3) No change.

Specific Authority 456.033, 486.025 FS. Law Implemented 456.033 FS. History--New 6-3-90, Amended 9-30-91, 6-3-92, Formerly 21MM-8.001, 61F11-8.001, Amended 4-20-97, Formerly 59Y-8.001, Amended 4-5-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-9.001 Continuing Education

PURPOSE AND EFFECT: The purpose and effect is to clarify the language regarding courses that are sponsored or approved.

SUMMARY: The language regarding courses that are sponsored or approved is clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) 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 Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (5) No change.

(6) The Board approves for continuing education credit:

(a) No change.

(b) Courses sponsored or approved by the American Physical Therapy Association or any of its components; or

(c) Courses sponsored or approved by the Florida Physical Therapy Association, so long as they meet the criteria set forth in subsection 64B17-9.001(3), F.A.C.; or

(d) Courses sponsored or approved by the Federation of State Boards of Physical Therapy.

(d) through (f) relettered (e) through (g) No change.

(7) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History--New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04, 4-9-06, 5-28-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: RULE TITLES:

67-32.002 Definitions

67-32.0035 Applicant Administrative Appeal Procedures.

67-32.005 Application Procedures

67-32.006 Terms and Conditions of Loan

67-32.007 Scoring, Ranking, and Funding Guidelines

PURPOSE AND EFFECT: Pursuant to Florida Statutes Section 420.5087(3)(d), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program.

SUMMARY: The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

DATE AND TIME: December 3, 2007, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

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: Derek Helms (850)488-4197. 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: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-32.002 Definitions.

For the purposes of this rule the following definitions shall apply:

(1) No change.

(2) "Affordability Period" means compliance with the provisions of Rule Chapter 67-32, F.A.C., and the EHCL Application instructions for the term of the loan or 15 years, whichever is longer.

(3)(2) "Applicant" means any person or legally formed entity, ~~public or private, for profit or not for profit~~ that provides Housing for the Elderly who is requesting funding from the Elderly Housing Community Loan Program (EHCL).

(3) through (8) renumbered (4) through (9) No change.

(10) "ELI Persons" or "Extremely Low Income Persons" means Extremely low income persons as defined in Section 420.0004(8), F.S., as outlined in the ELI County Chart included in the Application instructions.

(11) "ELI Set-Aside" or "Extremely Low Income Set-Aside" means the number of units designated to serve ELI Households.

(9) through (11) renumbered (12) through (14) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 2-25-96, Formerly 91-32.002, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, 5-5-03, 2-16-05, 2-20-07, _____.

67-32.0035 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by this rule chapter, each Applicant will be provided with the final ranking scores and a notice of rights, which shall constitute the point of entry to contest any issue related to Applications for the EHCL Program.

(2) Each Applicant that wishes to contest the final scores must file a petition with the Corporation within 21 Calendar Days after the date the Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer or administrative law judge which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding in which it is a party shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, not including caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North

Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will be permitted to make oral presentations to the Board regarding recommended orders only in response to questions from the Board.

(4) If any Petitioner ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, the Corporation shall provide the requested funding from the next available funding, whether in the current year or a subsequent year.

Specific Authority 420.5095 FS. Law Implemented 420.5095 FS. History--New_____.

67-32.005 Application Procedures.

(1) The Corporation hereby adopts and incorporates by reference the EHCL Program Application Package EA0703 (01/08) (12/06).

(2) through (5) No change.

(6) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until the issuance of the final scores as set forth in subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History--New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.005, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended 2-16-05, 1-26-06, 2-20-07,_____.

67-32.006 Terms and Conditions of Loan.

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

(c) The loan term shall not exceed fifteen years but may be for a shorter period of time as requested by Applicant or recommended by the credit underwriter. However, if the lien of the Corporation's encumbrance is subordinate to the lien of another mortgage, then the term may be made co-terminus with the longest term of the superior lien if requested by the Borrower and approved by the credit underwriter based on debt service coverage ratio, loan to value ratio, and other factors pertaining to the loan.

(d) through (2) No change.

(3) The Corporation shall forgive the portion of loan attributable to the units in a project reserved for Extremely Low Income (ELI) Persons for non-profit organizations, where the project will provide affordable housing to the Elderly for 15 years or more. The portion of the loan that may be forgiven shall not exceed 25 percent.

(3) through (7) renumbered (4) through (8) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History--New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.006, Amended 11-9-98, Repromulgated 1-2-00, Amended 12-31-00, 3-17-02, 5-5-03, 2-16-05, 1-26-06, 2-20-07,_____.

67-32.007 Scoring, Ranking, and Funding Guidelines.

(1) through (2) No change.

(3) With the exception of those items specified in the Application as mandatory elements which cannot be changed once the Application deadline has passed, Applicants will have 15 days from the date the Corporation sends the preliminary scores to the Applicant to submit additional documentation, revised pages, and any such information the Applicant deems appropriate to address issues raised during scoring that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised or additional information is provided, each new page must be marked "revised" and an original and two copies of this additional documentation must be submitted by the deadline for the Corporation to consider it in determining final scores. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except those documents signed by third parties shall be submitted in their entirety.

(4) through (6) No change.

(7) Following the Board's action on recommended orders received for all appeals resolved pursuant to Section 120.57, F.S., The Corporation staff shall implement the Board's action by adjusting the scoring and ranking to reflect the outcome of the final orders.

(7)(8) Eligible Applications shall be funded in the order of their scoring and ranking until all allocated funding has been awarded. However, an Application shall not be considered for funding if it does not meet threshold requirements as provided in the Application Package.

(8)(7) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History--New 10-2-89, Formerly 91-32.007, Amended 11-9-98, 1-2-00, Repromulgated 12-31-00, Amended 3-17-02, 5-5-03, 2-16-05, 1-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jody Bedgood, Program Manager, Elderly Housing
 Community Loan (EHCL) Program, Florida Housing Finance
 Corporation, 227 North Bronough Street, Suite 5000,
 Tallahassee, Florida 32301-1329, (850)488-4197, extension
 1112
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Derek Helms, Program
 Administrator
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 21, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 5, 2007

Management, AHCA-Med Serv Form 025, July 2006, in
 Appendix E, one page; Case Management Supervisor
 Certification, Adult Mental Health Targeted Case
 Management, AHCA-Med Serv Form 026, July 2006, in
 Appendix F, one page; Case Manager Certification, Children’s
 Mental Health Targeted Case Management, AHCA-Med Serv
 Form 027, July 2006, in Appendix G, one page; Case Manager
 Certification, Adult Mental Health Targeted Case
 Management, AHCA-Med Serv Form 028, July 2006, in
 Appendix H, one page; Children’s Certification, Children’s
 Mental Health Targeted Case Management, AHCA-Med Serv
 Form 029, July 2006, in Appendix I, one page; Adult
 Certification, Adult Mental Health Targeted Case
 Management, AHCA-Med Serv Form 030, July 2006, in
 Appendix J, one page; Adult Certification, Intensive Case
 Management Team Services, Adult Mental Health Targeted
 Case Management, AHCA-Med Serv Form 031, July 2006, in
 Appendix K, two pages; Medicaid 30-Day Certification for
 Children’s or Adult Mental Health Targeted Case
 Management, AHCA-Med Serv Form 032, ~~June 2007~~ July
 2006, in Appendix L, one page.”

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.”

We added the following sentence at the end of subsection
 59G-4.199(3), F.A.C., to explain how the forms are obtained,
 “The forms are available by photocopying them from the
 Florida Medicaid Mental Health Targeted Case Management
 Coverage and Limitations Handbook.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.199	Mental Health Targeted Case Management

NOTICE OF CHANGE

Notice is hereby given that the following changes have been
 made to the proposed rule in accordance with subparagraph
 120.54(3)(d)1., F.S., published in Vol. 33, No. 36, September 7,
 2007 issue of the Florida Administrative Weekly.

The rule incorporates by reference update June 2007 to the
 Florida Medicaid Mental Health Targeted Case Management
 Coverage and Limitations Handbook. On Page 1-4,
 Department of Children and Families Mental Health Program
 Office Responsibilities, we added “targeted” to the sentence so
 that it reads, “The Department of the Children and Families
 (DCF), Mental Health Program Office is responsible for
 approving policy for the mental health targeted case
 management program in conjunction with Medicaid.”

These changes are in response to comments received from the
 Joint Administrative Procedures Committee.

59G-4.199(3) We added form numbers to the forms that are
 incorporated by reference. The rule text now reads as follows:
 “The following forms that are included in the Florida Medicaid
 Mental Health Targeted Case Management Coverage and
 Limitations Handbook are incorporated by reference: Agency
 Certification, Children’s Mental Health Targeted Case
 Management, AHCA-Med Serv Form 022, ~~June 2007~~ July
 2006, in Appendix B, one page; Agency Certification, Adult
 Mental Health Targeted Case Management, AHCA-Med Serv
 Form 023, ~~June 2007~~ July 2006, in Appendix C, one page;
 Agency Certification, Intensive Case Management Team
 Services, Adult Mental Health Targeted Case Management,
AHCA-Med Serv Form 024, ~~June 2007~~ July 2006, in
 Appendix D, one page; Case Management Supervisor
 Certification, Children’s Mental Health Targeted Case

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 JUVENILE JUSTICE

Residential Services

RULE NOS:	RULE TITLES:
63E-3.002	Definitions
63E-3.003	Administration of the Serious or Habitual Juvenile Offender (SHO) Program
63E-3.004	Sanitation
63E-3.005	Safety and Security
63E-3.006	Continuity of Operations Planning
63E-3.007	Youth Admission