

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: 2-37.030
 RULE TITLE: Standard Fee Schedule
 PURPOSE AND EFFECT: The agency proposes the development of rule amendments to address an increase in the standard fee schedule with regard to attorney services.
 SUBJECT AREA TO BE ADDRESSED: An increase in the fee schedule for private attorney services.
 SPECIFIC AUTHORITY: 287.059(6) FS.
 LAW IMPLEMENTED: 287.059(6) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Douglas MacInnes, Assistant Deputy Attorney General for Civil Litigation, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2-37.030 Standard Fee Schedule.

- The standard fee schedule is adopted as follows:
- (1) Specialized attorney services are limited to admiralty, copyright, patent, trademark, international communications, media, bond and securities law, (including litigation and other services normally performed by such counsel) and may be billed up to ~~\$250.00~~ ~~\$175.00~~ per billable hour.
 - (2) All other attorney services may be billed up to ~~\$125.00~~ \$200.00 per billable hour.
 - (3) through (6) No change.

Specific Authority 287.059(6) FS. Law Implemented 287.059(6) FS. History—New 6-25-91, Formerly 2-1.0141, Amended 7-12-93, 9-10-95, 10-29-97, _____.

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.”

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.101
 RULE TITLE: Care of Inmates
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-602.101, F.A.C., to identify what constitutes class A, B, and C uniforms for inmates; when inmates shall wear class A uniforms; when inmates are permitted to wear class B and C uniforms; which items may be worn when weather dictates. The proposed amendment will allow for the transfer of jackets with an inmate when weather dictates and requires that all inmates, male and female, maintain a clean shaven appearance. The rule is also amended for clarity.
 SUBJECT AREA TO BE ADDRESSED: Inmate uniforms and grooming.
 SPECIFIC AUTHORITY: 944.09, 945.215 FS.
 LAW IMPLEMENTED: 944.09, 945.215 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

- (1) No change.
- (2) Inmates shall at all times wear the regulation clothing and identification card in accordance with Department rules, procedures, and institution policy.
 - (a) Class Uniforms will be as follows:
 - 1. The male Class “A” uniform shall require the following:
 - a. The ID card shall be worn as required in paragraph (2)(j).
 - b. State issued outer shirt.
 - c. State issued pants.
 - d. T-shirt under outer shirt (permissible but not required to be worn underneath buttoned state issued outer shirt).
 - e. Under shorts.
 - f. State issued web belt (except for state issued pants with elastic waistband not requiring a belt).
 - g. Socks, and
 - h. Footwear (including state issued canvas shoes, work boots, or approved medically necessary footwear).
 - 2. The female Class “A” uniform shall require the following:
 - a. Either,

i. State issued outer shirt, T-shirt under outer shirt (permissible but not required to be worn underneath buttoned state issued outer shirt), state issued pants, and state issued web belt (except for state issued pants with elastic waistband not requiring a belt);

ii. State issued dress, fully buttoned, with slip (dress shall not be worn in visitation or for work squad assignments including food service), T-shirt under dress (permissible but not required to be worn underneath buttoned state issued dress); or

iii. Pregnant inmates may wear maternity dresses.

b. Bra or athletic bra.

c. Panties.

d. Socks.

e. Footwear (including state issued canvas shoes, work boots, or approved medically necessary footwear).

3. The Class "B" uniform shall be the same as the Class "A" uniform with the following modifications:

a. State issued outer shirt is not required.

b. Footwear (includes authorized athletic shoes, state issued canvas shoes, work boots, or approved medically necessary footwear).

4. The Class "C" uniform shall require the following:

a. T-shirt.

b. Pants or authorized athletic shorts.

c. Under shorts (for male inmates) or panties and bra or athletic bra (for female inmates).

d. Socks.

e. Foot wear (including authorized athletic shoes, state issued canvas shoes, work boots, or approved medically necessary footwear).

5. The following items are authorized to be worn with the Class "A," "B," or "C" uniforms when weather conditions dictate:

a. Sweatshirt under the state issued outer shirt.

b. Jacket, raincoat, or poncho.

c. Thermal underwear (except under authorized athletic shorts), or

d. Either a state issued hat or hat available from the canteen may be worn when outdoors.

(b) General Clothing Regulations: The following general clothing regulations will not supersede the clothing or uniform requirements or allowances for inmates in Close Management, Disciplinary Confinement, Administrative Confinement, Work Release or Community Release inmates contained in other rules. Work release inmates shall wear civilian clothing as required by Rule 33-601.602, F.A.C.

1. The Class A uniform for males and females shall be worn as follows:

a. Monday through Friday during the hours of 8:00 A.M. and 5:00 P.M. while the inmate is on duty.

b. While on work detail, except as work supervisors authorize as needed for a particular work detail in subparagraph (2)(b)10.

c. When at the library.

d. When at medical.

e. When at food service.

f. All call-outs.

g. For special programs.

h. For visitation, and

i. At any other time when a class B or C uniform or other clothing is not specifically allowed by this or other rule.

2. The class B uniform for males and females may be worn as follows:

a. Off-duty hours.

b. While in the dormitory off-duty.

c. While participating in authorized recreational activities.

d. While on the recreational field.

e. To and from the recreational field.

3. The class C uniform for males and females may be worn as follows:

a. While in the dormitory off-duty.

b. While participating in authorized recreational activities.

c. While on the recreation yard and movement to and from the recreation yard, and

d. Inmates shall be allowed to wear athletic shorts to the inmate canteen only in those cases where inmates are allowed to go to the inmate canteen directly from the recreation yard.

4. All items of clothing shall be worn as issued and designed to be worn and shall not be altered or defaced in any manner, except for a small (less than 1/2") DC number patch for identification.

5. Shirts shall be buttoned at all times, except for the collar, which is optional. Shirts shall be tucked into the inmate's pants at all times. Pregnant inmates are not required to tuck in their shirts where doing so would be impracticable or impossible. Dresses must be fully buttoned.

6. Inmates shall wear either shorts, pants, (or females may wear a dress or pajamas with a robe fully buttoned) any time inmates are not in their beds. Pants shall be completely buttoned before exiting the dormitory. The waist of pants and shorts shall be worn above the buttocks, around the natural waist.

7. Male inmates shall wear, at minimum, underwear while sleeping. Female inmates shall wear, at minimum, either pajamas or shorts and a t-shirt while sleeping.

8. Inmates shall wear shoes when they are outside their cells unless they are going to or from the showers. Shower slides shall not be worn outside an inmate's dormitory except as medically approved.

9. No hats shall be worn inside, except as stated for religious reasons and shall be removed from the head when passing through any gate area. Skull caps of any kind are prohibited.

10. The departmental supervisor is authorized to specify that certain type clothing be issued as conditions dictate. For safety purposes, work supervisors are authorized to allow modifications to the inmate Class A uniform to perform a specific task; when the task is completed, inmates must return to proper Class A uniforms.

(a) through (b) renumbered (c) through (d) No change.

~~(e)~~ (e) A transferring inmate may, when transferred, take one issue of state clothing, to include a jacket when weather conditions indicate the need, and all personal clothing. Transfers to contract work release facilities, contract drug facilities, and female community correctional centers via public transportation shall be made with personal clothing. An inmate's personal clothing, for purposes of transfer or upon release, may be supplied by the inmate, the inmate's family, or from available surplus clothing.

~~(f)~~ (d) No change.

~~(g)~~ (e) Civilian clothing, when available from family members or from surplus clothes closets, may be used by the inmate for court appearances, furloughs, funerals, and other circumstances, including release, as authorized by the warden. Civilian clothing is required for inmates at work release centers and shall be worn as designated by Rule 33-601.602, F.A.C.

(f) though (g) renumbered to (h) through (i) No change.

~~(j)~~ (h) The ID card shall be displayed on the tab designed for identification card display located on the right side of the shirt (male) or on the collar of the blouse (female). In those circumstances in which an inmate is not wearing an upper garment, the inmate is responsible for securing the ID card on his or her person. Once the special circumstance is over, the ID card shall again be displayed on his or her ~~the shirt or blouse.~~

~~(k)~~ (i) Once an ID card has been issued to an inmate, the inmate shall be held responsible for the proper handling of the ID card.

~~(j) Inmates shall not wear athletic shorts authorized for possession and purchase through the institutional canteen outside their assigned housing units except as authorized below:~~

~~1. Inmates shall be allowed to wear athletic shorts on the recreation yard and for movement to and from the recreation yard;~~

~~2. Inmates shall be allowed to wear athletic shorts to the inmate canteen only in those cases where inmates are allowed to go to the inmate canteen directly from the recreation yard.~~

(3) No change.

(4) For security and identification purposes, no inmate shall be permitted to have his or her hair, to include eyebrows and facial hair, dyed, cut, shaved or styled according to fads or extremes that would call attention to the inmate or separate

inmates into groups based upon style. This would include, for example, tails, woven braids, cutting, sculpting, clipping or etching numbers, letters, words, symbols or other designs into the hair. Male inmates shall have their hair cut short to medium uniform length at all times with no part of the ear or collar covered. Male inmates shall be permitted to shave their entire heads in a uniform manner unless the inmate is using his hairstyle or lack thereof to demonstrate gang affiliation or otherwise pose a threat to institutional security. Partial shaving of the head in a Mohawk or other distinctive style shall not be permitted. Sideburns shall not extend beyond the bottom of the earlobes and will have straight lines with no flare at the base. All ~~male~~ inmates shall be clean shaven, provided, however, that an exemption from this requirement shall be granted on the basis of a medical diagnosis when it is determined by the staff physician that shaving would be detrimental to the inmate's health. Inmates granted a medical exemption from the shaving requirement may be required to keep their facial hair closely trimmed with scissors or clippers. For the purposes of this rule, "closely trimmed" means trimmed so that no part of the facial hair exceeds the length prescribed by the physician as necessary to prevent the appearance or reappearance of skin disorders. If no specific length is prescribed, then facial hair shall be kept trimmed to within one-quarter inch. An inmate who has been granted a shaving exemption shall maintain the written exemption on his person at all times when outside the assigned housing unit.

(5) No change.

(6) through (11) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History—New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06, 1-18-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.041	Permits Required
40D-4.051	Exemptions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to clarify when an Environmental Resource Permit is required by removing the distinction between a "surface water management system" and a "new surface water management system". The rulemaking will further clarify when an Environmental Resource Permit is required by simplifying the definition of "alteration" and by creating exemptions for the operation of systems constructed under an earlier exemption.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting exemptions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.403, 373.406, 373.413, 373.414(9), 373.416, 373.426, 373.427 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carrie N. Felice, Staff Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.021 Definitions.

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

(1) "Alteration" means any activity resulting in substantial expansion or change of a surface water management system that will increase or decrease the ~~design~~ discharge of the system, increase pollutant loading, change the point or points of discharge, or intrude into or otherwise adversely impact wetlands by rim ditching, draining, filling or excavation. Routine custodial maintenance and repairs shall not constitute alterations.

(2) through (3) No change.

(4) "Construction" means any on-site activity which will result in the creation of a ~~new~~ surface water management system, or the abandonment or alteration of an existing surface water management system, including the building, assembling, expansion or recontouring of the property; the erection of buildings or other structures, or any part thereof; or land clearing.

(5) through (10) No change.

~~(11) "New surface water management system" means any surface water management system which is not in existence on October 1, 1984, or not authorized to be constructed on October 1, 1984.~~

(12) through (22) renumbered (11) through (21) 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, 1-8-08, _____.

40D-4.041 Permits Required.

(1) Unless expressly exempt by law or District rule an Environmental Resource Permit shall be obtained from the District prior to:

~~(a) The construction and operation of any new surface water management system, or~~

~~(a)(b)~~ The construction, operation, alteration, abandonment, or removal of any surface water management system.

~~(b)(e)~~ The establishment of a mitigation bank.

(2) 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, 1-8-08, _____.

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) The activities specified in Section 373.406, F.S.

(2) The operation and maintenance of a surface water management system which:

(a) Was constructed before October 1, 1984; or

(b) Was constructed or was being constructed on or before December 9, 1999 and was not required to obtain a District permit under exemptions existing at that time.

(2) through (14) renumbered (3) through (15) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History-Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01, 4-9-02, 2-19-04, 6-30-05, 11-26-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.624
 RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to establish minimum levels for the next set of priority lakes pursuant to Section 373.042, Florida Statutes, and to establish guidance levels for those lakes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Dinner Lake, Lake Mabel and Lake Starr in Polk County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.003
 RULE TITLE: Registration of Course Providers
 PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify disciplinary actions to be taken for failure to attend a continuing education seminar and to provide verification of attendance.
 SUBJECT AREA TO BE ADDRESSED: Registration of course providers.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.213, 455.213(6), 455.2177, 455.2178, 455.2179, 489.115 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1490 North Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NOS.: 61J2-24.001, 61J2-24.002, 61J2-24.003
 RULE TITLES: Disciplinary Guidelines, Citation Authority, Notice of Noncompliance

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to notices of noncompliance, disciplinary guidelines and issuance of citations.

SPECIFIC AUTHORITY: 455.2273, 475.05 FS.
 LAW IMPLEMENTED: 120.695, 455.224, 455.227, 455.2273, 475.01, 475.24, 475.25, 475.42, 475.422, 475.453, 475.455, 475.482 FS.

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

DATE AND TIME: Tuesday, February 19, 2008, 8:30 a.m. or as soonest thereafter

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact: Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

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

Staff Training

RULE NOS.:	RULE TITLES:
63H-2.003	Contracted Residential Staff
63H-2.004	Contracted Non-Residential Staff
63H-2.005	State Residential Staff
63H-2.006	State Non-Residential Staff
63H-2.007	Detention Staff

PURPOSE AND EFFECT: The rule amendments expand and specify pre-service and in-service training requirements, and provide more uniform descriptions of training topics.

SUBJECT AREA TO BE ADDRESSED: The amended rule specifies the required elements for pre-service and in-service training for direct-care staff.

SPECIFIC AUTHORITY: 20.316(1), 985.601(8) FS.

LAW IMPLEMENTED: 985.02(3)(c), 985.601(8) FS.

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

DATE AND TIME: Friday, February 15, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-10.001	Applicant or Recipient Fair Hearings
65G-10.002	Notification of Right to Hearing
65G-10.003	Hearing Requests
65G-10.004	Continuance of Services
65G-10.005	Area Office Procedures
65G-10.006	Scope of Hearings
65G-10.007	Conduct of Hearing
65G-10.008	Appearances and Qualified Representatives
65G-10.009	Evidence
65G-10.010	Final Orders
65G-10.011	Corrective Action
65G-10.012	Forms

PURPOSE AND EFFECT: These procedural rules comply with 42 CFR Chapter IV, Subpart E, which requires that Medicaid agencies be responsible for maintaining a hearing system that meets the federal requirements of that section.

SUBJECT AREA TO BE ADDRESSED: These rules provide fair hearing procedures for Medicaid Waiver services in accordance with the federal regulations.

SPECIFIC AUTHORITY: 393.501 FS.

LAW IMPLEMENTED: 393.125 FS.; 42 CFR, Ch. IV, Subpart E.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ron Drake at (850)414-8096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gail Scott Hill

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-157.004	Out-of-State Group Long-Term Care Insurance
69O-157.104	Policy Practices and Provisions
69O-157.114	Filing Requirement – Out of State Groups
69O-157.117	Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates

PURPOSE AND EFFECT: To remove the 24-month nursing home coverage requirement for long term care insurance policies sold after July 1, 2006, and to state that a long term care insurance policy shall be incontestable after two years.

SUBJECT AREA TO BE ADDRESSED: Incontestability provisions of long term care insurance policies and nursing home coverage in long term care insurance policies.

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.9407(1), (6), 627.9408 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a), (g), 627.410, 627.603, 627.646, 627.9402, 627.9403, 627.9405(2), 627.9406, 627.9407, 627.94076, 627.9408 FS.

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

DATE AND TIME: February 19, 2008, 9:30 a.m.

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

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

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

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.0475
 RULE TITLE: Mitigation Retrofits Required

PURPOSE AND EFFECT: Modify, enhance and clarify cost effective means to incorporate mitigation related elements in existing buildings that are subject to permitted work.

SUMMARY: The rule modifies the methods for incorporating gable end bracing, enhanced roof to wall connections and secondary water barriers in existing buildings. The rule also clarifies those provisions of the manual that specify the circumstances in which shutters, enhanced roof to wall connections, and secondary water barriers are required as an element of permitted work as directed by the Legislature. The Florida Building Commission has determined that this rule is to be adopted without a Rule Development Workshop based on the immediate public need for the relief afforded by the clarifications and modifications, the nature of the action as being one primarily clarifying the Commission's intent with regard to the initial adoption of the rule, and the fact that the action has been discussed at two noticed public meetings, The Commission's telephonic meeting of January 8, 2008, and the meeting of the Hurricane Mitigation Work Group on December 12, 2007.

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: 553.844(3) FS.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.844(3) FS.

IF REQUESTED WITHIN 21 DAYS, A TELEPHONIC HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 26, 2008, 10:00 a.m.

PLACE: Call in number will be published by meeting notification, public point of access shall be provided at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.0475 Mitigation Retrofits Required.

The 2007 Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures, Version 2, as approved by the Commission on January 8, 2008, is hereby adopted by reference. The manual provides requirements for construction in addition to those contained in the Florida Building Code as adopted by Rule 9B-3.047, F.A.C., that shall be enforced as provided in the manual and as required by Section 553.844, Florida Statutes. A copy of the manual may be obtained from the Florida Building Commission's website, www.floridabuilding.org. If any person encounters any difficulty utilizing the website, assistance is available by calling the Codes and Standards Unit at (850)487-1824.

Specific Authority 553.844(3) FS. Law Implemented 553.72 FS. 553.73(2), (3), (7), (9), 553.844(3) FS. History—New 11-14-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

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."