

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B24-3.018 One Time Fee Assessment.

(1) Each person with a license to practice midwifery under Chapter 467, F.S., issued on or before December 15, 2008, shall pay a one-time fee of \$250.00 to the Council of Licensed Midwifery to be received by the department no later than midnight on December 31, 2008. The fee must be paid by licensees, including those with licenses on inactive or delinquent status, regardless of discipline imposed including suspension, but does not apply to those with a temporary certificate or retired status.

(2) Failure to timely pay the one-time assessment is a violation of Section 467.203(1)(j), F.S., and this rule. After December 31, 2008, no delinquent or inactive status license shall be reinstated or reactivated until the fee is paid.

(3) The department shall notify licensees of the assessment by postcard at their address of record no later than August 1, 2008, but not receiving notice does not excuse a failure to comply. The licensure application package shall include notice or a copy of this rule for those who are licensed between August 1 and December 15, 2008.

Specific Authority 456.025(5), 467.005, 467.0135 FS. Law Implemented 456.025(5) FS. History—New \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE NOS.:	RULE TITLES:
1B-31.001	General
1B-31.002	Florida Real Property Electronic Recording Standards

PURPOSE AND EFFECT: The purpose of this rule is to establish standards to implement the Uniform Real Property Electronic Recording Act (URPERA), Section 695.27, F.S. These standards were recommended by the Florida Electronic Recording Advisory Committee in their Final Report dated November 30, 2007 (available on the Florida Association of Court Clerks and Comptrollers Web site at <http://www.flclerks.com/eRecording.html>), based on electronic recording standards issued by the Property Records Industry Association (PRIA).

SUMMARY: This rule establishes technical standards, implementation guidelines, and business rules for electronic recording of real property documents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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: 695.27(5)(a) FS.

LAW IMPLEMENTED: 695.27(5)(a) FS.

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

DATE AND TIME: Tuesday, April 22, 2008, 2:00 p.m.

PLACE: Conference Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 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 3 days before the workshop/meeting by contacting: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail [jberberich@dos.state.fl.us](mailto:jberberich@dos.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail [jberberich@dos.state.fl.us](mailto:jberberich@dos.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULES IS:

1B-31.001 General.

(1) This rule prescribes standards for electronic recording of real property documents in those Florida counties in which the county recorder elects to accept electronic real property documents for recordation.

(2) These standards are based on recommendations of the Florida Electronic Advisory Committee and promulgated by the Department of State pursuant to Section 695.27, F.S., Florida Uniform Real Property Electronic Recording Act.

(3) For the purpose of this chapter:

(a) "County Recorder" means the Clerk of the Circuit Court, County Comptroller, or other official county recording officer.

(b) “Electronic signature” means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(c) “eRecording” means electronic recording of real property documents.

(d) “Metadata” means data describing other data to facilitate the understanding, use, and management of that data.

(e) “Open architecture” means computer architecture or software architecture that employs specifications that are open to the public to allow for adding, upgrading and exchange of components produced by a broad range of manufacturers.

(f) “Permanent or long-term” means any public records as defined by Section 119.011(11), F.S. which have an established retention period of more than 10 years.

(g) “PDF” (Portable Document Format) means the file format originally created by Adobe Systems for document exchange allowing documents to be viewed as they were intended to appear. PDFs are a common format for image exchange or Web presentation.

(h) “TIFF” (Tagged Image File Format) means the variable-resolution bitmapped image format originally developed by the Aldus Corporation (now part of Adobe Systems) and published as ISO 12639:2004. Graphic technology-Prepress digital data exchange-Tag image file format for image technology (TIFF/IT). TIFF is a common format for high-quality black and white, gray-scaled, or color graphics of any resolution and is made up of individual dots or pixels.

(i) “URPERA” (Uniform Real Property Electronic Recording Act) means the body of recommended legislation released in 2004 by the National Conference of Commissioners on Uniform State Laws (NCCUSL) for adoption by state legislatures. URPERA authorizes County Recorders to accept electronic documents for recording in accordance with established standards. Florida adopted a modified version of URPERA in 2007 (see Section 695.27, F.S.).

(j) “Web portal” (gateway) means a site that functions as a point of access to information or services on the World Wide Web.

(k) “XML” (Extensible Markup Language) means an extensible document language for specifying document content. XML is not a predefined markup language but a metalanguage – a language for describing other languages – allowing the user to specify a document type definition (DTD) and design customized markup languages for different classes of documents.

Specific Authority 695.27(5)(a) FS. Law Implemented 695.27(5)(a) FS. History–New \_\_\_\_\_.

1B-31.002 Florida Real Property Electronic Recording Standards.

(1) TECHNICAL STANDARDS AND IMPLEMENTATION GUIDELINES.

(a) Electronic recording of real property documents shall meet technical standards for document formatting and document data fields and follow implementation guidelines as prescribed by the Property Records Industry Association (PRIA) which are hereby incorporated by reference, made a part of this rule, and listed below:

1. PRIA Request Version 2.4.2, August 2007.
2. PRIA Response Version 2.4.2, August 2007.
3. Document Version 2.4.1, October 2007.
4. Notary Version 2.4.1, October 2007.
5. eRecording XML Implementation Guide for Version 2.4.1, Revision 2, March 2007.

6. URPERA Enactment and eRecording Standards Implementation Guide, January 2006.

These standards are available from the Property Records Industry Association, 2501 Aerial Center Parkway, Ste. 103, Morrisville, NC 27560, and at the Internet Uniform Resource Locator: <http://www.pria.us/cart/publications.htm>.

(b) eRecording shall be offered and conducted in accordance with the models of submission described in the URPERA Enactment and eRecording Standards Implementation Guide, Section 2.3, eRecording Models.

(c) Each County Recorder who accepts documents for eRecording shall provide open architecture for reception of electronic documents. All reception software, including Web portals, must support PRIA standard Version 2.4.1.

(2) WEB PORTALS.

(a) If the World Wide Web is used as the medium for electronic document delivery, the County Recorder shall designate for use a Web portal that supports the three models of submission described in the URPERA Enactment and eRecording Standards Implementation Guide, section 2.3, eRecording Models, and complies with the security requirements specified in subsection 1B-31.002(4) of this Rule.

(b) A document delivered over the Web should provide a minimum amount of information in the delivery package sufficient to identify and authenticate the sender to the County Recorder, while also itemizing the contents of the package.

(c) Payment processing, if supplied at the portal, shall comply with the 2008 ACH Operating Rules & Guidelines, which is hereby incorporated by reference and made a part of this rule. This publication is available from NACHA – The Electronic Payments Association, 13450 Sunrise Valley Drive, Suite 100 Herndon, VA 20171, and at the Internet Uniform Resource Locator: <http://pubs.nacha.org/rules.html>. The County Recorder and portal provider shall determine the portal’s payment processing capabilities, and each County

Recorder shall designate approved methods of payment, which may include credit cards, ACH (automated clearing house), escrow accounts, electronic checks, or other methods.

(3) BUSINESS RULES.

(a) County Recorders shall establish and publish Business Rules that govern how eRecording will be conducted. A set of Model County Recorder Business Rules appears in Appendix H of the Florida Electronic Recording Advisory Committee Final Report (November 30, 2007), which is hereby incorporated by reference, and made a part of this rule. County Recorders may modify this model set of Business Rules to fit the needs of individual counties.

(b) The Business Rules may be in electronic or hard copy format and may appear on a portal or the County Recorder's website. The parties' electronic acknowledgement of acceptance of the terms of the Business Rules is acceptable.

(c) The Business Rules must cover the following items:

1. Defined technical specifications.
2. Document and indexing specifications.
3. Hours of operations and processing schedules.
4. Payment options.
5. Termination terms.
6. Document Rejection rights.
7. Statement that any amendments and/or alterations to the Business Rules will be published with adequate notice before taking effect.
8. Statement identifying the venue of any litigation arising between the parties.

(4) SECURITY.

(a) All electronic documents must be secured in such a way that both the transmitting and receiving parties are assured of each other's identity and that no unauthorized party can view or alter the electronic document during transmission, processing, and delivery. If followed through the entire electronic document process of execution through recording, the security measures identified in Chapter 6 of the eRecording XML Implementation Guide for Version 2.4.1, Revision 2, March 2007 satisfy this requirement.

(b) Each County Recorder who elects to accept electronic real property documents for recordation shall implement reasonable measures such that each electronic document accepted for recordation is protected from alteration and unauthorized access.

(5) ELECTRONIC SIGNATURES. County Recorders are only required to accept electronic signatures that they have the technology to support. County Recorders have no responsibility to authenticate electronic signatures embedded within the body of the document.

(6) County Recorders have no responsibility for verifying or authenticating notary signatures and acknowledgments. Transactions filed pursuant to Section 695.27, F.S. must comply with Section 117.021, F.S., Electronic notarization, in those instances when an electronic notarization is used.

(7) FILE FORMATS FOR eRECORDING.

(a) Electronically recorded documents shall be converted to (if necessary) and stored in accordance with the TIFF 6.0 specification published as ISO 12639:2004, Graphic technology – Prepress digital data exchange – Tag image file format for image technology (TIFF/IT), or the PDF Version 1.7 specification (November 2006), which specifications are hereby incorporated by reference and made a part of this rule. The PDF 1.7 specification is available from Adobe Systems Incorporated, 345 Park Avenue, San Jose, CA 95110-2704, and at the Internet Uniform Resource Locator: [http://www.adobe.com/devnet/pdf/pdf\\_reference.html](http://www.adobe.com/devnet/pdf/pdf_reference.html). The TIFF 6.0 specification published as ISO 12639:2004 is available from the American National Standards Institute, 25 West 43rd Street, Fourth Floor, New York, NY 10036-7417, and at the Internet Uniform Resource Locator: <http://webstore.ansi.org/RecordDetail.aspx?sku=ANSI+CGATS%2fISO+12639-2004>.

(8) PROCESSING. County Recorders will process each eRecording in accordance with Section 695.11, F.S., Instruments deemed to be recorded from time of filing, and Section 28.222, F.S., Clerk to be county recorder.

(9) RECORDS RETENTION AND PRESERVATION. County Recorders must retain all records in their custody in accordance with Florida law and the requirements detailed in records retention schedules published by the Department of State's Division of Library and Information Services applicable to County Recorders. Maintenance and preservation of permanent or long-term imaged documents shall be in accordance with Rule 1B-26.0021, F.A.C., Microfilm Standards, or Rule 1B-26.003, F.A.C., Electronic Recordkeeping.

(10) PAYMENT OF RECORDING FEES. County Recorders shall collect electronic recording fee payments, without incurring unreasonable electronic processing fees, as prescribed by Florida Statutes, Section 28.24, Service charges by clerk of the circuit court; Section 199.133 Levy of nonrecurring tax; Section 201.01, Documents taxable, generally; Section 201.02, Tax on deeds and other instruments relating to real property or interests in real property; and Section 201.08, Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception. Each County Recorder may collect eRecording fees in a manner compatible with its internal software and financial practices.

Specific Authority 695.27(5)(a) FS. Law Implemented 695.27(5)(a) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judith Ring  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF LEGAL AFFAIRS**

RULE NO.: 2-37.030                      RULE TITLE: Standard Fee Schedule  
 PURPOSE AND EFFECT: The proposed rule amendment is intended to address an increase in the cap of the standard fee schedule with regard to attorney services.  
 SUMMARY: The proposed rule amendment increases the cap of the standard fee schedule for specialized attorney services from \$175 to \$250 per billable hour and other attorney services from \$125 to \$200 per billable hour.  
 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: 287.059(6) FS.  
 LAW IMPLEMENTED: 287.059(6) 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: Douglas MacInnes, Assistant Deputy Attorney General for Civil Litigation, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE 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 \$200.00 ~~\$125.00~~ 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, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Douglas MacInnes, Assistant Deputy Attorney General for Civil Litigation  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bill McCollum, Attorney General  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2008

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE NO.: 5B-57.011                      RULE TITLE: Biomass Plantings  
 PURPOSE AND EFFECT: The purpose of this amendment is to require that a new application for a Biomass Permit be submitted if the original permitted acreage is increased by more than 5%. It also requires permission of the landowner for the life of the biomass planting and allows a fallow area of more than 25 feet to serve as a containment mechanism.  
 SUMMARY: To clarify some of the requirements for containment and to require an additional application and permit if the original planting size is to be significantly increased.  
 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: 570.07(13), (23) FS.  
 LAW IMPLEMENTED: 581.031(4), (5), (6), 581.083, 581.091 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: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-57.011 Biomass Plantings.

- (1) Biomass Permit Requirements. It shall be unlawful to establish a biomass planting greater in size than two contiguous acres except under a biomass permit (Biomass

Planting Permit, DACS-08382, revised 07/06) issued by the department for this purpose and is incorporated herein by reference. An application for new biomass permit will be required if the planting (contiguous or noncontiguous) will exceed five percent (5%) of the acreage of the original permit. No biomass permit shall be issued for any planting of plants on the state noxious weed list or the federal noxious weed list. No biomass permit shall be issued unless the applicant is the owner of the property or has written permission from the property owner to utilize the land for biomass plantings for the duration of the life of the permit. Applications for biomass permits shall be made on Biomass Planting Permit Application, DACS-08381, revised 08/06, and submitted to the Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100, for this purpose and is incorporated herein by reference. Separate applications for biomass permits shall be required for each noncontiguous growing location and must include a complete description of the nonnative plant to be grown and an estimated cost of removing and destroying the subject plant including the basis for calculating or determining that estimate. The applications must be submitted with the permit fee of \$50 and proof that a bond in the form approved by the department and issued by a surety company admitted to do business in Florida or a certificate of deposit has been obtained as described in Section 581.083(4), F.S. The application forms can be obtained from the same address or from the Division of Plant Industry website, <http://www.doacs.state.fl.us/~pi/>. In evaluating the permit application, the department shall visit the proposed growing location and determine if feasible measures can be taken to prevent the spread of the plant into neighboring ecosystems. The permit will include the following requirements as a minimum:

(a) A system of traps or filters shall be required to prevent plants or plant parts from spreading through ditches, natural waterways or other drainage. A fallow area in excess of 25 feet may be considered as a trap.

(b) Measures will be required to prevent spread by seed.

(c) A fallow area, wide enough to prevent plant spread into adjacent areas, shall be required. The fallow area may be used singularly or in combination with a berm will be on both sides of a berm surrounding the biomass planting.

(d) Any equipment used on the site must be cleaned of all plant debris before being moved from the property.

(e) Wildfire protection measures will be required to mitigate fire risk and damages to surrounding areas.

(f) A compliance agreement (Compliance Agreement, Biomass, DACS-08383, revised 07/06) containing any additional requirements needed to prevent plant spread shall be signed and will be an addendum to the permit for this purpose and is incorporated herein by reference. Copies of Compliance Agreement, Biomass, DACS-08383, revised 07/06, may be obtained from the Division of Plant Industry, Bureau of Plant

and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100. Failure to abide by the permit stipulations or the compliance agreement is considered to be a violation of these rules.

(2) Bonds or Certificates of Deposit. Each permit holder shall maintain for each separate growing location a bond or a certificate of deposit in an amount of not less than 150 percent of the estimated cost of removing and destroying the plants as described in Section 581.083(4), F.S. The bond or certificate of deposit may not exceed \$5,000 per acre except as allowed by statute.

(3) Abandoned Biomass Plantings. It shall be unlawful for any person to abandon a biomass planting. It is the responsibility of the property owner or permit holder to completely destroy the planting prior to vacating the property or stopping commercial production. If the department determines that the permit holder is no longer maintaining or cultivating the plants subject to the special permit and has not removed and destroyed the plants authorized by the special permit or has exceeded the conditions of the biomass permit, the department shall take action to initiate the removal of the plants through the issuance of an immediate final order and execution of the bond or certificate of deposit as described in Section 581.083(4), F.S.

(4) Exemptions. A biomass permit is not required for plants produced for purposes of agriculture as defined in Section 570.02(1), F.S., or if the department in consultation with the University of Florida, Institute of Food and Agricultural Sciences has determined that the nonnative plant is not invasive and specifically exempts it in this rule. The following plants or groups of plants are exempt:

(a) Any plant that is produced for purposes of human food consumption.

(b) Any plant that is commonly grown for commercial feed, feedstuff or forage for livestock.

(c) *Pinus* spp.

Specific Authority 570.07(13), (23) FS. Law Implemented 581.031(4), (5), (6), 581.083, 581.091 FS. History—New 10-1-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Gaskalla, Director, Division of Plant Industry,  
Department of Agriculture and Consumer Services, P. O. Box  
147100, Gainesville, FL 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Craig Meyer, Deputy  
Commissioner, Florida Department of Agriculture and  
Consumer Services, The Capital, 400 South Monroe Street,  
Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.0011  
 RULE TITLE: Data Collection Activities, Instruments, Forms and Instructions

PURPOSE AND EFFECT: This rule is to be repealed as the forms incorporated by reference are obsolete or have been updated and adopted in other rules. The effect is the elimination of a rule from the Florida Administrative Code which is no longer current.

SUMMARY: This rule is to be 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: 1008.385 FS.

LAW IMPLEMENTED: 1008.385 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth S. Jones, Ph.D., Education Information and Accountability Services, 325 West Gaines Street, Room 852, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0011 Data Collection Activities, Instruments, Forms and Instructions.

Specific Authority 120.53(1)(b), 229.053(1) FS. Law Implemented 120.53(1)(b), 229.053(1), (2), 229.512(6), (12), (13), 229.551, 229.555, 235.014, 235.41 FS. History—New 2-21-77, Amended 4-28-77, 8-8-77, 3-1-78, 9-6-78, 10-30-78, 4-10-79, 12-11-79, 3-16-80, 5-29-80, 8-16-82, Formerly 6A-1.011, Amended 10-18-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ruth S. Jones, Ph.D., Education Information and Accountability Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner, Accountability, Research and Measurement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-4.0021  
 RULE TITLE: Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to update the fee structure for the Florida Teacher Certification Examination program. The rule will increase fees for first-time examinees retaking a failed

examination. The effect of this change is that examinees will be required to pay a fee more aligned with the real cost of the examinations.

SUMMARY: This rule is amended to update the fee structure for the Florida Teacher Certification Examination 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: 1012.59(1) FS.

LAW IMPLEMENTED: 1012.59(1) FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines, Suite 1703/07, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cornelia Orr, Assistant Deputy Commissioner, Accountability, Research, and Measurement, 325 West Gaines Street, Suite 414, Tallahassee, Florida; (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) through (3) No change.

(4) Registration, late registration and refunds.

(a) Registration for the examinations shall be for the initial examinations or for one (1) or more examinations not previously passed. To register to take the examinations, an applicant shall submit a completed application which shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. ~~Before October 1, 2004, a~~ A complete application shall consist of the following:

~~a. A completed application Form CG-20-03A, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-03A, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective October 2004. This form may be obtained without cost from the Bureau of Educator Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.~~

~~b. A twenty five (25) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, for each registration for the professional skills examination, and for each registration for the general knowledge test or any combination of subtests for the general knowledge test.~~

~~e. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)1.b., F.A.C., for certification applicants taking a supplemental examination.~~

~~2. Beginning October 1, 2004, a completed application shall consist of the following:~~

~~a. A completed application Form CG-20-04, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-04 is hereby incorporated by reference and made a part of this rule to become effective October 1, 2004. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or may be submitted online via the Florida Teacher Certification Examinations/Florida Educational Leadership Examination Program website at <http://www.fldoe.org/edcert/apply.asp>.~~

~~b. Before January 1, 2009, a twenty-five (25) dollar fee for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, each registration for the professional skills examination, and each registration for the general knowledge test or any combination of subtests for the general knowledge test. Beginning January 1, 2009, a fifty (50) dollar fee for each first-time registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, each first-time registration for the professional skills examination, and each first-time registration for the general knowledge test or any combination of subtests for the general knowledge test. A fee of one hundred (100) dollars for each retake registration for a subject area specialty examination, the professional skills examination, or the general knowledge test, effective January 1, 2009.~~

~~c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)1.2.b., F.A.C., for certification applicants taking a supplemental examination.~~

~~2.3. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.0021(4)(b), F.A.C.~~

~~(b) Late registration for the examinations shall be for the initial examinations or for one (1) or more examinations not previously passed. An applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.0021(4)(a)1., F.A.C., and submitting a fifteen (15) dollar late charge for each registration for a subject area specialty examination; each registration for the professional skills examination; and each registration for any combination of the General Knowledge Test subtests. Beginning October 1, 2003,~~

~~an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examinations by completing the requirements listed in subparagraph 6A-4.0021(4)(a)2., F.A.C., and submitting a fifteen (15) dollar late charge for each registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination; each registration for the professional education examination; and each registration for the general knowledge examination or any combination of the general knowledge subtests. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registrations shall be accepted on a space available basis.~~

~~(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.~~

~~(5) through (15) No change.~~

~~Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History--New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, 5-21-07.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE: Cornelia Orr, Assistant Deputy Commissioner, Accountability, Research, and Measurement~~

~~NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner, Accountability, Research, and Measurement~~

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2008~~

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-4.00821  
 RULE TITLE: Florida Educational Leadership Examination

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to update the fee structure for the Florida Educational Leadership Examination program. The rule will increase fees for first-time examinees and examinees retaking a failed examination. The effect of this change is that examinees will be required to pay a fee more aligned with the real cost of the examinations.

SUMMARY: This rule is amended to update the fee structure for the Florida Educational Leadership Examination 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: 1012.59(1) FS.

LAW IMPLEMENTED: 1012.59(1) FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cornelia Orr, Assistant Deputy Commissioner, Accountability, Research, and Measurement, 325 West Gaines Street, Suite 414, Tallahassee, Florida; (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (3) No change.

(4) Registration, late registration, and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.

~~1. Before October 1, 2004, a completed application shall consist of the following:~~

~~a. A completed application Form CG-20-03A, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-03A, Registration Application: Certification Examinations for Florida Educators is hereby incorporated by reference and made a part of this rule to become effective October 2004. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.~~

~~b. A fifty (50) dollar registration fee.~~

~~e. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.00821(4)(a)1.b., F.A.C., for certification applicants taking the examination on a supplemental administration date.~~

~~1.2. Beginning October 1, 2004, a A completed application shall consist of the following:~~

a. A completed application Form CG-20-04, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-04 is hereby incorporated by reference and made a part of this rule to become effective October 2004. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or may be submitted online via the Florida Teacher Certification Examinations/Florida Educational Leadership Examination Program website at <http://www.fldoe.org/edcert/apply.asp>.

b. Before January 1, 2009, a A fifty (50) dollar registration fee. Beginning January 1, 2009, an eighty-five (85) dollar first-time registration fee. A fee of one hundred (100) dollars for each retake registration, effective January 1, 2009.

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)1.2-b., F.A.C., for certification applicants taking a supplemental examination.

~~2.3.~~ An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.00821(4)(b), F.A.C.

(b) Late registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. ~~Before October 1, 2004, an applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.00821(4)(a)1., F.A.C., and submitting a thirty (30) dollar late charge. Beginning October 1, 2004, an An applicant who did not submit a completed application to the test administration agency within the fifty (50) day deadline may register for the examination by completing the requirements listed in subparagraph 6A-4.00821(4)(a)2., F.A.C., and submitting a thirty (30) dollar late charge. All items shall be received by the test administration agency at least thirty (30) days preceding the examination date. Late registration shall be accepted on a space available basis.~~

(c) Refunds. Fees shall be refunded provided written requests for refunds are received by the test administration agency at least thirty (30) days preceding the examination date. Failure to appear for or to complete an examination shall result in forfeiture of fees.

(5) through (15) No change.

Specific Authority 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 12-25-86, Amended 1-11-89, 5-19-98, 10-6-99, 7-17-00, 7-16-01, 3-24-02, 10-17-02, 3-24-03, 7-21-03, 6-22-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Cornelia Orr, Assistant Deputy Commissioner, Accountability,  
Research, and Measurement  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner,  
Accountability, Research, and Measurement  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 11, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 19, 2007

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:                   RULE TITLE:  
12A-1.043                   Manufacturing

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.043, F.A.C. (Manufacturing), is to: (1) reflect the First District Court of Appeal’s ruling in Department of Revenue v. Lockheed Martin Corporation (905 So.2d 1017, 2005 WL 1544773, 07/05/2005), which provides that materials incorporated or fabricated into research or development end products or prototypes are exempt from sales tax; (2) remove provisions stating that the purchase, rental, or repair of real property or tangible personal property employed in research or development is subject to tax rendered obsolete by Section 1, Chapter 2006-57, L.O.F.; and (3) include the exemption provided in Section 212.08(18), F.S., for machinery and equipment used predominantly for research and development, as created by Section 2, Chapter 2006-57, L.O.F.  
SUMMARY: The proposed amendments to Rule 12A-1.043, F.A.C. (Manufacturing), (1) provide that items of tangible personal property manufactured, produced, compounded, processed, or fabricated for use directly and solely in research or development are exempt; (2) remove obsolete provisions stating that tax is due on the purchase, rental, or repair of real property or tangible personal property employed in research or development; (3) provide that machinery and equipment used predominantly for research or development purposes is exempt; (4) define the terms “machinery and equipment” and “predominantly”; (5) provide how materials and labor may be used directly and solely for research or development purposes, as provided in Section 212.052, F.S., and how machinery and equipment used predominantly in research or development activities, as provided in Section 212.08(18), F.S., may be purchased tax-exempt when the purchaser issues an exemption certificate to the selling dealer certifying the tax-exempt use of the item or issues a copy of the purchaser’s direct pay permit to the selling dealer; (6) provide a suggested exemption certificate to be used for purposes of these exemptions; and (7) clarify that a prototype or product of research or development used by the developer, including being offered for sale, is subject to tax.

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: 212.052(5), 212.08(18)(c), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(4), (7), 212.052, 212.06(1), 212.08(18), 212.085, 212.12(12), 366.051 FS.

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

DATE AND TIME: April 14, 2008, 11:00 a.m.

PLACE: Room 435, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.043 Manufacturing.

(1) through (5) No change.

(6)(a) Tangible personal property manufactured, produced, compounded, processed, or fabricated for use directly and solely in research or development, and machinery and equipment used predominantly for research or development purposes are exempt ~~Research or development labor shall not be taxable~~ when the research or development has one of the following as its ultimate goal:

1. Basic research or the advancement of advanced knowledge or of technology in a scientific or technical field of endeavor.

2. The development of a new product, the improvement of an existing product, or the development of new uses of an existing product, whether or not the product is offered for sale.

3. The design and development of prototypes, whether or not a resulting product is offered for sale.

(b) For the purpose of this subsection ~~rule~~:

1. “Machinery and equipment” includes, but is not limited to, molds, dies, machine tooling, and other appurtenances or accessories for machinery and equipment, testing and

measuring equipment, test beds, and computers and software. Such machinery and equipment may be purchased, leased, or self-fabricated. If self-fabricated, the machinery and equipment includes the materials and labor for the design, fabrication, and assembly of such items.

2. "Predominantly" means at least 50 percent of the time.

3. "Product" means any item, device, technique, prototype, invention, or process, which is, was, or may become commercially exploitable.

2. The term "cost" means cost price as defined in s. 212.02(4), F.S.

(c) Research or development does not include ordinary testing or inspection of materials or products used for quality control, market research, efficiency surveys, consumer surveys, advertising and promotions, management studies, or research in connection with literature, history, literary, historical, social science, psychology, or other similar nontechnical activities.

(d) Materials and labor may be purchased tax-exempt when the purchaser extends an exemption certificate to the vendor or supplier certifying that the materials and labor will be used directly and solely for research or development purposes, as provided in Section 212.052, F.S. Any person, including affiliated groups, as defined in s. 1504 of the Internal Revenue Code, as amended, who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for such taxpayer's own use directly and solely in research or development shall not be subject to the tax upon the cost of the product so manufactured, produced, compounded, processed, or fabricated for the purpose of research and development. However, the tax shall be due on the purchase, rental, or repair of real property or tangible personal property employed in research or development.

(e) Machinery and equipment, including materials and labor used in the self-fabrication of machinery and equipment, may be purchased or leased tax-exempt when the purchaser extends an exemption certificate to the vendor or supplier certifying that the item(s) will be used predominantly for research or development purposes, as provided in Section 212.08(18), F.S.

(f) The following is a suggested exemption certificate:

EXEMPTION CERTIFICATE

ITEMS USED IN RESEARCH OR DEVELOPMENT

This is to certify that purchases on or after \_\_\_\_\_ (date) from \_\_\_\_\_ (Selling Dealer's Business Name) are either: materials and labor used directly and solely in research or development activities, as provided in Section 212.052, Florida Statutes; or purchases or leases of machinery and equipment, including materials and labor used in the self-fabrication of machinery and equipment, used predominantly in research or development activities, as provided in Section 212.08(18), Florida Statutes.

These research or development activities are located at:

(Street)

(City and State)

I understand that if I fraudulently issue this certificate to evade the payment of tax, I will be liable for payment of the tax plus a penalty of 200% of the tax and be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Purchaser's Name (Print or Type)

Purchaser's Address

Signature and Title

Florida Sales and Use Tax Number (if applicable)

Date

Federal Employer's Identification Number (if applicable)

(g) Instead of furnishing an exemption certificate, any purchaser who holds a valid Sales and Use Tax Direct Pay Permit, as provided in Rule 12A-1.0911, F.A.C., may extend a copy of the permit to the selling dealer to make purchases tax-exempt under this subsection.

(h)(e) The tax imposed by Section 212.052, Florida Statutes shall apply to any product of research or development that is tangible personal property which is offered for sale. When a prototype or product of research or development is used by the developer for any purpose other than research or development, including being offered for sale, it is subject to tax shall be taxable.

Specific Authority 212.052(5), 212.08(18)(c), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (7), 212.052, 212.06(1), 212.08(18), 212.085, 212.12(12), 366.051 FS. History--Revised 10-7-68, 1-7-70, 6-16-72, Amended 1-19-74, 12-26-83, Formerly 12A-1.43, Amended 1-2-89, 2-28-90, 3-20-96, 7-27-99, 10-2-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-1.043, F.A.C. (Manufacturing), were noticed in the Florida Administrative Weekly on October 19, 2007 (Vol. 33, No. 42, pp. 4874-4876). A rule development workshop was held on November 13, 2007, in Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida. In response to public comment, the Department clarified the rule text to provide that the exemption provided in Section 212.052, F.S., applies to materials and labor used directly and solely for research or development purposes.

#### **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.: 33-108.101  
 RULE TITLE: Inmate Substance Abuse Testing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-108.101, F.A.C., to allow for use of the dry cell procedure when an inmate indicates an inability to urinate in the presence of others and provide definitions for "confirmation testing" and "threshold levels."

SUMMARY: The proposed rule amends Rule 33-108.101, F.A.C., to allow for the use of dry cell procedure when an inmate indicates the inability to urinate in the presence of others. The rule is also amended to provide definitions for 'confirmation testing' and 'threshold levels'.

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: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: Jamie Leigh Jordan, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) Definitions.

(a) No change.

(b) Tester – a correctional officer who has been trained and certified as competent by the manufacturer of the onsite testing device or certified training personnel, affiliated with the department, on the proper procedures for collecting urine specimens, including the completion and maintenance of the Chain of Custody Form, the handling and disposing of urine specimens, and the administration and interpretation of the on-site testing device. All testing personnel must be approved by the Office of the Inspector General. The Chain of Custody Form is incorporated by reference in paragraph (3)(h)(g) of this rule.

(c) through (f) No change.

(g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are positive and the inmate refuses to sign an Affidavit for Admission of Drug Use, Form DC1-824. Form DC1-824 is incorporated by reference in paragraph (3)(h) of this rule.

(h) Threshold Level – the concentration of a drug in the urine used to determine whether the test will be considered positive or negative. The threshold level for confirmation testing is the lowest legally defensible, scientifically acceptable, level of quantification (L.O.Q.) as determined by the contract tester.

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. through 5. No change.

6. A copy of the Incident Report, Form DC6-210, shall be attached to the facility's copy of the Chain of Custody Form for positive specimens sent to the laboratory for confirmation testing. Form DC6-210 is incorporated in Rule 33-602.210, F.A.C. The Chain of Custody Form is incorporated by reference in paragraph (3)(h)(g) of this rule.

(b) through (c) No change.

(3) Procedures.

(a) No change.

(b) Specimen Collection Procedures.

1. through 7. No change.

8. An inmate who has not provided an adulterated urine specimen and who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water every 1/2 hour, not to exceed a total of 2 cups during this time

period and an Acknowledgement of Beverage Form, DC1-823, shall be completed. Form DC1-823, Acknowledgement of Beverage Form, is incorporated by reference in paragraph (3)(h)(g) of this rule. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-601.314, F.A.C. If an inmate claims an inability to urinate ~~due to a medical condition~~, the procedures set forth in paragraph (3)(d)(e) shall apply.

9. through 12. No change.

(c) Upon notification from an inmate that he is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication which inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. through 5. No change.

6. Upon receipt of the urine specimen the tester shall visually inspect the urine specimen to ensure it appears valid and unadulterated and the procedures outlined in subparagraph (3)(e)(d)1. for the testing of urine specimens shall be followed.

(d) If an inmate claims an inability to urinate in front of or in the presence of others, the tester shall collect the urine specimen under the conditions outlined in subparagraphs (3)(c)1.-6.

~~(e)(d)~~ Testing of urine specimens.

1. Only certified testing personnel are authorized to utilize the on-site testing equipment. For every on-site test conducted, regardless of purpose, the Inmate Scannable Drug Testing Control Card shall be filled out. The Inmate Scannable Drug Testing Control Card, DC1-826 is incorporated in paragraph (3)(h)(g) of this rule.

2. through 5. No change.

6. Positive test results. The tester shall inform the inmate of the positive results of the on-site testing device. The inmate will then be given the opportunity to sign an Affidavit for Admission of Drug Use, DC1-824. Form DC1-824, Affidavit for Admission of Drug Use, is incorporated by reference in paragraph (3)(h)(g) of this rule.

a. through c. No change.

7. No change.

~~(f)(e)~~ Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate following the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign the Affidavit for Admission of Drug Use Form, DC1-824, then a urine specimen will be obtained from the inmate and

sent to a designated outside laboratory for confirmation testing, in accordance with the procedures outlined in paragraph (3)(b), specimen collection procedures, and paragraph (3)(e)(d), testing of urine specimens.

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or his designee. Form DC1-827, Reasonable Suspicion Testing Tracking Form, shall be utilized for this purpose. Form DC1-827, Reasonable Suspicion Testing Tracking Form, is incorporated by reference in paragraph (3)(h)(g) of this rule.

(f) through (g) renumbered (g) through (h) No change.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History--New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack DeRemer, Inspector Supervisor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2008

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.: 40B-4.2030  
 RULE TITLE: Conditions for Issuance of Environmental Resource Permits

PURPOSE AND EFFECT: The purpose of the proposed rule is to codify road design and construction standards for roads not subject to regulation by units of local government. The effect of the proposed rule amendments will ensure proposed roads satisfy the objectives of District rules.

SUMMARY: This proposed rule will codify road design and construction standards for roads not subject to regulation by units of local government.

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: 373.016, 373.042, 373.084, 363.085, 373.086, 373.117, 373.409, 373.413, 373.416, 373.426 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-4.2030 Conditions for Issuance of Environmental Resource Permits.

(1) through (8)(m) No change.

(n) Roads with public access must be constructed and laid out in conformance with the minimum standards of local government. In the absence of local government standards for roads and associated surfacewater management systems, the following minimum standards shall apply.

1. Driving surface shall be stabilized soil, according to the latest edition of the Florida Standard Specification for Road and Bridge Construction.

2. Two driving lanes with a minimum driving surface of 8 feet each.

3. Driving surface shall be sloped to drain at a minimum of 2 percent (2%).

4. Culverts shall be used to maintain pre-development drainage patterns up to the 10-year, 24-hour storm event.

5. Swales shall be used for water quality treatment with a maximum slope of three-to-one (3:1) and erosion shall be controlled with grass or other equivalent method.

~~Where roads are not required to be paved, the applicant must provide design specifications for erosion and sediment control. Where roads are required to be paved, swales will generally be considered adequate for erosion and sediment control.~~

(o) through (13) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.413, 373.416, 373.426 FS. History--New 9-25-85, Amended 2-1-89, 10-3-95, 10-18-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-6.020

RULE TITLE:  
Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective January 1, 2008. In compliance with Senate Bill 2-C, 2007-08 Special Appropriations Act, Specific Appropriation 105 and Section 12, effective January 1, 2008, the Florida Title XIX Inpatient Hospital Reimbursement Plan will be amended as follows:

1. An additional Medicaid Trend Adjustment shall be applied to achieve a recurring annual reduction of \$68,640,064.
2. Effective January 1, 2008 and ending June 30, 2008, the Medicaid Trend Adjustment shall be removed for all certified trauma centers and hospitals defined in Section 408.07(45), Florida Statutes. The aggregate Medicaid Trend Adjustment found in item 1 above shall be reduced by up to \$12,067,473.
3. In reducing hospital inpatient rates, rural hospitals and hospitals with twenty thousand (20,000) or more combined Medicaid managed care and fee-for-service inpatient days shall not have their inpatient rates reduced below the final rates that are effective on the prior June 30 of each year. The 2002 Financial Hospital Uniform Reporting System (FHURS) data shall be used to determine the combined inpatient Medicaid days.
4. Grammatical corrections throughout the Title XIX Inpatient Hospital Reimbursement Plan.

SUMMARY: The proposed rule change to Rule 59G-6.020, F.A.C., incorporates revisions to the Florida Title XIX Inpatient Hospital Reimbursement Plan. The rule seeks to amend the Title XIX Inpatient Hospital Reimbursement Plan to be in compliance with Senate Bill 2-C, the 2007-08 Special Appropriations Act, effective January 1, 2008.

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: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: April 16, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXXI~~ XXXII, Effective Date ~~July 1, 2007~~ January 1, 2008 and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.917 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, 10-12-04, 4-19-06, 12-11-06, 3-4-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carlton D. Snipes

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.030                      RULE TITLE: Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule are to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology effective January 1, 2008 in accordance with the Senate Bill 2-C 2007-08 Special Appropriations Act, Specific Appropriation 107 and Section 13.

- 1. An additional Medicaid Trend Adjustment shall be applied to achieve a recurring annual reduction of \$17,211,796.
- 2. Effective January 1, 2008, and ending June 30, 2008, the Medicaid Trend Adjustment shall be removed for all certified trauma centers and hospitals defined in section 408.07(45), Florida Statutes. The aggregate Medicaid Trend Adjustment found in item 2 above shall be reduced by up to \$2,034,032.

3. In reducing hospital outpatient rates, rural hospitals and hospitals with twenty thousand (20,000) or more combined Medicaid managed care and fee-for-service inpatient days shall not have their outpatient rates reduced below the final rates that are effective on the prior June 30 of each year. The 2002 Financial Hospital Uniform Reporting System (FHURS) data shall be used to determine the combined inpatient Medicaid days.

4. Grammatical corrections throughout the Title XIX Outpatient Hospital Reimbursement Plan.

SUMMARY: The proposed rule change to rule number 59G-6.030 incorporates revisions to the Florida Title XIX Outpatient Hospital Reimbursement Plan. The rule seeks to amend the Title XIX Inpatient Hospital Reimbursement Plan to be in compliance with Senate Bill 2-C, the 2007-08 Special Appropriations Act, effective January 1, 2008.

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: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: April 16, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XVI~~ XVII Effective date: ~~July 1, 2007~~ January 1, 2008 and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05, 4-19-06, 12-11-06, 3-4-08.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Edwin Stephens  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carlton D. Snipes  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE NO.: 60L-32.005  
RULE TITLE: Benefits

PURPOSE AND EFFECT: Removes reference to the adoption benefits program for state employees from the Department of Management Services administrative rules.

SUMMARY: Removes reference to the Adoption Benefits Program for state employees from rules in accordance with Ch. 2007-119, Laws of Florida. Section 110.152 and 110.15201, F.S., were repealed and the program was transferred to the Department of Children and Families effective July 1, 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: 110.1055, 110.1052 F.S.

LAW IMPLEMENTED: 110.152 FS.

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

DATE AND TIME: April 14, 2008, 10:00 a.m.

PLACE: Department of Management Services, Room 235K, 4050 Esplanade Way, Tallahassee, FL 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Anna B. Gray, Division of Human Resource Management, 4050 Esplanade Way, Tallahassee, FL 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

- 60L-32.005 Benefits.
- (1) through (2) No change.

~~(3) Adoption benefits are available to employees of the state as outlined below:~~

~~(a) Payment of benefits is contingent on funding.~~

~~(b) Benefits are available only for adoptions that become final after September 30, 2000.~~

~~(c) Benefits are available only for a child who is under the age of eighteen upon final order of adoption, unless the child is a special needs child as defined in Section 110.152(1)(b), Florida Statutes.~~

~~(d) An employee who adopts more than one child is eligible for benefits for each child.~~

~~(e) The benefit is a non-qualified plan under Section 125 of the Internal Revenue Code, subject to withholding taxes.~~

~~(f) If funds are appropriated for payment of new adoptions, the Department shall administer the funds appropriated for this benefit. The Department shall hold an annual open enrollment period for submission of applications between the first business day of April and the last business day of May. To apply for this benefit, the applicant shall fully complete and submit the Department's Application for Adoption Benefits Form (Form DMS/HRM/ADOPT, eff. 1/1/02), which is hereby incorporated by reference.~~

~~1. To complete Part II of the application, the applicant shall apply to his or her agency head, who, upon completion, shall return the original application to the applicant. The applicant is responsible for obtaining all certifications and supporting documentation necessary to complete the application. The applicant shall submit the original application and required documentation to the Department before the close of the annual open enrollment period. The Department shall return any application received outside the open enrollment period.~~

~~2. For multiple adoptions, the applicant shall submit a separate application for each child. If the final order of adoption lists all children, the applicant may submit one certified copy of the final order.~~

~~(g) The Department shall review all timely applications and determine who is eligible to receive the benefit. If funding is insufficient to pay the benefit to all eligible applicants, those with earlier final orders of adoption shall have priority. If final orders of adoption bear the same date, earlier received applications shall have priority. Eligible applicants who do not receive a benefit due to lack of funds shall submit a new application during the next annual open enrollment period, if they desire consideration for payment of the benefit from later appropriations.~~

Specific Authority 110.1055, ~~110.15201~~, 110.201(1), 110.2035(1), 110.403(1)(c), 110.605(1) FS. Law Implemented ~~110.152~~, 110.201, 110.209, 110.403, 110.603 FS. History--New 1-1-02, Amended 4-3-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sharon D. Larson, Director of Human Resource Management,  
Department of Management Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: David A. Faulkenberry, Deputy  
Secretary, Department of Management Services  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 19, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 8, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Barbers' Board**

RULE NO.: 61G3-16.0092  
RULE TITLE: Human Immunodeficiency Virus and  
Acquired Immune Deficiency  
Syndrome (HIV/AIDS) Education  
Provider Requirements

PURPOSE AND EFFECT: Continuing education providers are required to submit proof electronically to DBPR that a licensee has taken a course. Section 455.2178(1), Florida Statutes, was recently amended to provide a specific time period within which the providers must submit the proof. The amendment conforms the rule to the specific time period provided by the statute.

SUMMARY: Continuing education providers are required to submit proof electronically to DBPR that a licensee has taken a course. Section 455.2178(1), Florida Statutes, was recently amended to provide a specific time period within which the providers must submit the proof. The amendment conforms the rule to the specific time period provided by the statute.

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: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2178, 455.2179, 455.2228 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.0092 Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements.

(1) through (5) No change.

(6) Providers shall maintain a system of recordkeeping which provides for storage of approved courses. Providers shall maintain a roster of participants for four years. The records and roster shall be available for inspection by the Board or Department. Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within 30 business days of the completion of the course ~~or prior to the licensee's renewal date, whichever occurs sooner.~~ However, the continuing education provider shall electronically report to the Department completion of a licensee's course within 10 business days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs sooner. The list of attendees submitted electronically to the Department shall not include applicants taking the course for initial licensure. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the licensee. This list shall include the provider's name and provider number, the name and license number of the attendee, the date the course was completed and the course number. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider.

Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2178, 455.2179, 455.2228 FS. History--New 9-12-01, Amended 11-2-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 22, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-16.001  
RULE TITLE: Written Certification Examination  
Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify written certification examination requirements in subsection (20).

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify written certification examination requirements in subsection (20).

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: 455.217, 489.108 FS.

LAW IMPLEMENTED: 455.217, 489.113 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.001 Written Certification Examination Requirements.

(1) through (19) No change.

(20) Business and Finance Examination. Test one for all construction certification categories shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

(a) ~~11% Establishing the Contracting business, 20% Managing Cash Flow;~~

(b) ~~26% Managing Administration Duties, 20% Estimating and Bidding Jobs;~~

(c) ~~10% Managing Trade Operations, 5% Negotiating and Interpreting Contracts and Agreements;~~

(d) ~~32% Conducting Accounting Functions, 5% Processing Change Orders;~~

(e) ~~6% Managing Human Resources (Staffing), and 5% Controlling Purchasing;~~

(f) ~~15% Complying with Government Regulations, 5% Scheduling for a Contract;~~

(g) ~~5% Controlling Costs of Fixed Assets;~~

(h) ~~10% Obtaining Insurance and Bonding;~~

(i) ~~10% Complying with Contracting Laws and Rules;~~

(j) ~~5% Managing Personnel;~~

(k) ~~5% Complying with Payroll and Sales Tax Laws; and~~

(l) ~~5% Interpreting Financial Statements and Reports.~~

(21) through (22) No change.

Specific Authority 455.217, 489.108 FS. Law Implemented 455.217, 489.113 FS. History—New 1-6-80, Amended 9-24-84, Formerly 21E-16.01, Amended 5-3-87, 10-4-87, 6-2-88, 12-19-88, 5-23-89, 8-23-89, 2-5-91, 1-29-92, 10-11-92, 5-2-93, Formerly 21E-16.001, Amended 10-17-93, 5-9-95, 11-28-95, 3-11-96, 11-13-97, 4-13-99, 9-12-00, 6-25-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**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.: 62-304.415 RULE TITLE: Lower St. Johns River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the proposed rule is to revise the Total Maximum Daily Load (TMDL), and its allocation, for the Lower St. Johns River for Total Phosphorus and Total Nitrogen. The nutrient TMDLs for the marine and fresh water portions of the LSJR are being revised to implement the Site-Specific Alternative Criteria for Dissolved Oxygen that was adopted for the marine portion of the river and to address changes to the allocation that were made during development of the Basin Management Action Plan (BMAP) for the TMDL.

SUMMARY: This TMDL addresses the nutrient impairment in the Lower St. Johns River, which was verified as impaired by nutrients using the methodology established in Chapter 62-303, Identification of Impaired Surface Waters, Florida Administrative Code. The TMDL is based on the Pollutant Load Reduction Goal (PLRG) for the river developed in by the St. Johns River Water Management District (SJRWMD). The SJRWMD used a suite of models to determine the assimilative capacity of the river, including a watershed model (the Pollution Load Screening Model) to estimate nonpoint source loads, a hydrodynamic model of the river (the Environmental Fluid Dynamics Code model, or EFDC Model) to simulate mixing and transport of nutrients within the river, and a water quality model [the Corps of Engineers Quality Integrated Compartment Model (CE QUAL-ICM), Version 2] to simulate the transformation of nutrients and processes affecting eutrophication within the river. The rule establishes separate

TMDLs for the fresh (for Total Nitrogen and Total Phosphorus) and estuarine (Total Nitrogen only) portions of the river.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: April 18, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room A204, 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: Ms. Pat Waters at (850)245-8449. 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: Daryll Joyner, Division of Water Resource Management, Bureau of Watershed Management, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8431

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.415 Lower St. Johns River Basin TMDLs. Lower St. Johns River.

(1) The Total Maximum Daily Load for the freshwater segments of the Lower St. Johns River, which is that portion of the river from Buffalo Bluff to Black Creek, is 500,325 kilograms per year (kg/y) of Total Phosphorus (TP) and 8,571,563 8,570,260 kg/y of Total Nitrogen (TN), and is allocated as follows:

(a) The Wasteload Allocation for point sources discharging wastewater to the freshwater portion of the river is 46,357 41,097 kg/y of TP and 236,695 207,347 kg/y of TN, and the Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is a 34.5 percent reduction in current TP loading and a 15.3 percent reduction in current TN loading.

(b) The Load Allocation for nonpoint sources is 453,968 459,228 kg/y of TP and 8,334,868 8,362,913 kg/y of TN, and

(c) The Margin of Safety is implicit.

(2) The Total Maximum Daily Load for the marine segments of the Lower St. Johns River, which is that portion of the river from Black Creek to the mouth, is 1,376,855 1,472,984 kilograms per year (kg/y) of Total Nitrogen (TN), and is allocated as follows:

(a) The Wasteload Allocation for point sources discharging to the marine portion of the river is 1,027,590 1,112,480 kg/y of TN,

(b) The Load Allocation for nonpoint sources discharging to the marine portion of the river is 349,265 360,504 kg/y of TN, and

(c) The Margin of Safety is implicit.

(3) through (12) No change.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 12-3-03, Amended 5-15-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary Regulatory Programs and Energy, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2008

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NOS.:

64B9-4.002

64B9-4.015

RULE TITLES:

Requirements for Certification

Approved Certification Bodies for Clinical Nurse Specialists

PURPOSE AND EFFECT: For Rule 64B9-4.002, F.A.C., the Board proposes to add another approved certification body for advanced registered nurse practitioners and to clarify that the certification requirements include a current national certification. For Rule 64B9-4.015, F.A.C., the Board proposes to add another approved certification body for clinical nurse specialists and to amend the title of the rule.

SUMMARY: In Rule 64B9-4.002, F.A.C., another approved certification body for advanced registered nurse practitioners is added and it is clarified that the certification requirements include a current national certification. For Rule 64B9-4.015, F.A.C., another approved certification body for clinical nurse specialists is added and the title of the rule is 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: 456.048, 464.006, 464.0115, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.0115, 464.012, 464.018(1)(b), (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 RULES IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-4.002 Requirements for Certification.

(1) No change.

(2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board. After July 1, 2006, applications for certification as an Advanced Registered Nurse Practitioner pursuant to Section 464.012(3), F.S., shall submit proof of current national advanced practice certification from an approved nursing specialty board.

(3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

(a) through (e) No change.

(f) National Board for Certification of Hospice and Palliative Nurses.

(4) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History--New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06,\_\_\_\_\_.

64B9-4.015 Approved Certification Bodies for Clinical Certified Nurse Specialists.

The following nationally recognized certifying bodies are approved to meet the licensure requirements of Section 464.0115(1), F.S.:

(1) through (3) No change.

(4) National Board for Certification of Hospice and Palliative Nurses.

Specific Authority 464.0115 FS. Law Implemented 464.0115 FS. History--New 11-22-07, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-11.001 RULE TITLE: Application for Licensure Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the form needed for application for licensure and to provide the Department of Health website where the form can be obtained.

SUMMARY: The rule amendment will clarify the form needed for application for licensure and to provide the Department of Health website where the form can be obtained.

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(7), 468.1685(1),(2), 468.1695(1) FS.

LAW IMPLEMENTED: 456.033(6), 468.1685(2), 468.1695(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.001 Application for Licensure Fee.

Any person desiring to be licensed as a nursing home administrator shall apply to the Board of Nursing Home Administrators. The application shall be made on the Application For Nursing Home Administrators Examination Endorsement/Temporary form DH-MQA-NHA002 (revised 10/07 9/04), hereby adopted and incorporated by reference, and can be obtained from the Board of Nursing Home

Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html> or the Division of Medical Quality Assurance Call Center by calling (850)488-0595.

Specific Authority 456.033(7), 468.1685(1), (2), 468.1695(1) FS. Law Implemented 456.033(6), 468.1685(2), 468.1695(1) FS. History—New 12-26-79, Formerly 21Z-11.01, Amended 1-18-87, 10-2-88, 3-5-89, 3-15-90, 12-3-90, 11-3-92, Formerly 21Z-11.001, 61G12-11.001, Amended 12-4-95, 9-4-96, 7-21-97, Formerly 59T-11.001, Amended 5-15-00, 1-7-04, 2-15-06, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.002      RULE TITLE: Preceptor

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise the requirements and form to become a preceptor.

SUMMARY: The rule amendment will revise the requirements and form to become a preceptor.

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: 456.013(1)(a), 468.1685(1), 468.1695(4) FS.

LAW IMPLEMENTED: 468.1695 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.002 Preceptor.

(1) The Board will approve persons to act as preceptors in Administrator-in-Training (AIT) programs based on the completion of application form Preceptor Certification,

DOH/NHA014 (Revised 9/2007 ~~10/2005~~), and incorporated herein by reference, and an oral review. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state, and there is no disciplinary action taken against the licensee. Form DOH/NHA014 (Revised 9/2007 ~~10/2005~~) can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html> or the Division of Medical Quality Assurance Call Center by calling (850)488-0595.

(2) Each person desiring to be a preceptor must submit a completed application with the appropriate fees as required by Rule 64B10-12.012, F.A.C. The applicant shall include the states and dates of issuance of all the applicant's professional licenses, including those as a nursing home administrator. The applicant must show that his or her education, experience, and knowledge qualify him or her to supervise training of an AIT.

(3) Each person desiring to be a preceptor must be a practicing nursing home administrator in any jurisdiction for the last three years and must have had no disciplinary action taken against him or her during that time frame.

(4)(3) The applicant ~~preceptor~~ must have attended a six-hour preceptor training seminar approved by the Board as set forth in Rule 64B10-16.0025, F.A.C., within three ~~one~~ years immediately preceding the application.

(5)(4) No change.

(6)(5) A preceptor shall not supervise the training of a member of his or her immediate family.

(7)(6) No change.

(8) The Board shall disapprove a preceptor who has failed to remain in compliance with the requirements of this rule.

(9)(7) A member of the Board may conduct the oral interview and report to the Board.

Specific Authority 456.013(1)(a), 468.1685(1), 468.1695(4) FS. Law Implemented 468.1695 FS. History—New 9-24-81, Formerly 21Z-16.02, Amended 12-18-88, 11-11-92, Formerly 21Z-16.002, Amended 2-28-94, Formerly 61G12-16.002, Amended 2-22-96, 9-4-96, 10-20-96, Formerly 59T-16.002, Amended 10-12-97, 6-5-07, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-3.001  
RULE TITLE: Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify requirements for licensure and to reflect the appropriate evaluation tool.

SUMMARY: The rule amendment will clarify requirements for licensure by examination and will reflect the appropriate evaluation tool.

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(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

- (1) through (4)(b) No change.
- (c) Uses the Federation of State Boards of Physical Therapy (FSBPT) coursework evaluation tool, that reflects the educational criteria in place at the time of graduation.
- (d) through (h) No change.
- ~~(5) Has attained and submitted to the Board the following:~~
  - ~~(a) A minimum of 75 professional education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool.~~
  - ~~(b) A minimum of 60 general education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool.~~

(i)(e) Until and including December 31, 2006, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test

of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

(j)(d) Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension.

(k)(e) A report from the credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of educational equivalency in the United States.

(f) At a minimum, the report shall contain the following information:

1. A clear and definitive statement as to whether the education is equivalent to a CAPTE-accredited physical therapy educational program.
2. Whether the institution is accredited by any governmental agency and, if so, which agency.
3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.
4. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.

Specific Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06, 9-19-06, 3-13-07,\_\_\_\_\_.

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: March 7, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE NO.: 1B-26.003  
RULE TITLE: Electronic Recordkeeping