

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE NOS.:	RULE TITLES:
1A-31.0015	Definitions
1A-31.0035	Agreements for Exploration or Salvage of Archaeological Materials
1A-31.0055	Exploration Agreements
1A-31.0065	Salvage Agreements
1A-31.010	Supervision
1A-31.011	Boats to Carry Identification
1A-31.013	Prohibited Practices; Penalties

PURPOSE AND EFFECT: The purpose of this rule is to provide guidance and information regarding issuance of permits by the division for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands. The rule also provides guidelines for transferring objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.

The rule amendment is also in response to suggestions from JAPC.

SUBJECT AREA TO BE ADDRESSED: This rule is to provide guidance and information regarding issuance of permits by the division for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands. The rule also provides guidelines for transferring objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.

The rule amendment is also in response to suggestions from JAPC.

SPECIFIC AUTHORITY: 20.10(3), 267.031(1), 267.115(6), 267.13(2)(e) FS.

LAW IMPLEMENTED: 267.031(2), 267.031(5)(i),(k),(o), 267.061(1), 267.115, 267.13, 267.14 FS.

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

DATE AND TIME: June 26, 2008, 1:00 p.m.

PLACE: R. A. Gray Building, Heritage Hall, 500 S. Bronough Street, Tallahassee, FL 32399-0250

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: Charlotte Wheeler (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stephen S. Mathues, (850)245-6536

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-1.002	District School Budgets
6A-1.004	Commissioner to Review Budgets
6A-1.0071	Fiscal Reporting Dates
6A-1.0453	Educational Program Audits
6A-1.0551	Special Qualification Salary for Elected District School Superintendents
6A-1.087	School Board Responsible for Internal Funds

PURPOSE AND EFFECT: The purpose of the rule developments will be to review the rules to ensure they are current on matters relating to financial and reporting requirements of the Department. In addition, Rule 6A-1.0551, F.A.C., will be reviewed to ensure that provisions relating to the special qualification salary for elected superintendents are current. The effect of the rule development process will be to ensure that rules reflect current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Responsibility for internal funds, special qualification salary for elected superintendents, school budgets, review of school budgets, fiscal reporting dates, and educational program audits.

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 200.065, 1001.03(8), 1001.11(6), 1001.47(4), 1010.305, 1011.01(3), 1011.02, 1011.03(5), 1008.82 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lynn Abbott, Office of the Commissioner, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400; (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of this amendment is to make revisions to the Sunshine State Standards math access points for students with significant cognitive disabilities. These revisions are necessary based on feedback from the peer review conducted through the United States Department of Education, Office of Special Education Programs (OSEP), related to the alternate assessment for students with significant cognitive disabilities. The effect of these revisions will be to provide these students with standards that are more academically-based in response to the outcome of the peer review.

SUBJECT AREA TO BE ADDRESSED: Recommendations for changes to the Sunshine State Standards math access points for students with significant cognitive disabilities.

SPECIFIC AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 FS.

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

DATE AND TIME: June 25, 2008, 9:00 a.m. – 10:30 a.m.

PLACE: Department of Education, Turlington Building, 325 West Gaines Street, Room 1706, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 W. Gaines Street, Suite 614, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT <http://www.cpt.fsu.edu/ese>

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047 **RULE TITLE:** State Building Code Adopted

PURPOSE AND EFFECT: Consideration of amendments to the 2007 edition of the Florida Building Code including Technical Advisory Committee recommendations concerning proposals and integration of amendments to the Florida Energy Efficiency Code for Building Construction. These amendments are being considered pursuant to Section 553.73(7), F.S., and Part V, Chapter 553, F.S., and are restricted to the subjects and parameters established therein.

SUBJECT AREA TO BE ADDRESSED: The Florida Building Code.

SPECIFIC AUTHORITY: 553.73(1), 553.73(2), 553.73(7), 553.73(8), 553.901 FS.

LAW IMPLEMENTED: 553.72 FS. 553.73(2), 553.73(3), 553.73(7), 553.73(8), 553.73(9), 553.901 FS.

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

DATE AND TIME: June 25, 2008, 8:30 a.m. or as soon thereafter as the matter comes before the Commission pursuant to its agenda. Please refer to Florida Building Commission website at www.floridabuilding.org for meeting agenda with order of issues to be considered and additional materials.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

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.: 33-601.733 **RULE TITLE:** Visiting – Special Status Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reflect the renumbering of Rules 33-506.207 – 33-601.237, F.A.C., and to remove the obsolete CVA approval requirement for an inmate in Special Status to receive visiting privileges.

SUBJECT AREA TO BE ADDRESSED: Visiting Special Status Inmates.

SPECIFIC AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.733 Visiting – Special Status Inmates.

(1) Inmates in special statuses, except for medical reasons, are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden or duty warden has authority to grant exceptions if the inmate remains at the reception center more than 45 days and the CVA has approved the visitors.

(b) No change.

(c) Inmates in the youthful offender basic training program shall be allowed visiting in accordance with Rule 33-601.237-506-207, F.A.C.

(2) through (6) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-7.214	Policy
40E-7.215	Definitions
40E-7.216	Cure Notice
40E-7.217	Termination for Default Notice
40E-7.218	Factors to Determine Whether a Contracting Entity Should be Placed on the Temporary or Permanent Suspension List

PURPOSE AND EFFECT: To amend Chapter 40E-7, Part II, of the F.A.C., Suspension and Debarment Rules to expand the scope of the rule to include the pre-award phase and to clarify other provisions relating to the District’s Suspension and Debarment Rule.

SUBJECT AREA TO BE ADDRESSED: The revisions to Chapter 40E-7, Part II, of the F.A.C., to include the pre-award phase of the Suspension and Debarment Rule.

SPECIFIC AUTHORITY: 373.610 FS.

LAW IMPLEMENTED: 373.610 FS.

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

DATE AND TIME: June 23, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Clerk of the South Florida Water Management District, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Hayden, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 6611, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6043 or (561) 682-6043 (internet:fhayden@sfwmd.gov)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-4.135
 RULE TITLE: Nursing Home Design Concepts

PURPOSE AND EFFECT: The Agency proposes to develop a new rule to be entitled, Rule 59A-4.135, F.A.C., to include provisions to design new nursing homes and additions or renovations that physically alter the interior space of existing nursing homes, to incorporate the design concepts of a cluster or house-hold unit in accordance with the Florida Building Code. Chapter 4, Section 420 of the Florida Building Code will be revised to conform to this administrative code change and requirement.

SUBJECT AREA TO BE ADDRESSED: Design concepts for new nursing homes.

SPECIFIC AUTHORITY: 400.23(2) FS.

LAW IMPLEMENTED: 400.23(2) FS.

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

DATE AND TIME: June 20, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, Plans and Construction Conference Room, 2727 Mahan Drive, Bldg. 1, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Flora Austin, Bureau of Plans and Construction, 2727 Mahan Drive, MS #24, Tallahassee, FL 32308, (850)922-6473

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-9.110
RULE TITLE: Performance Standards and Outcome Measures

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish performance standards and outcome measures for school readiness programs.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address performance standards and outcome measures for school readiness programs. Section 411.01(4)(d)8., Florida Statutes, requires the Agency to adopt performance standards that address the age-appropriate progress of children in the development of the school readiness skills specified in Section 411.01(4)(j), Florida Statutes. The performance standards are to be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Pre-Kindergarten Education Program under Section 1002.67, Florida Statutes.

SPECIFIC AUTHORITY: 411.01(4)(d)8., 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(4)(d)8., 411.01(4)(j) FS.

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

DATE AND TIME: Monday, June 23, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Room B-29, Tallahassee, Florida 32399-4128

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: Audrey Gaten at (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: C.J. Weinman, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-7.001
RULE TITLE: Specialty Electrical Contractors

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Specialty Electrical Contractors.

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.503(14), 489.505(19), 489.511(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.: 64D-4.002, 64D-4.003, 64D-4.005
RULE TITLES: Definitions, Eligibility and Documentation Requirements, Re-Determination and Continued Eligibility

PURPOSE AND EFFECT: The purpose and effect of this amendment will be to increase the Federal Poverty Level and Cash Asset eligibility requirements for the HIV/AIDS Patient Care Programs to increase the number of person's living with HIV disease able to access services.

SUBJECT AREA TO BE ADDRESSED: The subject area pertains to eligibility requirements and procedures for low-income persons to receive services from the HIV/AIDS Patient Care Programs.

SPECIFIC AUTHORITY: 381.003(1)(c) FS.

LAW IMPLEMENTED: 381.011(1), 381.003(1)(c) FS.

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

DATE AND TIME: June 26, 2008, 9:00 a.m.

PLACE: Prather Building, Bureau of HIV/AIDS, 2585 Merchants Row Boulevard, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Suzanne Stevens, Bureau of HIV/AIDS, 4052 Bald Cypress Way, BIN A09, Tallahassee, Florida 32399-1715, (850)245-4335

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:

5E-14.123 Examinations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to increase state certified operator exam fees to the cap of \$300.00 per pest control category.

SUMMARY: This rule will increase the state certified operator exam fees to the statutory cap of \$300.00 per pest control category.

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: 482.051 FS.

LAW IMPLEMENTED: 482.141(2), 482.151(4), 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: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961, (850)921-4177

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.123 Examinations.

(1) through (3) No change.

(4) An examination fee of ~~\$300~~ ~~\$225~~ for each category of pest control in which the applicant desires to be examined must be paid by each applicant at the time he submits his application. Checks or money orders shall be made payable to the Department. Applications received without the required fees will be considered incomplete and will not be processed. Checks returned by the bank will invalidate the application for non-payment of fees.

(5) through (12) No change.

Specific Authority 482.051 FS. Law Implemented 482.141(2), 482.151(4) FS. History—New 1-1-77, Formerly 10D-55.123, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02, 4-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael J. Page

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Anderson H. “Andy” Rackley

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:

5E-14.149 Enforcement and Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal a section of the subsection 5E-14.149(10), F.A.C., that provides for a mechanism of payment of investigative costs for certain violations due to duplication as investigative costs are already a factor in the calculation of a monetary fine as provided in subsection 5E-14.149(15), F.A.C.

SUMMARY: The proposed rule is to repeal a section of the subsection 5E-14.149(10), F.A.C., that provides for a mechanism of payment of investigative costs for certain violations due to duplication as investigative costs are already a factor in the calculation of a monetary fine as provided in subsection 5E-14.149(15), F.A.C.

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

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

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.161 FS.

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