

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09422 RULE TITLE: Florida Comprehensive Assessment Test Requirements

PURPOSE AND EFFECT: The purpose of the rule development is to amend the rule to remove the passing score on the grade 10 FCAT Writing+ to qualify for a standard high school diploma and to remove the current grade-level scale scores in order to comply with Senate Bill (SB) 1908. SB 1908 requires that the Commissioner discontinue administration of the multiple-choice test items on the comprehensive assessment of writing until a new comprehensive test of writing is administered in 2012-2013. Until 2012-2013, the comprehensive assessment of writing will consist of an essay to be scored on a scale of 1 to 6. The effect is the delay of the implementation of a high school graduation testing requirements in writing, as well as a delay in the use of multiple-choice test items on the statewide comprehensive assessment of writing.

SUBJECT AREA TO BE ADDRESSED: Florida Comprehensive Assessment Test (FCAT).

SPECIFIC AUTHORITY: 1001.02, 1008.22(12) FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 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: Dr. Cornelia S. Orr, Assistant Deputy Commissioner, Office of Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0995 RULE TITLE: Form of High School Diplomas and Certificates of Completion

PURPOSE AND EFFECT: The purpose of the rule development is to address the newly required designations for Major Areas of Interest, accelerated coursework, career education certification, and Ready to Work credential, on the standard high school diploma.

SUBJECT AREA TO BE ADDRESSED: Diploma Designations.

SPECIFIC AUTHORITY: 1001.02, 1003.428, 1003.429, 1003.438 FS.

LAW IMPLEMENTED: 15.03(3), 1001.02, 1003.428, 1003.4285, 1003.429, 1003.43, 1003.438 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: August 28, 2008, 9:00 a.m.

PLACE: Call 1(888)808-6959, code: 4137943

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Holly Edenfield, Executive Director, K-12 Legislative and Public Affairs, (850)245-0659
TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0995 Form of High School Diplomas and Certificates of Completion.

(1) through (4) No change.

(5) For the standard diploma, districts must determine designations for each of the following accomplishments:

(a) completion of four (4) credits in the same Major Area of Interest as provided in Section 1003.428, Florida Statutes;

(b) completion of four (4) or more accelerated college credit courses in Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), or dual enrollment courses, provided that the student is eligible for college credit pursuant to Sections 1007.27 and 1007.271, Florida Statutes;

(c) Career education certification in accordance with Section 1003.431, Florida Statutes; and

(d) Florida Ready to Work Credential in accordance with Section 1004.99, Florida Statute Designations may be in the form of a seal, sticker, stamp, or text. There may be no more than four state designations on a diploma (for example, a student who completes four (4) credits in AP and four (4) credits in dual enrollment may not get more than one (1) designation for accelerated options); however, districts may choose to combine designations to save space on the diploma. Successful passage of AP, IB, and AICE exams are designated on the Articulation Coordinating Committee Credit by

Examinations Equivalency List. Successful passage of dual enrollment coursework constitutes a grade of C or better. The designations must be placed between the date and signatures on the diploma. District seals allowed in subsection (6) of this rule must be placed below state designations. Students receiving a special diploma, certificate of completion, or special certificate of completion, may receive these designations on their diploma or certificate, if their coursework is applicable for these designations. The designation must be placed in the same manner as described in this paragraph and subsection (1) of this rule on all diplomas and certificates.

(6) School boards electing to award differentiated diplomas in lieu of the Standard Diploma as authorized in Section 1003.43, Florida Statutes, may place on the Standard Diploma a seal to indicate the type of differentiation. Seals given in recognition of outstanding scholastic achievement may also be placed on the face of the Standard Diploma; but may not be placed above the state designations as described in subsection (5) of this rule.

Specific Authority 1001.02, ~~1003.43~~, 1003.438 FS. Law Implemented 15.03(3), 1001.02, ~~1003.428~~, ~~1003.4285~~, ~~1003.429~~, ~~1003.43~~, 1003.43-438 FS. History--New 11-14-78, Amended 6-9-81, Formerly 6A-1.995, Amended 4-3-90, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
 RULE TITLE: Implementation of Florida's System of School Improvement and Accountability

PURPOSE AND EFFECT: The purpose of the rule development is to ensure consistency among all schools designated School Performance Grade of D by requiring that they utilize the Bureau of School Improvement educational improvement plans database. The effect is consistency in reporting requirements among schools designated with a performance grade of D.

SUBJECT AREA TO BE ADDRESSED: Reporting requirements for schools designated with a performance grade of D.

SPECIFIC AUTHORITY: 1008.33(4) FS.

LAW IMPLEMENTED: 1008.33 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: Iris Wilson, Deputy Chancellor, K-12 Public Schools, 325 West Gaines Street, Room 514, Tallahassee or (850)245-0509

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or lynn.abbott@fldoe.org.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099821
 RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of the rule development is to propose procedures for the Department to calculate each Voluntary Prekindergarten (VPK) Provider's 2007-08 Kindergarten Readiness Rate. These readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the VPK Education Program during the 2007-08 school year and who are administered the statewide kindergarten screening during the 2008-09 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of kindergarten provider readiness rates.

SUBJECT AREA TO BE ADDRESSED: Kindergarten Provider Readiness Rates.

SPECIFIC AUTHORITY: 1002.69 FS.

LAW IMPLEMENTED: 1002.69 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: August 25, 2008, 4:00 p.m. – 7:00 p.m., August 26, 2008, 4:00 p.m. – 7:00 p.m., September 2, 2008, 5:00 p.m. – 7:00 p.m., September 3, 2008, 4:30 p.m. – 6:30 p.m., September 4, 2008, 4:00 p.m. – 6:00 p.m.

PLACES: August 25th: Palm Beach Community College, Lake Worth Campus, 4200 Congress Avenue, Room CE 129, Lake Worth, FL. August 26th: Miami Child Development Services Office, 2525 N.W. 62nd Street, 2nd Floor, Miami, FL. September 2nd: The Children's Board of Hillsborough County, The Board Room, 1002 E. Palm Ave., Tampa, FL. September 3rd: United Way Building, Ted Crowell Room, 1940 Traylor Blvd., Orlando, FL. September 4th: Department of Children and Families of Arlington, Auditorium, 5920 Arlington Expressway, Jacksonville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Shan Goff, Executive Director, Office of Early Learning, Florida Department of Education, 325 W. Gaines St., Suite 1524, Tallahassee, FL 32399-0400, (850)245-0445

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

will be amended to reflect CMI/MPH Industries, Inc., to be included as a corporate name for M.P.H. Industries Inc., or CMI/MPH. Lastly, paragraph 15B-2.013(5)(d), F.A.C., will be amended to reflect Laser Atlanta, LLC, to be included as a corporate name for Laser Atlanta Optics, Inc.

SPECIFIC AUTHORITY: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 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: Lt. Ronald W. Castleberry, Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617- 2939

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

(a) Applied Concepts, Inc., formerly known as Applied Concepts Marketing –

- 1. Model STALKER;
- ~~2.(b) Applied Concepts, Inc., formerly known as Applied Concepts Marketing— Model STALKER DUAL;~~
- ~~3.(c) Applied Concepts, Inc., formerly known as Applied Concepts Marketing— Model STALKER DUAL SL;~~
- ~~4.(d) Applied Concepts, Inc., formerly known as Applied Concepts Marketing— Model STALKER DUAL DSR;~~
- ~~5.(e) Applied Concepts, Inc., formerly known as Applied Concepts Marketing— Model STALKER BASIC – stationary and moving;~~

- 6. Model DSR2X;
- 7. Model Stalker II MDR;
- 8. Model Stalker II SDR;

(b)(f) Broderick Enforcement Electronic –

- 1. Model BEE-36;
- ~~(g) CMI/MPH Industries, Inc.,— Model Python;~~
- ~~(c)(h) Decatur Electronics, Inc., –~~
- 1. Model MVF 724;
- ~~2.(i) Decatur Electronics, Inc.,— Model KF-1;~~
- ~~3.(j) Decatur Electronics, Inc.,— Model Genesis-I;~~
- ~~4.(k) Decatur Electronics, Inc.,— Model Genesis – II;~~
- ~~5.(l) Decatur Electronics, Inc.,— Genesis Handheld;~~
- ~~6.(m) Decatur Electronics, Inc.,— Model Genesis VP;~~
- ~~7.(n) Decatur Electronics, Inc.,— Model Genesis VP – Directional;~~
- 8. Genesis GHD (Handheld Directional);
- 9. Genesis II – Select;
- 10. Genesis II – Directional;
- ~~(d)(e) Kustom Electronics, Inc., or Kustom Signals, Inc., –~~
- 1. Model KR-10SP-F, Model KR-10SP;
- ~~2.(p) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model FALCON-F, Model FALCON;~~
- ~~3.(t) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model TROOPER-F, Model TROOPER;~~
- ~~4.(r) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model HAWK;~~
- ~~5.(s) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model PRO-1000, Model PRO-1000DS;~~
- ~~6.(t) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Eagle K-Band;~~
- ~~7.(u) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Eagle KA-Band;~~
- ~~8.(v) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Eagle Plus K-Band;~~
- ~~9.(w) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Eagle Plus KA-Band;~~
- ~~10.(x) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Silver Eagle K-Band;~~
- ~~11.(y) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Silver Eagle KA-Band;~~
- ~~12.(z) Kustom Electronics, Inc., or Kustom Signals, Inc.,— Model Golden Eagle K-Band;~~
- ~~13.(aa) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle KA-Band;~~
- ~~14.(bb) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle Plus KA-Band;~~
- ~~15.(cc) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model HR-12;~~
- ~~16.(dd) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Talon;~~
- ~~17.(ee) Kustom Electronics, Inc., or Kustoms Signals, Inc.,— Directional Golden Eagle KA-Band;~~
- 18. Golden Eagle Plus;
- 19. Eagle II Plus – DCM Antenna;
- 20. Eagle II – DCM Antenna;

- 21. Golden Eagle II – DCM Antenna;
- 22. Directional Golden Eagle II – DCM Antenna;
- 23. Talon II;
- 24. Eagle II Plus Ka;
- 25. Eagle II Ka;
- 26. Golden Eagle II Ka;
- 27. Pro – Lite Plus;
- 28. Falcon – HR – Stationary;
- 29. Falcon – HR – Moving;
- 30. Talon – Directional;
- (e)(ff) McCoy’s LAWLINE Speed Trak Elite K, Ka and Elite KD (directional);
- (f)(gg) M.P.H. Industries, Inc., or CMI/MPH or CMI/MPH Industries, Inc., –
 - 1. Model K-15K “1986 Model,” Model K-15, Model K-15 II;
 - 2. ~~(hh) M.P.H. Industries, Inc., or CMI/MPH~~ Model MPH Speedgun (K-BAND);
 - 3. ~~(ii) M.P.H. Industries, Inc., or CMI/MPH~~ Model K-55K; Model BEE-36;
 - 4. ~~(jj) M.P.H. Industries, Inc., or CMI/MPH~~ Model Bee III;
 - 5. ~~(kk) M.P.H. Industries, Inc., or CMI/MPH~~ Model Enforcer;
 - 6. Model Python;
 - 7. Model Z-15;
 - 8. Model Z-25;
 - 9. Model Z-35;
 - 10. Model Python III – Standard;
 - 11. Model Python III – Fastest Speed, Same Direction;
- (g)(H) Tribar Industries, Inc., –
 - 1. Model MDR-2;
 - 2. ~~(mm) Tribar Industries, Inc.,~~ Model K-GP.
- (2) Average Speed Calculators (ASC):
 - (a) Federal Sign and Signal Corp., – VASCAR II;
 - (b) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Tracker;
 - (c) Traffic Safety Systems, Inc., – VASCAR-Plus.
- (3) Speedometers – All mechanical or electronic motor vehicle speedometers having certified calibration pursuant to these rules.
- (4) Stopwatches – All stopwatches certified pursuant to subsection 15B-2.008(4) and Rule 15B-2.012, F.A.C. The following stopwatches are approved for use in this State when they have been tested according to this rule chapter. The absence on this list of other stopwatches used by other law enforcement agencies or the Florida Highway Patrol does not preclude their use when they have been properly tested.

Brand Name	Model Number
(a) Casio	HS-10W
(b) Timex Quartz Timer	None
(c) Heuer	1000
(d) Heuer	1010
(e) Seiko	S022-5009
(f) Accusplit	620-CT
(g) Minerva Manual Timer	None
(h) Seiko	87-0019G
(i) Aristo	Apollo
(j) Lorus	W903
(k) Marshall Browning International Corp.	Robic Acutrak SC-800

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

- (a) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Prolaser II; Model Prolaser III;
- (b) Laser Technology, Inc., – Model Marksman/LTI 20-20, Model Ultralyte LTI 20/20 Lidar, Model Ultralyte 100LR and 200LR, Model Ultralyte LR B; Model LTI 20/20 TruSpeed;
- (c) Applied Concepts, Inc., – Model Stalker Lidar;
- (d) Laser Atlanta Optics, Inc., or Laser Atlanta, LLC – Model Speed Laser, Model Speed Laser B.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History–New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04,_____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE NO.: 15B-2.016
 RULE TITLE: Tests to Determine Accuracy of Laser Speed Measuring Devices

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to reflect the revision of form DHSMV 61071 – Laser Speed Measuring Device Certification – to include the testing of intermittent laser pulses. Since the form and revision date are specifically referenced in paragraph 15B-2.016(2)(d), Florida Administrative Code, a revision to the form will also require a revision to this section of the Florida Administrative Code. An amendment to paragraphs 15B-2.013(5)(b), (d) is needed to add those laser devices approved since the last revision. Furthermore, since the last revision of the Chapter 15B-2, Florida Administrative Code, additional radar speed measuring devices have been approved for use in the State of Florida. Rule 15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended to add those devices approved since the last revision. In addition, Rule

15B-2.013, Florida Administrative Code, "Approved Speed Measuring Devices" will be amended by changing the reference number or letter to each currently listed speed measuring device for ease of reference. Also, paragraph 15B-2.013(1)(g), Florida Administrative Code, will be amended to reflect CMI/MPH Industries, Inc., to be included as a corporate name for M.P.H. Industries Inc., or CMI/MPH. Lastly, paragraph 15B-2.01(5)(d), Florida Administrative Code, will be amended to reflect Laser Atlanta, LLC, to be included as a corporate name for Laser Atlanta Optics, Inc.

SUBJECT AREA TO BE ADDRESSED: The proposed rule action revises the current rule changing form DHSMV 61071 – Laser Speed Measuring Device Certification – to include the testing of intermittent laser pulses. Since the form and revision date are specifically referenced in paragraph 15B-2.016(2)(d), Florida Administrative Code, a revision to the form will also require a revision to this section of the Florida Administrative Code. An amendment to paragraphs 15B-2.013(5)(b), (d), Florida Administrative Code, is needed to add those laser devices approved since the last revision. Furthermore, Rule 15B-2.013, Florida Administrative Code, "Approved Speed Measuring Devices" will be amended to reflect those radar speed measuring devices approved since the last revision. In addition, Rule 15B-2.013, Florida Administrative Code, "Approved Speed Measuring Devices" will be amended by changing the reference number or letter to each currently listed speed measuring device for ease of reference. Also, paragraph 15B-2.013(1)(g), Florida Administrative Code, will be amended to reflect CMI/MPH Industries, Inc., to be included as a corporate name for M.P.H. Industries Inc., or CMI/MPH. Lastly, paragraph 15B-2.013(5)(d), Florida Administrative Code, will be amended to reflect Laser Atlanta, LLC, to be included as a corporate name for Laser Atlanta Optics, Inc.

SPECIFIC AUTHORITY: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 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: Lt. Ronald W. Castleberry, Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-2939

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15B-2.016 Tests to Determine Accuracy of Laser Speed Measuring Devices.

(1) All LSMD used in this state shall be subject to periodic tests at intervals not to exceed six (6) months, to be conducted by a Florida registered professional engineer or by an electronic Technician who has a Federal Communication Commission, General Radiotelephone Operator License, or a certification issued by one of the following:

(a) Association of Public-Safety Communications Officials-International (APCO);

(b) Personal Communications Industries Association (PCIA), formerly known as National Association of Business and Education Radio (NABER); or

(c) National Association of Radio and Telecommunications Engineers (NARTE).

(2) Only the most recent six (6) month test certificate is required in order to establish the presumption available under Section 316.1905(3)(b), F.S. Tests will include:

(a) Bench Tests – Wavelength verification, optical power output, pulse repetition rate, pulse width, and verify that the pulse train is free of any double laser pulses or intermittent laser pulses. The results of these tests shall conform with the safety report from the U.S. Department of Health and Human Services, Center for Devices and Radiological Health (CDRH), Food and Drug Administration (21 C.F.R. part 1040), which is incorporated by reference, and the manufacturer's specifications, both of which will be supplied by the manufacturer.

(b) Distance/Velocity – A complete verification test as described in paragraphs 15B-2.015(1)(a) through (c), F.A.C., and a Velocity Verification test certifying that the Laser Speed Output was compared to Actual Speed as verified by a certified radar device. The results of these tests will not be greater than plus or minus one (1) foot for the distance tests, and plus or minus one (1) mph for the speed test.

(c) Sight Alignment/Beam Pattern Test. The sighting device will be checked for accuracy to determine that it remains within the laser beam at all distances from 500-3000 feet. This may be determined from calculation based on an initial beam pattern/sight alignment analysis. The beam will be analyzed to determine that it is within the pattern/size tolerances specified by the manufacturer.

(d) Each test shall be recorded on form HSMV 61071(8/08)(3/04) which is incorporated by reference. Blank forms are available by contacting the Department at the address described in subsection 15B-2.0082(1), F.A.C.

(e) When an Average Speed Calculator (ASC) is installed and used as a separate feature of an LSMD, the ASC feature must be certified separately and in addition to the LSMD under paragraph 15B-2.008(2)(d), F.A.C.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History–New 10-18-94, Amended 5-23-04,_____.

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 NOS.:	RULE TITLES:
33-208.506	Staff Housing Agreement Form
33-208.507	Responsibilities of Staff Housing Occupants

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC2-808A, incorporated by reference in Rule 33-208.506, F.A.C., to include agreements to comply with Chapter 790, F.S., and the limitations on the number and type of firearms that can be stored in staff housing. Rule 33-208.507, F.A.C. is amended to include limits regarding the storage of firearms, ammunition, black powder, and smokeless propellant powder in staff housing, and authorizes wardens to enforce the limits on firearms and propellants.

SUBJECT AREA TO BE ADDRESSED: Firearms in staff housing.

SPECIFIC AUTHORITY: 20.315, 944.09(1), 945.025(1) FS.

LAW IMPLEMENTED: 20.315, 944.09(1), 945.025(1) 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 Jordan-Nunes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.506 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form DC2-808A, for processing in compliance with the assignment criteria in Rule 33-208.504, F.A.C., herein. This form is hereby incorporated by reference, and a copy may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~April 8, 2002~~.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.006, 33-602.506, Amended 8-16-00, 4-8-02, 3-30-05, _____.

33-208.507 Responsibilities of Staff Housing Occupants.
(1) through (3) No change.

(4) Firearms.

(a) The warden is authorized to enforce the following maximum limits on the number and type of firearms kept in any type of staff housing, to include mobile homes. These quantities are per each occupant who is legally authorized by statute to own or possess firearms.

1. Four shotguns,

2. Four rifles, and

3. Four handguns.

(b) These weapons must be stored safely and securely in accordance with Section 790.174(1), Florida Statutes. It is unlawful to store or leave a firearm in any place within the reach or easy access of a minor under 18 years of age.

(c) Ammunition for the firearms listed above is expressly limited to a maximum of one full case per firearm.

(d) Occupants of staff housing are expressly prohibited from possessing machine guns, short barreled shotguns, short barreled rifles, destructive devices, explosives, electric weapons or devices, and dart-firing stun guns, as defined in Section 790.001, Florida Statutes.

(e) Occupants of staff housing are expressly prohibited from possessing or storing smokeless propellant powder in quantities exceeding 20 pounds, or commercially manufactured sporting grades of black powder exceeding 20 pounds.

(f) Occupants of staff housing shall follow the restrictions placed on the possession and use of BB guns, air or gas-operated guns, or electric weapons or devices by minors under 16 in accordance with Section 790.22, Florida Statutes.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.007, 33-602.507, Amended 8-16-00, 1-19-03, 3-30-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.210	Custody Classification

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to remove obsolete forms, DC4-803, Approval for Community Release and Furlough, and DC40, Community Release Recommendation, which are no longer in use and replace with DC6-127, Checklist for Transfers to Work Release Centers. The Rule is also amended to reflect the change of Immigration and Naturalization Services to Immigration and Customs Enforcement.

SUBJECT AREA TO BE ADDRESSED: Custody classification.

SPECIFIC AUTHORITY: 944.09, 958.11 FS.
 LAW IMPLEMENTED: 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 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 Jordan-Nunes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.210 Custody classification.
 - (1) No change.
 - (2) Custody Grade Classification.
 - (a) through (i) No change.
 - (j) Any inmate who has been designated as an alien by the department, who has been in the custody of the department less than six months, and:
 - 1. For whom no decision has been made by ~~the~~ Immigration and Customs Enforcement Naturalization Service regarding deportation,
 - 2. through 3. No change.
 - (k) through (l) No change.
 - (3) No change.
 - (4) Progress Assessments.
 - (a) through (e) No change.
 - (f) In preparing assessments, care should be taken that all pertinent facts are included to insure that all up-to-date information concerning changes in an inmate's activity are documented. Additionally, any new recommendations of the committee in regard to inmate goals should be carefully documented and supporting facts included. If at the time of the review the inmate is being recommended for work release, the Form DC6-127, Checklist for Transfers to Work Release Centers DC4-803, Approval for Community Release and Furlough, or Form DC40, Community Release Recommendation will suffice for the assessment. Form DC6-127 has been previously incorporated by reference in Rule 33-601.602, F.A.C.
 - (g) through (m) No change.
 - ~~(5) Forms and Attachments. Form DC4-869, Custody Questionnaire, is incorporated by reference in this rule. A copy of this form may be obtained by writing the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is May 13, 1996.~~

Specific Authority 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History–New 12-7-81, Formerly 33-6.09, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, Formerly 33-6.009, Amended 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended 9-19-00, 2-25-07,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.659
 RULE TITLE: Forms and Instructions
 PURPOSE AND EFFECT: To amend and update portions of Chapter 40E-1, F.A.C., to incorporate changes consistent with changes identified in the rule development for Chapter 40E-61, F.A.C., Lake Okeechobee Works of the District. This rule development was originally noticed in Vol. 33, No. 12, March 23, 2007 edition of the Florida Administrative Weekly and additional workshops were noticed in Vol. 34, No. 28, July 11, 2008 edition of the Florida Administrative Weekly.
 SUBJECT AREA TO BE ADDRESSED: To amend Chapter 40E-1, F.A.C., General and Procedural rules.

SPECIFIC AUTHORITY: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS.

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

DATE AND TIME: September 3, 2008, 9:00 a.m. – 11:00 a.m.
 PLACE: Everglades Research and Education Center, 3200 E. Palm Beach Rd., Belle Glade, FL 33430

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: District Clerk's Office, (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: For technical issues: Steffany Gornak, 1(863)462-5260, Extension 3010, e-mail: sgornak@sfwmd.gov; For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259 or (561)682-6259, e-mail: jrader@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-61.011	Policy and Purpose
40E-61.020	Scope of Part I
40E-61.021	Definitions
40E-61.023	Basin and Sub-Basin Boundaries
40E-61.024	Works of the District within the Lake Okeechobee Basin
40E-61.031	Implementation
40E-61.041	Permits Required
40E-61.042	General Permits for Use of Works of the District Within the Lake Okeechobee Basin
40E-61.051	Exemptions
40E-61.101	Content of Application for Individual and Collective Permits
40E-61.201	Permit Application Processing Fee
40E-61.301	Conditions for Issuance for Individual and Collective Permits
40E-61.321	Duration of Permits
40E-61.331	Modification
40E-61.351	Transfer
40E-61.381	Limiting Conditions

PURPOSE AND EFFECT: To amend and update specific components of Chapter 40E-61, F.A.C., the Lake Okeechobee Works of the District to clarify the District’s statutory responsibilities in the administration of this program under the Lake Okeechobee Protection Act. Amendments to these rules will eliminate any duplication between the cooperating agencies and their responsibilities under the Lake Okeechobee Protection Act. This rule development was originally noticed in Vol. 33, No. 12, March 23, 2007 edition of the Florida Administrative Weekly and additional workshops were noticed in Vol. 34, No. 28, July 11, 2008 edition of the Florida Administrative Weekly.

SUBJECT AREA TO BE ADDRESSED: To amend Chapter 40E-61, F.A.C., Lake Okeechobee Drainage Basin.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.109, 373.451, 373.453, 373.4595, 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: September 3, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Everglades Research and Education Center, 3200 E. Palm Beach Rd., Belle Glade, FL 33430

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: District Clerk’s Office, (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: For technical issues: Steffany Gornak, 1(863)462-5260, Extension 3010, e-mail: sgornak@sfwmd.gov; For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259 or (561)682-6259, e-mail: jrader@sfwmd.gov.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-26.001	Purpose and Intent
59A-26.002	Definitions
59A-26.003	License Required
59A-26.004	Classification of Deficiencies
59A-26.005	Licensure Procedure, Fees and Exemptions
59A-26.006	Responsibilities for Operation
59A-26.007	Fiscal Standards
59A-26.0075	Fiscal Prohibitions, Kickbacks and Referrals
59A-26.008	Admission Policies and Requirements
59A-26.009	Personnel Standards
59A-26.010	Training, Habilitation, Active Treatment Professional, and Special Programs and Services
59A-26.011	Dietary Services
59A-26.012	Dental Services
59A-26.013	Psychological Services
59A-26.014	Drugs and Pharmaceutical Services
59A-26.015	Administration of Medications to ICF/DD Residents by Unlicensed Medication Assistants
59A-26.016	Requirements for Administration of Medication to Residents by Unlicensed Medication
59A-26.017	Training and Validation Required for Unlicensed Medication Assistants
59A-26.018	Plant Maintenance and Housekeeping
59A-26.019	Fire Protection, Life Safety, Systems Failure and External Emergency Communication

59A-26.020 Plans Submission and Fees Required
 59A-26.021 Physical Plant Codes and Standards for ICF/DD
 59A-26.022 Construction and Physical Environment Standards
 59A-26.023 Disaster Preparedness

PURPOSE AND EFFECT: The Agency proposes to establish a rule consistent with provisions of Section 400.967(2), Florida Statutes, which became effective May 7, 1999. The legislation provides for the development of rules regarding specific criteria including minimum standards of program development and quality of care of Intermediate Care Facilities for the Developmentally Disabled.

SUBJECT AREA TO BE ADDRESSED: Specific criteria pertaining to licensure requirements including procedures for licensing, fees and exemptions, classification of deficiencies, responsibility of operation, fiscal standards, fiscal prohibitions, kickbacks and referrals, admission policies, personnel standards, training, habilitation, active treatment professional and specific program services, dietary, dental and psychological standards, drugs and pharmaceutical services, administration of medications by unlicensed medication assistants, including training and validation of the unlicensed medication assistants, plant maintenance and housekeeping, fire protection, life safety, systems failure, and external communications, plans submission and fee requirements, physical environment standards and disaster preparedness for Intermediate Care Facilities for the Developmentally Disabled.

SPECIFIC AUTHORITY: 400.967(2) FS.

LAW IMPLEMENTED: 400.967 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: August 25, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. #3, Conference Rm. C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kimberly Smoak, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-9138 or contact the LTC Unit, (850)488-5861

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.251
 RULE TITLE: Florida Medicaid Prescribed Drugs Reimbursement Methodology

PURPOSE AND EFFECT: The purpose of this rule is to state the reimbursement methodology for prescribed drug claims in the Florida Medicaid program.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Prescribed Drugs reimbursement methodology.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908, 409.912(39)(a) FS.

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

DATE AND TIME: August 26, 2008, 10:00 a.m. – Noon

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Donnelly, Bureau of Medicaid Prescribed Drug Services, 2727 Mahan Drive, Mail Stop 38, Tallahassee, Florida 32308-5407, (850)487-4441

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.251 Florida Medicaid Prescribed Drugs Reimbursement Methodology.

(1) Reimbursement for prescribed drug claims is made in accordance with the provisions of Title 42, Code of Federal Regulations Sections 447.331-334. Reimbursement for covered drugs dispensed by a licensed pharmacy, approved as a Medicaid provider, or an enrolled dispensing physician filling his own prescriptions, shall not exceed the lower of:

(a) The estimated acquisition cost, defined as the lower of:

1. Average Wholesale Price (AWP) minus 16.4%, or Wholesaler Acquisition Cost (WAC) plus 4.75%, plus a dispensing fee of \$4.23;

2. The Federal Upper Limit (FUL) established by the Centers for Medicare and Medicaid Services, plus a dispensing fee of \$4.23; or

(b) The State Maximum Allowable Cost (SMAC), plus a dispensing fee of \$4.23; or

(c) The provider's Usual and Customary (U&C) charge, inclusive of dispensing fee.

(2) For drugs purchased by qualified entities under Section 340B of the Public Health Service Act: Covered entities and Federally Qualified Health Centers or their contracted agents that fill Medicaid patient prescriptions with drugs purchased at

prices authorized under Section 340B of the Public Health Service Act must bill Medicaid for reimbursement at the actual acquisition cost plus a dispensing fee of \$7.50 for these drugs.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 (39)(a) FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.045
 RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) in accordance with the 2008-09 General Appropriations Act, House Bill 5001, Specific Appropriation 235 and House Bill 5085, Section 5 which amended Section 409.908, Florida Statutes.

1. Effective October 1, 2008, as a result of modifying the reimbursement for intermediate care facilities for the developmentally disabled, the Agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Mentally Retarded and Developmentally Disabled for Community Owned and Operated Facilities Reimbursement Plan to achieve a \$6,160,256 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Title XIX reimbursement rate methodology for Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated reimbursement methodology.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: September 10, 2008, 9:00 a.m.

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-19.004
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Purpose and effect is to amend the rule to include guidelines for all the violations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	FIRST VIOLATION MINIMUM	SECOND AND SUBSEQUENT VIOLATIONS MAXIMUM
(a) Violating any provision of Section 455.227(1), 471.025 or 471.031, F.S., or any other provision of Chapter 471, F.S., or rule of the Board or Department (Sections 471.033(1)(a) and 455.227(1)(b), (q), F.S)	Reprimand and \$1,000 fine, to One (1) year suspension, two (2) years probation and \$5,000 fine Reprimand and \$1,000 fine	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation One (1) year suspension, two (2) years probation and \$5,000 fine
1. Failure to sign, seal or date documents (Section 471.025(1), F.S.)	Reprimand to one (1) year probation Reprimand	Reprimand and one (1) year probation to Revocation Reprimand and one (1) year probation
2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended (Section 471.025(2), F.S.)	No change No change	Suspended license: Revocation and \$5,000 fine Revoked license: Referral to State's Attorney's office
3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform (Sections 471.025(3), 455.227(1)(o), F.S., paragraphs 61G15-19.001(6)(c), (d), F.A.C.)	Reprimand, one (1) year probation and \$1,000 fine; to \$5,000 fine, one (1) year suspension and two (2) years probation Reprimand, one (1) year probation and \$1,000 fine	Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation to Revocation Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation
4. Firm practicing without certificate of authorization (Section 471.023, F.S. and subsection 61G15-19.001(3), F.A.C.)	Reprimand, \$1,000 fine to one (1) year suspension and \$5,000 fine Reprimand	Reprimand, one (1) year suspension and \$5,000 fine to Revocation Revocation
5. Failure to complete continuing education (Section 471.017(3), F.S. and Rule 61G15-22.001, F.A.C.)	Reprimand and \$1,000 fine, to Suspend until licensee demonstrates compliance Suspend until licensee demonstrates compliance	Suspend until licensee demonstrates compliance to Revocation Revocation
6. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer (Sections 471.031(1)(a), (b), F.S.)	\$1,000 fine to \$5,000 fine \$1,000 fine per count	\$5,000 fine to \$10,000 fine to referral to State Attorney's Office \$5,000 fine per count
7. Presenting as his or her own the license of another (Section 471.031(1)(c), F.S.)	\$1000 fine to \$5,000 fine \$1,000 fine per count	\$5,000 fine to \$10,000 fine and referral to State Attorney's Office \$5,000 per count and revocation

8. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter (Sections 471.031(1)(d), (g), F.S.)	<u>\$1,000 fine to \$5,000 fine and suspension</u> \$1,000 fine per count	<u>Reprimand and \$5,000 fine to Revocation</u> \$5,000 per count and revocation
9. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Sections 471.031(1)(f) and 455.227(1)(j), F.S.)	<u>\$1,000 fine and reprimand; to \$5,000 fine and suspension</u> \$1,000 fine per count and reprimand	<u>Reprimand and \$5,000 fine to Revocation</u> \$5,000 per count and revocation
10. Having been found liable for knowingly filing a false complaint against another licensee (Section 455.227(1)(g), F.S.)	<u>\$1,000 fine and reprimand; to \$5,000 per count and suspension</u> \$1,000 fine per count and reprimand	<u>Reprimand and \$5,000 fine to Revocation</u> \$5,000 fine per count and revocation
11. Failing to report a person in violation of Chapter 455, Chapter 471, F.S., or the rules of the Board or the Department (Section 455.227(1)(i), F.S.)	<u>Reprimand to \$5,000 fine and suspension for one (1) year</u> Reprimand	<u>Reprimand and \$5,000 fine to Revocation</u> Reprimand, \$5,000 per count and suspension for one (1) year
12. Failing to perform any statutory or legal obligation (Section 455.227(1)(k), F.S.)	<u>Reprimand to Revocation</u> Reprimand	<u>Reprimand to Revocation</u> Revocation
13. Exercising influence on a client for financial gain (Section 455.227(1)(n), F.S.)	<u>Reprimand to one (1) year suspension and \$5,000 fine</u> Reprimand	<u>Reprimand and \$5,000 fine to Revocation</u> Revocation
14. Improper delegation of professional responsibilities (Section 455.227(1)(p), F.S.)	<u>\$1,000 fine and probation for one (1) year; to suspension</u> \$1,000 fine per count and probation for one (1) year	<u>Reprimand and \$5,000 fine to Revocation</u> Revocation
15. Improperly interfering with an investigation or inspection or disciplinary proceeding (Section 455.227(1)(r), F.S.)	<u>\$1,000 fine and probation for one (1) year; to suspension</u> \$1,000 fine per count and probation for one (1) year	<u>Reprimand and \$5,000 fine to Revocation</u> Revocation
(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department (Sections 471.033(1)(b) and 455.227(1)(h), F.S.)	<u>One (1) years suspension and \$1,000 fine, to Revocation if licensed; if not licensed, denial of license and referral to State Attorney</u> Revocation and \$1,000 fine if licensed; if not licensed, denial of license and referral to State Attorney	<u>Revocation and \$5,000 fine if licensed; if not licensed, denial of license and referral to State Attorney</u>

<p>(c) Having a license to practice engineering acted against or denied by another jurisdiction (Sections 471.033(1)(c) and 455.227(1)(f), F.S.)</p>	<p><u>Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes</u> Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes</p>	<p><u>Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes</u></p>
<p>(d)I. Being convicted or found guilty of, or entering a plea of nolo contendere to a crime which relates to the practice or ability to practice (Sections 471.033(1)(d) and 455.227(1)(c), F.S.)</p>	<p><u>Reprimand \$1,000 fine, and one (1) year probation, to Revocation</u> Misdemeanor: reprimand and one (1) year probation Felony: Revocation and \$1,000 fine</p>	<p><u>One (1) year suspension with 2 years probation to Revocation</u> Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</p>
<p>2. Conviction of crime related to building code inspection or plans examination (paragraph 61G15-19.001(7)(a), F.A.C.)</p>	<p><u>Reprimand \$1,000 fine, and one (1) year probation</u> Misdemeanor: reprimand and one (1) year probation Felony: Revocation and \$5,000 fine</p>	<p><u>One (1) year suspension with 2 years probation to Revocation</u> Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</p>
<p>(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing (Sections 471.033(1)(e), 455.227(1)(l), F.S. and paragraph 61G15-19.001(7)(c), F.A.C.)</p>	<p><u>Reprimand and \$1,000 fine to one (1) year suspension, two (2) years probation</u> One (1) year suspension, two (2) years probation, \$1,000 fine</p>	<p><u>One (1) year suspension, 2 years probation, and \$1,000 fine, to Revocation and \$5,000 fine</u> Revocation and \$5,000 fine</p>
<p>(f) Fraudulent, false, deceptive or misleading advertising (Sections 471.033(1)(f), F.S. and subsection 61G15-19.001(2), F.A.C.)</p>	<p><u>Reprimand to one (1) year probation and \$5,000 fine</u> Reprimand</p>	<p><u>One (1) year probation and \$5,000 fine to Revocation</u> Reprimand, one (1) year probation and \$5,000 fine</p>
<p>(g) Fraud, deceit, negligence, incompetence or misconduct (Sections 471.033(1)(g) and 455.227(1)(a), (m), F.S.)</p>		
<p>I. Fraud or deceit</p>	<p><u>Reprimand, two (2) years probation and \$1,000 fine, to one (1) years suspension and \$5,000 fine.</u> Reprimand, two (2) years probation and \$1,000 fine</p>	<p><u>One (1) year suspension and \$5,000 fine to Revocation</u> \$5,000 fine and revocation</p>

<p>2.a. Negligence (subsection 61G15-19.001(4), F.A.C.)</p>	<p>Reprimand, two (2) years probation and \$1,000 fine, to \$5,000 fine, five (5) year suspension and ten (10) years probation <u>Reprimand, two (2) years probation and \$1,000 fine</u></p>	<p>Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation <u>Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation</u></p>
<p>b. As a special inspector</p>	<p>Reprimand, two (2) years probation and \$1,000 fine, to \$5,000 fine <u>Reprimand, two (2) years probation and \$1,000 fine</u></p>	<p>Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation <u>Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation or revocation</u></p>
<p>3. Incompetence (subsection 61G15-19.001(5), F.A.C.)</p>	<p>Two (2) year probation to Suspension until ability to practice proved followed by two (2) year probation <u>Suspension until ability to practice proved followed by probation</u></p>	<p>Suspension until ability to practice proved followed by two (2) year probation, to Revocation</p>
<p>4. Misconduct (subsection 61G15-19.001(6), F.A.C.)</p>	<p>Reprimand and \$1,000 fine to one (1) year suspension <u>\$1,000 fine per count and reprimand</u></p>	<p>One (1) year suspension to Revocation and \$5,000 fine. <u>Revocation</u></p>
<p>a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion (paragraph 61G15-19.001(6)(a), F.A.C.)</p>	<p>Reprimand and \$1,000 fine to one (1) year suspension <u>Reprimand and \$1,000 fine per count</u></p>	<p>One (1) year suspension to Revocation and \$5,000 fine. <u>Revocation</u></p>
<p>b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion (paragraph 61G15-19.001(6)(b), F.A.C.)</p>	<p>Reprimand and \$1,000 fine to one (1) year suspension <u>Reprimand and \$1,000. fine per count</u></p>	<p>One (1) year suspension to Revocation and \$5,000 fine. <u>Revocation</u></p>
<p>c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies (paragraph 61G15-19.001(6)(e), F.A.C.)</p>	<p>Reprimand, \$5,000 fine per count and suspension for five (5) years, to Revocation <u>\$5,000 fine per count and suspension for five (5) years</u></p>	<p>Five (5) years suspension to Revocation <u>Revocation</u></p>

d. Soliciting or accepting gratuities without client knowledge (paragraphs 61G15-19.001(6)(g), (h), F.A.C.)	<u>Reprimand, one (1) year probation and \$1,000 fine, to one (1) year suspension, two (2) years probation and \$5,000 fine</u> Reprimand, one (1) year probation and \$1,000 fine	<u>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation</u> Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine
e. Failure to preserve client's confidence (paragraph 61G15-19.001(6)(r), F.A.C.)	<u>Reprimand, one (1) year probation and \$1,000 fine, to one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)</u> Reprimand, one (1) year probation and \$1,000 fine	<u>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation</u> Reprimand, one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)
f. Professional judgment overruled by unqualified person (paragraph 61G15-19.001(6)(i), F.A.C.)	<u>Reprimand, one (1) year probation and \$1,000 fine, to one (1) year suspension, two (2) years probation and \$5,000 fine</u> Reprimand, one (1) year probation and \$1,000 fine	<u>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation</u> Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine
g. Use of name/firm in fraudulent venture (paragraph 61G15-19.001(6)(k), F.A.C.)	<u>Reprimand, one (1) year probation and \$1,000 fine, to \$5,000 fine, one (1) year suspension and two (2) years probation</u> Reprimand, one (1) year probation and \$1,000 fine	<u>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation</u> Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation
h. Undisclosed conflict of interest (paragraphs 61G15-19.001(6)(f), (p), F.A.C.)	<u>Reprimand, \$1,000 fine and two (2) years probation, to Revocation and \$5,000 fine</u> Reprimand, \$1,000 fine and two (2) years probation	<u>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation</u> Revocation and \$5,000 fine
(h) Violating any provision of Chapter 455, F.S. (Sections 471.033(1)(h) and 455.227(1)(q), F.S.)	<u>Reprimand and \$1,000 fine per count, to \$5,000 fine and revocation</u> Reprimand and \$1,000 fine per count	<u>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation</u> \$5,000 fine per count and revocation
(i) Practicing on a revoked, suspended, inactive or delinquent license (Sections 471.033(1)(i) and 471.031(1)(e), F.S.)		

1. Delinquent license	<u>Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice</u> Reprimand	Revocation
2. Inactive license	<u>Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice</u> Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice	
3. Suspended license	<u>Revocation and \$1,000 fine</u> Revocation and \$1,000 fine	
4. Revoked license	<u>Referral to State Attorney</u> Referral to State Attorney	<u>Referral to State Attorney</u>
(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any documents that were not prepared by him or her or under his or her responsible supervision, direction or control (Section 471.033(1)(j), F.S. and paragraphs 61G15-19.001(6)(j), (q), F.A.C.)	<u>Reprimand, one (1) year probation and \$1,000 fine, to \$5,000 fine, one (1) year suspension and two (2) years probation</u> Reprimand, one (1) year probation and \$1,000 fine	<u>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation</u> Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation
(k) Violating any order of the board or department (Sections 471.033(1)(k), 455.227(1)(q), F.S. and paragraph 61G15-19.001(6)(o), F.A.C.)	<u>Suspension until compliant with the order of the Board and \$1,000 fine, to Revocation and \$5,000 fine</u> Suspension and \$1,000 fine	<u>Suspension until compliant with the order of the Board and \$1,000 fine, to Revocation and \$5,000 fine</u> Revocation and \$5,000 fine
(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Section 455.227(1)(j), F.S.)	<u>\$1,000 fine and probation for one (1) year, to \$5,000 fine and suspension</u> Reprimand and \$1,000 fine per count	<u>Reprimand and \$5,000 fine to Revocation</u> \$5,000 fine per count and revocation

(3) No change.

Specific Authority 455.227, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01, 5-20-02, 11-21-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.001
 RULE TITLE: Continuing Education Requirements
 PURPOSE AND EFFECT: The purpose and effect is to revise the standards for approval of C.E. courses.
 SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 415.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.006 RULE TITLE: Probation

PURPOSE AND EFFECT: To discuss Rule 61J2-24.006, F.A.C., to address probationary requirements.

SUBJECT AREA TO BE ADDRESSED: Requirements relating to dress code.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.227, 475.25 FS.

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

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

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room N901, 400 W. Robinson Street, Hurston Building, North Tower, Orlando, Florida 32801

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: Division of Real Estate at (407)741-5662 (between the hours of 9:00 a.m. and 4:00 p.m). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0151 RULE TITLE: Review Procedure and Methodology For Certification of Foreign Dental Education Programs

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt rule language to specify the review procedures and methodology for certification of foreign dental educations programs.

SUBJECT AREA TO BE ADDRESSED: Review procedures for certification of foreign dental programs.

SPECIFIC AUTHORITY: 466.004, 466.008 FS.

LAW IMPLEMENTED: 466.004, 466.008 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-7.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose and effect is to clarify that the fees for criminal background checks are in addition to the application fee.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) For application to sit for the examination as provided in Section 464.008, F.S.:

(a) For registered nurse and licensed practical nurse ninety dollars (\$90.00) ~~plus of which \$23 is specifically earmarked to~~ pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

(b) No change.

(2) For application for licensure without examination by endorsement as provided in Section 464.009, F.S.:

For registered nurse and licensed practical nurse ninety dollars (\$90.00) ~~plus of which \$23 is specifically earmarked to~~ pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

(3) through (17) No change.

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, 5-20-07,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.007
 RULE TITLE: Minimum Procedures for Comprehensive Eye Examination

PURPOSE AND EFFECT: It is to clarify the Board's intended meaning in paragraph 64B13-3.007(6)(b), F.A.C., by changing the word "supplemental" to "consultative."

SUBJECT AREA TO BE ADDRESSED: Minimum Procedures for Comprehensive Eye Examination.

SPECIFIC AUTHORITY: 463.005(1) FS.

LAW IMPLEMENTED: 463.005(1), 463.0135, 463.016(1)(g), (k) 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.007 Minimum Procedures for Comprehensive Eye Examination.

(1) through (5) No change.

(6) The minimum procedures set forth in subsection (2) above shall not be required in the following circumstances:

(a) No change.

(b) When a licensed practitioner or certified optometrist is providing ~~consultative supplemental~~ optometric services on a limited basis at the request of one or more health care practitioners licensed pursuant to Chapter 458, 459, or 463, Florida Statutes. Such services shall be provided with the patient's full knowledge of the limited nature of the optometric care. The name of the requesting health care practitioner and the optometric care provided shall be noted on the patient's case record;

(c) through (d) No change.

(7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, 463.016(1)(g), (k) FS. History—New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended 4-3-00, 4-5-04, 6-5-06, 11-5-07,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.010
 RULE TITLE: Standards of Practice

PURPOSE AND EFFECT: The purpose of the amendment is to provide that engaging in the sale, possession or distribution of controlled substances for any other than legitimate purposes constitutes practicing below the standard of care.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice.

SPECIFIC AUTHORITY: 463.005(1) FS.

LAW IMPLEMENTED: 463.005(1), 463.0135(1), 463.016(1) 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.010 Standards of Practice.

(1) through (8) No change.

(9) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in Chapter 893, for any other than legitimate purposes, constitutes grounds for disciplinary action by the Board.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History—New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00, 2-7-01, 11-16-05, 11-5-07,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.004
RULE TITLE: Manner of Application

PURPOSE AND EFFECT: The purpose of the amendment is to comply with statutory changes to continuing education requirements in Section 456.033, F.S.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b), (2) FS.

LAW IMPLEMENTED: 456.013(7), 456.033, 463.006(1)(b), (2) 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.004 Manner of Application.

(1) through (2) No change.

~~(3) Each applicant for examination must complete an educational course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) approved by the Board of Optometry. To be Board approved an educational course on HIV/AIDS must:~~

~~(a) Consist of education on the transmission, control, treatment, and prevention of HIV/AIDS with emphasis on appropriate behavior and attitude change; and either~~

~~(b) Meet the requirements of Chapter 64B13-5, F.A.C.; or~~

~~(c) Be completed as part of the educational requirements of the school from which the applicant received his/her optometry degree.~~

~~(4) Any applicant for licensure who has not fulfilled the requirements of subsection (3) above at the time of licensure shall upon an affidavit showing good cause be allowed 6 months to complete an approved AIDS Management course as specified in Rule 64B13-4.004, F.A.C.~~

~~(3)(5) Applicants are required to complete a 2-hour course relating to prevention of medical errors as part of the licensure process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety.~~

Specific Authority 456.033, 463.006(1)(b), (2) FS. Law Implemented 456.013(7), 456.033, 463.006(1)(b), (2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03, 11-16-05,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.006
RULE TITLE: Designation of Patient Care Violations; Major; Minor

PURPOSE AND EFFECT: The purpose and effect is to conform the rule to a previous amendment to Rule 64B13-3.007, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Designation of Patient Care Violations; Major; Minor.

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.079 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.006 Designation of Patient Care Violations; Major; Minor.

(1) Violations of the following statutory and rule provisions are considered to be Minor Patient Care Violations:

(a) No change.

(b) Subsections (1) and (2) of Rule 64B13-3.007, F.A.C., entitled "Minimum Procedures for Comprehensive Eye Examination ~~Vision Analysis~~," if the violation is a first offense of failing to perform or record.

(c) No change.

(2) Violations of the following statutory and rule provisions are considered to be Major Patient Care Violations:

(a) through (h) No change.

(i) Subsections (1) and (2) of Rule 64B13-3.007, F.A.C., entitled "Minimum Procedures for Comprehensive Eye Examination ~~Vision Analysis~~," if the violation is at least a second offense of failing to perform or record.

(j) through (o) No change.

(3) No change.

Specific Authority 456.079 FS. Law Implemented 456.079 FS. History--New 2-24-87, Formerly 21Q-15.006, 61F8-15.006, 59V-15.006, Amended 5-1-02, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.009
 RULE TITLE: Citations

PURPOSE AND EFFECT: The purpose of the amendment is to add citation violations to the rule.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare.

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred and fifty dollars (\$250.00):

1. through 5. No change.

6. Failure to respond to a continuing education audit as required by Rule 64B13-5.001, F.A.C. The licensee shall come into compliance by paying the citation fine within thirty (30) fifteen (15) days after receipt of the citation.

(b) No change.

(5) No change

(6) Tendering a check payable to the Board of Optometry or to the Department of Health that is dishonored by the institution upon which it is drawn shall result in a fine of \$100 and payment of the check within thirty (30) days.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, 11-16-05, 11-5-07, 7-13-08, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.420
 RULE TITLE: Pharmacy Technician 2:1 or 3:1 Ratio

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish guidelines for approving 2:1 or 3:1 ratios.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Technician 2:1 or 3:1 Ratio.

SPECIFIC AUTHORITY: 465.005, 465.014 FS.

LAW IMPLEMENTED: 465.014 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Disease Control

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

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: August 28, 2008, 10:00 a.m.

PLACE: Prather Building, Bureau of HIV/AIDS, 2585 Merchants Row Boulevard, Room 340N, 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.

DEPARTMENT OF HEALTH

Vital Statistics

RULE NOS.:	RULE TITLES:
64V-1.0031	Birth Certificate Amendments by Adoption
64V-1.0033	Birth Certificate Amendment by Legal Change of Name; Judicial Process
64V-1.0061	Death and Fetal Death Registration
64V-1.016	Florida Putative Father Registry

PURPOSE AND EFFECT: Purpose of proposed amendment is to update form used for notifying the Bureau of Vital Statistics of an adoption granted in Florida to add language relative to the Florida Putative Father Registry, to amend rule addressing legal name change to remove language regarding a name change granted in another state for which we have no legislative authority, to amend rule incorporating forms used in death and fetal death registration to add language relative to physician's signature not constituting prima facie proof of cause of death and to update forms used in the registering, updating and search of the Florida Putative Father Registry as a result of 2008 legislation.

SUBJECT AREA TO BE ADDRESSED: Certified Statement of Final Judgment of Adoption, Report of Legal Change of Name and Death and Fetal Death Certificates, Florida Putative Father Registry.

SPECIFIC AUTHORITY: 63.054(3), (10), (14), 382.003(7), (10), 382.008, 382.015(6), 382.0255(3) FS.

LAW IMPLEMENTED: 63.054, 63.062(1), 63.152, 382.003(7), (10), (11), 68.07(4), 382.008, 382.015, 382.017, 382.0255(1) 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.

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: Kevin Wright, Operations Manager, Department of Health, Bureau of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042; (904)359-6900, ext. 1004. 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: Kevin Wright, Operations Manager, Department of Health, Bureau of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042; (904)359-6900, ext. 1004

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.:	RULE TITLE:
68-5.004	Certified Non-native Wildlife Adoption

PURPOSE AND EFFECT: The purpose of this rule development effort is to establish a program for persons adopting non-native animals to help prevent illegal release of non-native fish and wildlife. The effect of this effort should be to assist in the prevention of the release of harmful non-native species in Florida.

SUBJECT AREA TO BE ADDRESSED: Non-native species; Wildlife Adoption.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68-5.004 Certified Non-native Wildlife Adoption.

It is the policy of the Fish and Wildlife Conservation Commission to encourage persons possessing unwanted non-native fish or wildlife as pets to relinquish such pets to qualified adopters as an alternative to releasing them into Florida's environment. In furtherance of this policy, the Commission will sponsor amnesty events for such purpose.

(1) Persons adopting nonnative species through an FWC sponsored amnesty event may accept nonnative fish or wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

(2) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

(3) Any person relinquishing or adopting non-native fish or wildlife pursuant to this rule is hereby deemed not to be in violation of the permit requirement of subsection 68A-6.0021(2), F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-137.001
 RULE TITLE: Annual and Quarterly Reporting Requirements

PURPOSE AND EFFECT: This rule is being amended to adopt the 2008 NAIC manuals for annual and quarterly statements and also adopts the 2008 NAIC accounting practices and procedures manual. The 2008 version is the latest version of these manuals. The current rule adopted the 2007 version.

SUBJECT AREA TO BE ADDRESSED: Section 624.424, Florida Statutes, requires insurers to file quarterly and annual financial reports with the Office of Insurance Regulation and allows the Office to enact rules setting the standards for those reports. By establishing up-to-date, uniform standards for

annual and quarterly reports, this rule enhances the Office's position under the statute. This rule ensures that all reports are in a standard format which provides the information needed to evaluate the insurer's financial condition.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.316 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: September 4, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69O-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual ~~and quarterly~~ statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Property and Casualty, 2008 ~~2007~~;
2. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Life, Accident and Health, 2008 ~~2007~~;
3. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Health, 2008 ~~2007~~;
4. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Title, 2008 ~~2007~~; and
5. The NAIC's Accounting Practices and Procedures Manual, as of March 2008 ~~2007~~.

(b) Quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly Statement Instructions, Property and Casualty, 2008;

2. The NAIC's Quarterly Statement Instructions, Life, Accident and Health, 2008;

3. The NAIC's Quarterly Statement Instructions, Health, 2008;

4. The NAIC's Quarterly Statement Instructions, Title, 2008; and

5. The NAIC's Accounting Practices and Procedures Manual, as of March 2008.

(c)(b) Copies of the manuals are available:

1. From the National Association of Insurance Commissioners, 2301 McGee, Suite 800, Kansas City, MO 64108-2604, and

2. For inspection at the Office at its headquarters in Tallahassee, Florida, during regular business hours.

Specific Authority: 624.308(1), 624.424(1) FS. Law Implemented: 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-138.001
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: Section 624.316, Florida Statutes, requires the Office to examine insurer's financial condition, using generally accepted accounting procedures. This statute also allows the Office to adopt the NAIC Financial Condition Examiners Handbook to facilitate these exams. By adopting the newest version of the handbook, this rule improves the Offices' position by ensuring that the procedures used to examine insurers are the current generally accepted accounting practices.

SUBJECT AREA TO BE ADDRESSED: This rule is being amended to adopt the 2008 NAIC Financial Condition Examiners Handbook. The 2008 version is the latest version of this handbook. The current rule adopted the 2007 version.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.316 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: September 4, 2008, 9:30 a.m.
 PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com. If you

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) No change.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2008 ~~2007~~ is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07,_____.

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.: 5E-4.003, 5E-4.004
 RULE TITLES: Noxious Weed Seed Disposition of Seed Contaminated with Noxious Weed Seed

PURPOSE AND EFFECT: The purpose of the proposed action is to amend Rules 5E-4.003 and 5E-4.004, F.A.C., to reclassify Nutgrass, cyperus rotundus, and Tropical Soda Apple, solanum viarum, from the status of prohibited noxious weed seed to restricted noxious weed seed. The proposed modifications will allow Florida grown seed lots, predominately bahiagrass and aeschynomene, found by laboratory analysis to contain a maximum of one Tropical Soda Apple seed per pound to be relabeled to explicit standards and sold only in Florida. The rule modification will also permit the sale of peanut seed lots found to be contaminated with nutgrass at a rate of one seed per pound. These modifications will provide the Florida seedsmen an option other than destruction thereby reducing the economic hardship to Florida's seed industry.

SUMMARY: The proposed rule action will amend Rules 5E-4.003 and 5E-4.004, F.A.C., to reclassify Nutgrass, cyperus rotundus, and Tropical Soda Apple, solanum viarum, from the status of prohibited noxious weed seed to restricted noxious