

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.004
RULE TITLE: Florida Educator’s Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages

PURPOSE AND EFFECT: The purpose of the rule development is to correct citation references to other statutes necessitated by the passing of Senate Bill 1908. Additional citations are added to clarify the requirements for the Professional Certificate and to correctly cite reference to the Athletic Coaching rule that has been amended. The effect will be a rule that is consistent with Florida Statutes and Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Educator certification requirements.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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: Beverly Gregory, Chief, Bureau of Educator Certification, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431
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-4.004 Florida Educator’s Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages.

A Florida educator’s certificate is issued to an applicant with academic, administrative, degreed vocational, and specialty class coverages as specified below.

(1) Temporary certificate.

(a) The three-year nonrenewable temporary certificate may be issued to an applicant who does not qualify for the professional certificate but meets the following requirements:

1. Holds a valid Official Statement of Status of Eligibility as specified in Section 1012.56(1), ~~231.17(1)(b)~~, Florida Statutes, which reflects that the applicant has satisfied specialization requirements for the subject requested,

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

(2) Professional certificate. The professional certificate is the highest type of full-time certificate issued. The professional certificate is issued to an applicant who meets the requirements as specified in Sections 1012.56(1), ~~and (2), (3), (5), and (6)~~, Florida Statutes. However, if a subject area test has not been developed and the absence of such test prohibits an individual from obtaining a professional certificate or adding a subject to a professional certificate, the employing Florida district superintendent or chief administrative officer of a state supported or nonpublic school may verify the attainment of the essential subject matter competencies.

(3)(a) No change.

(b)1.through 2. No change.

3. Demonstrates mastery of professional preparation and education competence by one of the options specified in Section 1012.56(~~6~~)(5), Florida Statutes, and

4. through (4)(b)1. No change.

(b)2. Satisfies specialization requirements as specified in subsections (2) and (3) of Rule 6A-4.0282, F.A.C., and

3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(5) Addition of subjects to a professional certificate. A subject may be added to a valid professional certificate when an applicant meets the following requirements:

(a) Completes application requirements as specified in Rule 6A-4.0012, F.A.C., and

(b) Demonstrates mastery of the subject matter as specified in Section 1012.56(~~5~~)(4), Florida Statutes, for each subject to be added to a professional certificate.

(6) through (7) No change.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 4-11-70, 9-17-72, 8-17-74, Repromulgated 12-5-74, Amended 11-9-76, 7-1-79, 8-27-80, 1-3-82, 4-26-84, 11-18-84, 6-18-85, Formerly 6A-4.04, Amended 12-25-86, 10-18-88, 9-12-89, 12-4-89, 4-15-91, 10-10-91, 5-3-94, 10-15-01, 12-27-04,_____.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-43.001
RULE TITLE: Regulation of Overhanging Encroachments

PURPOSE AND EFFECT: Rule 14-43.001, F.A.C., is amended and a revised application form is being incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Rule 14-43.001, F.A.C., is being amended, including incorporating a revised application form.

SPECIFIC AUTHORITY: 334.044(2), 337.407 FS.

LAW IMPLEMENTED: 337.406, 337.407, 479.01, 479.16, 768.28 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-43.001 Regulation of Overhanging Encroachments.

(1) Definitions.

(a) "Applicant" means any person or entity, including a local governmental entity, seeking permission for an overhanging encroachment.

(b) "Banner" means a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. "Pole Banner," means a banner which is located adjacent to the travel lanes of the roadway and is attached to a single existing permanent support.

2. "Street Banner," means a banner which extends over the travel lanes of the roadway and is attached to two or more existing permanent supports.

(c) "Canopy" means a permanent or semi-permanent, on-premise roof-like ~~encroachment~~ or projection partially extending over the right of way.

(d) "Department@ means the State of Florida Department of Transportation.

(e) "Local Governmental Entity" ~~means has the same meaning~~ as provided in Section ~~334.03(14)~~ 44.45(1)(d), F.S.

(f) "Overhanging Encroachment" ~~means for purposes of this rule includes~~ a sign, canopy, or banner, as these terms are herein defined, which is placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities.

(g) "Sign" ~~means has the same meaning~~ as provided in Section 479.01(17), F.S.

(2) Overhanging encroachments are prohibited on limited access facilities, including the Interstate System, Overhanging encroachments ~~and~~ are subject to the following conditions on non limited access facilities:

(a) No new supports may be located within state right of way.

(b) ~~Any overhanging encroachment M~~ must be allowed by the ~~affected~~ local governmental entity within whose jurisdictional boundaries the banners are to be placed.

(c) Must be adjusted or removed at the owner's expense if the ~~Any~~ overhanging encroachment ~~which~~ interferes with Department construction ~~must be adjusted or removed at the owner's expense.~~

(d) ~~Overhanging encroachments M~~ may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate ~~their~~ vehicles.

(e) ~~Overhanging encroachments M~~ must comply with the setback or clearance requirements set forth in paragraphs (2)(h) (3) and (2)(i) (4) below. ~~The Department will notify the owner that the~~ Overhanging encroachment must be adjusted within 36 hours of notification to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it will shall be removed by the Department. If the overhanging encroachment presents a safety hazard, the Department will shall remove it and notify the owner of the removal.

(f) ~~No overhanging encroachment M~~ may be erected or maintained in a manner which would ~~interferes~~ with the Department's maintenance, operation, or other use of a transportation facility.

(g) Upon removal ~~When an overhanging encroachment must be removed by~~ the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the overhanging encroachment.

~~(h)(3) Signs and Canopies. Signs and canopies are prohibited along and over limited access facilities, including the Interstate System. Signs and canopies which meet the criteria of Section 479.16(1), F.S., may only be placed along and over any other roads within corporate limits of a municipality, or outside municipalities where curb and gutter construction exists in compliance with the following conditions:~~

1.(a) Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet; the outside edge of the structure must be at least two feet behind a vertical line extending upward from the face of the curb; and the entire structure must comply with the Department's clear zone requirements set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference. Copies of these tables are available from the Department's Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

~~2.(b)~~ Within municipalities where there is ~~not~~ ~~no~~ curb and gutter construction, the entire structure, including attachments and supports, may not extend more than six feet over the right of way; may not extend closer than 12 feet from the edge of the driving lane; must have a vertical clearance of at least 10 feet; and the entire structure must comply with the Department's clear zone requirements as set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference, ~~referenced in (a) above~~. Copies of these tables are available from the Department's Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

~~3. (e)~~ The design of ~~and~~ canopies or signs, as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the local governmental entity within whose jurisdictional boundaries the banners are placed affected.

~~4.(d)~~ No canopy or sign shall be erected away from the site of the business which it promotes.

~~5.(e)~~ Lighting of signs and canopies shall conform to the requirements of Section 479.11(5), F.S.

~~(1)(4) Banners.~~ Banners may be placed along and over any non limited access state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject to the following conditions:

~~1.(a)~~ There must be wWritten authorization for the placement of banners from the local governmental entity within whose jurisdictional boundaries the banners are to be placed must be provided.

~~2.(b)~~ Banners ~~may will~~ be ~~displayed~~ allowed for a period not to exceed 30 consecutive calendar days ~~and may~~. ~~Banners will not be allowed to be displayed within 180 days of the last day of its most recent display period.~~

3. Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when specifications are the same.

4. Banners may not be placed within 500 feet of a limited access interchange.

5. Banners are not permitted where a Department construction project is planned or ongoing during the requested display period.

~~6.(e)~~ Street banners may be displayed ~~are allowed~~ for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months.

7. Street banners must be:

a. Placed a minimum of 1,000 feet apart on the right of way of non limited access roadways; and

b. At its lowest point vertically clear the pavement by at least 18 feet.

~~8.(d)~~ Pole banners must be:

~~a. Placed~~ a minimum of 1,000 feet apart on the same side of the travel lane on non limited access facilities outside the corporate limits of a municipality;:-

~~b.1. At its~~ The lowest point of the banner must be at least 14 1/2 feet above the pavement elevation;

~~c.2. A pole banner must be~~ Attached to a light standard or other such device which is permanently located in the right of way.

~~9. Pole b~~Banners may not be attached to any utility pole.

~~(e) Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when all specifications are the same.~~

~~(f) Banners may not be placed within 500 feet of a limited access interchange.~~

~~(g) Street banners may only be placed on the right of way of non limited access roadways and must vertically clear the pavement by at least 18 feet. Street banners must be a minimum of 1,000 feet apart.~~

~~10.(5)~~ Any object or device other than a banner, whether characterized as an ornament, decoration, display, or by other descriptive term, which is to be attached to a single existing permanent support must meet the requirements of this rule for pole banners.

~~(3)(6)~~ Applications for a sign or canopy ~~an overhanging eneroachment~~ must be made in writing to the appropriate District Maintenance Office and shall include:-

~~(a) Applications for overhanging signs and canopies shall include:~~

~~(a)1-~~ The name and address of the applicant.

~~(b)2-~~ A drawing of the sign or canopy, drawn to scale, including any message, logo, or emblem.

~~(c)3-~~ A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.

~~(d)4-~~ Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).

~~(e)5-~~ Proof of compliance with resolutions of the any applicable local governmental entity within whose jurisdictional boundaries the banners are to be placed regulations.

~~(4)(b)~~ Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application shall be on Application to Place Banners on Non Limited Access Right of Way, DOT Form 575-070-18, Rev. 08/08 03/05, incorporated herein by reference. Copies of DOT Form 575-070-18 are available from the State Maintenance Engineer or any District Maintenance Engineer. ~~The application shall include:~~

~~1. The name, address, and telephone number of the applicant. Additionally, the name of the contact person must be supplied.~~

~~2. A drawing of the banner(s), drawn to scale, including any message, logo, or emblem.~~

~~3. A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the state highway where the banner(s) will be located.~~

~~4. Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s).~~

~~5. The beginning and ending dates of the display period requested.~~

~~6. Proof of compliance with the requirements of subsection (4)(e) and any local governmental regulations.~~

~~7. Written authorization from the local governmental entity granting permission to the applicant for the installation of the banners. No banner shall be allowed when the local governmental entity has an ordinance prohibiting its installation.~~

~~8. When the roadway requested for banner installation is under the ownership of an Expressway Authority, written authorization from the affected Expressway Authority granting permission to the applicant for the installation of the banners must be provided.~~

~~9. A load rating analysis by a registered professional engineer. See (4)(e), above.~~

~~(e) Banners will not be allowed where a Department construction project is planned or ongoing during the requested display period.~~

~~(d) The applicant shall agree as follows:~~

~~1. To the extent provided by law, the applicant shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss,~~

~~damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by an applicant, its agents, or employees arising from activities associated herewith.~~

~~2. When the Department receives a notice of claim for damages that may have been caused by the applicant in the performance of activities hereunder, the Department will immediately forward the claim to applicant. The applicant and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the applicant in the defense of the claim or to require that the applicants defend the Department in such claim as described in this section. The Department's failure to promptly notify the applicant of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the applicant. The applicant shall bear all expenses of the Department in defense of the claim.~~

~~(e) If the application is denied, the Department shall provide a Notice of Administrative Hearing Rights to the applicant.~~

~~(7) Failure to comply with the provisions of this rule shall result in the issuance of a Notice of Intent to Deny the Application or a Notice of Noncompliance, which shall include a Notice of Administrative Hearing Rights.~~

~~(8) Provision of any notice, denial, revocation, or Notice of Administrative Hearing Rights by the Department under this rule shall not constitute or create entitlement to an administrative hearing where such right does not otherwise exist.~~

Specific Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 337.407, 479.01, 479.16, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99, 8-2-01, 5-30-05,_____.

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."

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-4.001 Application

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the updated form for the Florida Prepaid College Plan Master Covenant.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan New Enrollment Application and Master Covenant.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.98 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 22, 2008, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 19B-4.001 Application.
 (1) No change.
 (2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2008-10 ~~2007-10~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan ~~Program~~ Master Covenant, Form No. FPCB 2008-02 ~~2007-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07,_____.

STATE BOARD OF ADMINISTRATION
Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002
 RULE TITLE: Application for Participation in the Program
 PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.
 SUBJECT AREA TO BE ADDRESSED: The Florida College Investment Plan application for participation.
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.981 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 22, 2008, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 19B-16.002 Application for Participation in the Program.
 (1) No change.
 (2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2008-10 ~~2007-10~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).
 (3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History–New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.403
 RULE TITLE: Random Drug Testing of Employees
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarity as to the process following a positive drug test by noncertified staff versus certified staff and employees in trainee status.
 SUBJECT AREA TO BE ADDRESSED: Random drug testing of employees.
 SPECIFIC AUTHORITY: 944.09, 944.474 FS.
 LAW IMPLEMENTED: 112.0455, 944.09, 944.474 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: David Arthmann, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-208.403 Random Drug Testing of Employees.
 (1) through (12) No change.
 (13) In the case of positive test results for which the employee did not or could not provide valid documentation of lawful intake of the identified controlled substance, the employee shall be notified in writing of the positive test results and the consequences of the results, in accordance with the following:

(a) First time positive test result for staff not certified under Section 943.13, F.S.

1. through 8. No change.

(b) First time positive result for staff certified under Section 943.13, F.S.

1. All employees receiving a positive confirmed drug test will immediately be placed on leave status. If the employee refuses to be placed on leave status, the Department will initiate official proceedings to remove the employee from his position.

2. All employees receiving a positive confirmed drug test will be removed from the class. The Department will offer alternate position placement in accordance with the employee's qualifications, if such is available. If no alternative position placement is available or the employee is unwilling to accept available placement options, the employee will be dismissed in accordance with department procedure.

3. All employees will be given a mandatory referral to the employee assistance program in accordance with department procedure.

4. The Criminal Justice Standards and Training Commission will be contacted and provided with a report in accordance with established reporting procedures.

5. All employees placed in an alternate position will be required to complete the course of treatment recommended by the employee assistance program treatment provider.

6. If an employee refuses to comply with all requirements for subparagraph (13)(b)5. above, he will be dismissed in accordance with department procedure.

7. Follow-Up Testing: All employees who remain employed following a first time positive confirmed drug test will be subject to follow-up urinalysis drug testing on a quarterly, semiannual, or annual basis for up to two years thereafter, pursuant to Section 112.0455, F.S.

(c) No change.

(d) Employees in trainee or probationary status.

1. Any employee in trainee or probationary status receiving a positive confirmed drug test will be dismissed.

2. Any other governing licensure or certification board or body (relevant to the employee's position requirements) will be contacted and provided with a report in accordance with established reporting procedures.

(14) through (19) No change.

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History--New 9-11-05, Amended

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt by reference a form used by the District in the review of applications for funding assistance for the District's Facilitating Agricultural Resource Management Systems (FARMS) Program.

A form requesting information from applicants seeking funding assistance from the District through the FARMS Program will be adopted. The rule governing the FARMS Program, Chapter 40D-26, F.A.C., will be adopted concurrently with this rule. The effect of this rulemaking will be to incorporate this form into District rules.

SUBJECT AREA TO BE ADDRESSED: Facilitating Agricultural Resource Management Systems Program.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.0831, 373.116, 373.196, 373.1961, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 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: Mary Beth McNeil, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-3.037
 RULE TITLE: Rules, Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-3.037, F.A.C., to incorporate by reference a Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region 4, Superfund Division and the Southwest Florida Water Management District. The effect of the Memorandum of Agreement (MOA) is to establish a working relationship between the two agencies on District permitting matters involving well construction and other activities proposed in or near selected Superfund sites within the District.

SUBJECT AREA TO BE ADDRESSED: Water well construction permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.309 FS.

LAW IMPLEMENTED: 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 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: Martha Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211 extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.037 Rules, ~~and~~ Publications and Agreements Incorporated by Reference.

(1) through (3) No change.

(4) The Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District (August 2008) is incorporated by reference.

Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History–New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:
61-6.001 Biennial Licensing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to change the licensure expiration and renewal dates for any professional licenses scheduled to expire on August 31, 2008, from August 31, 2008 to September 30, 2008.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the licensure expiration and renewal of a specific group of professional licenses.

SPECIFIC AUTHORITY: 455.203(5) FS.

LAW IMPLEMENTED: 455.203(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: Reginald Dixon, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61-6.001 Biennial Licensing.

(1) through (4) No change.

(5) Notwithstanding the renewal schedule set forth in subsection (4) above and the provisions relating to the timely submission and receipt of renewal applications set forth in Rule 61-6.002, F.A.C., effective August 27, 2008, the expiration and renewal dates of any license that is scheduled to expire on August 31, 2008, are changed to September 30, 2008.

Specific Authority 455.203(5) FS. Law Implemented 455.203(1) FS. History–New 9-17-78, Amended 9-21-78, 8-20-80, 2-3-81, 4-8-81, 12-7-81, 6-14-82, 11-23-83, 12-2-83, 1-26-84, 7-9-84, Formerly 21-6.08, Amended 4-27-86, 4-21-87, 2-16-88, 11-28-90, 7-18-91, Formerly 21-6.008, Amended 4-3-95, 7-25-05, 1-24-08,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE
61J2-24.002 Citation Authority

PURPOSE AND EFFECT: To discuss Rule 61J2.24.002, F.A.C.

SUBJECT AREA TO BE ADDRESSED: To address minor violations or Rule 61J2.14.008, F.A.C.

SPECIFIC AUTHORITY: 475.05, FS.

LAW IMPLEMENTED: 455.224, 475.25(1) 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 16, 2008, 8:30 a.m. or as soonest thereafter and again if requested within 14 days of the date of this notice, a hearing will be scheduled and announced in the FAW.

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, 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, (407)481-5662. 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, Division of Real Estate, North Tower, 400 West Robinson Street, Orlando, FL 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 ENVIRONMENTAL PROTECTION

RULE NO.: 62-620.100
RULE TITLE: Scope/Applicability/References
PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise DEP Form 62-620.910(17) and paragraph 62-620.100(2)(o), Florida Administrative Code to allow applicants to submit the form(s) using the Department's electronic permitting application. In addition, minor clean-up of existing language is planned.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will address the electronic submittal of the No Exposure Certification for Exclusion from NPDES Stormwater Permitting.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.
LAW IMPLEMENTED: 403.061, 403.087, 403.0885 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: Steven Kelly, Florida Department of Environmental Protection, NPDES Stormwater Program, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399, telephone (850)245-7518, email Steven.Kelly@dep.state.fl.us or facsimile (850)245-7524
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-621.300
RULE TITLE: Permits
PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise DEP Forms 62-621.300(4)(b), 62-621.300(5)(b) and 62-621.300(6) to allow applicants to submit the form(s) using the Department's electronic permitting application. In addition, the Department plans to provide minor clean-up of existing language in the forms and document number 62-621.300(4)(a), Generic Permit for Stormwater Discharge from Large and Small Construction Activities.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will address the electronic submittal of NPDES Stormwater forms and provide minor clean-up of existing language.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.
LAW IMPLEMENTED: 403.0885 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: Steven Kelly, Florida Department of Environmental Protection, NPDES Stormwater Program, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, telephone (850)245-7518, email Steven.Kelly@dep.state.fl.us, or facsimile (850)245-7524
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-1.001	Scope
63G-1.002	Definitions
63G-1.003	Determining Residence
63G-1.004	Calculating Estimated Costs
63G-1.005	Fiscally Constrained Counties
63G-1.006	Receipt of Payment
63G-1.007	Quarterly Reporting
63G-1.008	Annual Reconciliation
63G-1.009	Dispute Resolution and Collection

PURPOSE AND EFFECT: The amendments clarify the process by which the costs of detention care are shared by state and county government. Specifically, the rule clarifies the distinction between pre- and post-disposition so that post-disposition will only include days in secure detention following disposition during which a child is awaiting residential placement. The amendments also modify the reporting and reconciliation provisions so that monthly reporting and reconciliation will take place. A per diem rate for detention care will be derived according to a specified formula, and the rate will be used to make monthly adjustments in actual utilization. Dates for reporting and reconciliation are adjusted, and definitions are amended to reflect these changes.

SUBJECT AREA TO BE ADDRESSED: The amendments clarify the distinction between pre- and post-disposition, modify the estimation, reporting and reconciliation process, and make corresponding changes to definitions.

SPECIFIC AUTHORITY: 985.686(10) FS.
LAW IMPLEMENTED: 985.686 FS.

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

DATES AND TIMES: Tuesday, September 23, 2008, 9:00 a.m. (St. Petersburg); Thursday, October 2, 2008, 9:00 a.m. (Ft. Lauderdale); Monday, October 6, 2008, 9:00 a.m. (Tallahassee)

PLACES: Circuit 6 Probation Office, 955 26th Street South, St. Petersburg, FL; Gore Building – 4th Floor, 201 West Broward Blvd., Ft. Lauderdale, FL; Alexander Building – Rm. 1318, 2020 Centerview Drive, Tallahassee, FL

For participation by telephone contact: John Milla at (850)921-4129.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.001 RULE TITLE: Acupuncture Program Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to update and clarify licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Acupuncture program licensure requirements.

SPECIFIC AUTHORITY: 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-10.003 RULE TITLE: Costs of Reproducing Medical Records

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the costs associated with the reproduction of medical records.

SUBJECT AREA TO BE ADDRESSED: Costs for the reproduction of medical records.

SPECIFIC AUTHORITY: 456.057(18), 458.309 FS.

LAW IMPLEMENTED: 456.057(18) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-10.003 Costs of Reproducing Medical Records.
Recognizing that patient access to medical records is important and necessary to assure continuity of patient care, the Board of Medicine urges physicians to provide their patients a copy of their medical records, upon request, without cost, especially when the patient is economically disadvantaged. The Board, however, also recognizes that the cost of reproducing voluminous medical records may be financially burdensome to some practitioners. Therefore, the following rule sets forth the permitted costs for the reproduction of medical records.

(1) Any person licensed pursuant to Chapter 458, Florida Statutes, required to release copies of patient medical records may condition such release upon payment by the requesting party of the reasonable costs of reproducing the records.

(2) For patients and governmental entities, the reasonable Reasonable costs of reproducing copies of written or typed documents or reports shall not be more than the following:

- (a) For the first 25 pages, the cost shall be \$1.00 per page.
- (b) For each page in excess of 25 pages, the cost shall be 25 cents.

(3) For other entities, the reasonable costs of reproducing copies of written or typed documents or reports shall not be more than \$1.00 per page.

(4)(3) Reasonable costs of reproducing x-rays, and such other special kinds of records shall be the actual costs. The phrase “actual costs” means the cost of the material and supplies used to duplicate the record, as well as the labor costs and overhead costs associated with such duplication.

Specific Authority 456.057(18), 458.309 FS. Law Implemented 456.057(18) ~~456.061, 456.058, 458.331(1)~~ FS. History—New 11-17-87, Amended 5-12-88, Formerly 21M-26.003, 61F6-26.003, 59R-10.003, Amended.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.005
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address addition of medical ethics for attendance at a Board meeting.

SUBJECT AREA TO BE ADDRESSED: Clarification of the rule regarding CME for attendance at a Board meeting.

SPECIFIC AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) No change.

(2)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing or eliminating identifiable risks.

(b) Five hours of continuing medical education in the subject area of risk management or medical ethics may be obtained by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Medicine in compliance with the following:

1. through 2. No change.

3. The licensee must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CME credit in risk management or medical ethics for attending the disciplinary portion of a Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. A member of the Board of Medicine may obtain 10 hours of continuing medical education per biennium in the subject area of risk management or medical ethics for attendance at the disciplinary portion of Board meetings.

(3) through (11) No change.

Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, 1-16-08, 5-6-08,_____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: 64E-2.019, 64E-2.020, 64E-2.021
 RULE TITLES: Trauma Agency Formation Requirements, Trauma Agency Plan Approval and Denial Process, Trauma Agency Implementation and Operation Requirements

PURPOSE AND EFFECT: To request public input on revisions to these rule sections proposed by Florida’s trauma agencies and the Association of Florida Trauma Agencies. These revisions clarify the trauma agency plan development, submission and approval process, and the implementation and operation requirements of Florida’s trauma agencies. A copy of the proposed revisions can be obtained from the Director of the Office of Trauma or the Office of Trauma Notices and Events web page at: <http://www.doh.state.fl.us/demo/Trauma/notices.htm>.

SUBJECT AREA TO BE ADDRESSED: Florida Trauma Agencies.

SPECIFIC AUTHORITY: 395.401, 395.405, 401.35 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS.

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

DATE AND TIME: Wednesday, October 1, 2008, 5:30 p.m.

PLACE: The Naples Beach Hotel & Golf Club, 851 Gulf Shore Boulevard North, Naples, FL 34102, Meeting Room: Mangrove A

This workshop will also be held via conference call for individuals who cannot attend the workshop in person. The conference call number is (888)808-6959 and Conference Code is 2354440.

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 2 days before the workshop/meeting by contacting: Janet Collins, Program Administrator, Office of Trauma at (850)245-4440, Ext. 2775 or email at: janet_collins@doh.state.fl.us. 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: Susan McDevitt, Director, Office of Trauma, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, 1(800)226-1911, (850)245-4440, Ext. 2760, or email at susan_mcdevitt@doh.state.fl.us

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-2.022
 RULE TITLE: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

PURPOSE AND EFFECT: To receive input from the Trauma System stakeholders on the apportionment of trauma centers within a trauma service area to determine if changes are needed on the apportionment of trauma centers within a trauma service area.

SUBJECT AREA TO BE ADDRESSED: Trauma Service Areas.

SPECIFIC AUTHORITY: 395.4015, 395.402, 395.405 FS.

LAW IMPLEMENTED: 395.4015, 395.402, 395.405 FS.

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

DATE AND TIME: Thursday, October 2, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: The Naples Beach Hotel & Golf Club, 851 Gulf Shore Boulevard North, Naples, Florida, Meeting Room: Mangrove B & C

The Workshop will also be held via conference call for individuals who cannot attend the workshop in person. The conference call number is: (888)808-6959 and conference code is: 2354440.

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 2 days before the workshop/meeting by contacting: Susan McDevitt, Director. 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: Susan McDevitt, Director, Office of Trauma, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, 1(800)226-1911, (850)245-4440, Ext. 2775, or email at susan_mcdevitt@doh.state.fl.us

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2009 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 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 25, 2008, 2:00 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197

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: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's web site www.floridahousing.org.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing

67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2009 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2008 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: September 25, 2008, 2:00 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

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: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deborah Dozier Blinderman, Deputy Development Officer

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

Section II
Proposed Rules

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-40.002
RULE TITLE: Adoption of Forms

PURPOSE AND EFFECT: During the regular 2008 legislative session, the Florida Legislature passed HB 5049, which amended Section 494.0033, F.S., to reduce the mortgage broker license application fee from \$200 to \$195. This bill was signed into law (Chapter 2008-135, Laws of Florida) by Governor Crist. Form OFR-494-03, Application for Licensure as a Mortgage Broker, which is incorporated by reference in Rule 69V-40.002, F.A.C., is amended to reflect the reduction in the license application fee.

SUBJECT AREA TO BE ADDRESSED: Mortgage Brokers.

SPECIFIC AUTHORITY: 494.0011 FS.

LAW IMPLEMENTED: 494.0033 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: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, greg.oaks@lofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.002 Adoption of Forms.

(1) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rules 69V-40.001-.290, Florida Administrative Code:

(a) and (b) No change.

(c) Application for Licensure as a Mortgage Broker, Form OFR-494-03, effective ~~March 23, 2008~~;

(d) through (m) No Change.

(2) All forms adopted by this rule are available on the Office's website at www.lofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0033, 494.0041, 494.0042 FS. History—New 3-23-08, Amended .

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-9.001	Purpose
9K-9.002	Definitions
9K-9.003	General Requirements and Eligibility Standards
9K-9.004	Submission of Application and Application Materials
9K-9.005	Application Review
9K-9.006	Project Evaluation Criteria
9K-9.007	Ranking and Selection of Applications
9K-9.008	Grant Contracts
9K-9.009	Modification of Project Boundaries
9K-9.010	Preparation and Acceptance of the Management Plan
9K-9.011	Title, Acquisition Procedures, Lease Agreements and Transfer of Title
9K-9.012	Annual Stewardship Report Requirement

PURPOSE AND EFFECT: To implement rules to govern the Stan Mayfield Working Waterfronts Program.

SUMMARY: These rules govern the grant application procedures and process for the Stan Mayfield Working Waterfronts program that was created during the 2008 legislative session pursuant to Section 380.5105, Florida Statutes. This rule chapter implements Chapter 2008-229, Laws of Florida, which created Sections 380.503 and 380.5105, Florida Statutes.

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: 380.507(11), 380.5105(2) FS.

LAW IMPLEMENTED: 259.105, 380.5105 FS.

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

DATE AND TIME: September 29, 2008, 1:00 p.m.

PLACE: Randall Kelley Training Room, Third Floor, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399