

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:

5F-2.001

5F-2.002

5F-2.003

5F-2.005

5F-2.006

5F-2.014

5F-2.016

RULE TITLES:

Standards

Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels

Registration and Identification

Inaccurate Measuring Devices

Inspection Identification Stickers

Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 and Meter Sealing Requirements

Guidelines for Imposing Administrative Penalties

PURPOSE AND EFFECT: 1. Establish a minimum octane rating requirement of 87 for gasoline, which includes gasoline blends, sold, distributed, offered for sale or offered for distribution at retail gas stations.
 2. Establish a minimum motor octane number requirement of 82 for gasoline with an octane rating of 87 or higher.
 3. Establish a temporary lower minimum vapor pressure requirement for E85 Fuel Ethanol classes permitted for sale in Florida to reflect an anticipated lowering of this requirement by ASTM International.
 4. Amend language to reduce the maximum amount of water permissible in storage tanks containing ethanol and biodiesel fuels and their respective blended products from two inches to one quarter inch.
 5. Clarify the disposition of gasoline, kerosene, diesel fuel, fuel oils and alternative fuels.
 6. Remove the prohibition for penalty from the discovery of water and/or suspended matter in referenced motor fuels and to transfer references for penalty prohibitions for specified violations to the penalty matrix section.

7. Amend penalties for vapor pressure violations over 11.0 psi, from June 1 through September 15 of each calendar year. Violations above the applicable standard, but less than and including 11.0 psi will still be subject to Stop Sale Order, but without penalty.

8. Reference and list all forms used in the stopping of sale of substandard fuel; disposition of all listed fuel types; the removal of improperly labeled devices from service; the removal of inaccurate measuring devices from service; the removal from service of devices without inspection stickers; the removal from service of devices not maintained properly (in violation of NIST Handbook 44); and the removal of improperly functioning measuring devices from service.

9. Provide instructions to terminal suppliers, wholesalers, and importers filling out the required DACS Form #03202 titled "Gasoline and Oil Inspection Affidavit and Inspection Fee Report."

10. Further clarify ethanol dispenser labeling requirements.

11. Amend language to add labeling language for M85 Fuel Methanol products to more clearly and conspicuously notify consumers that methanol blended products are not necessarily compatible with all flex fuel vehicles.

12. Provide instructions to persons and service agencies wishing to register with the Department as an authorized meter mechanic able to repair and/or adjust the accuracy of petroleum fuel measuring devices.

13. Adopt the current version of the National Institute of Standards and Technology (NIST) Handbook 44.

14. Specify the time period in which the Department must be notified after the installation of a petroleum fuel measuring device.

15. Amend language to specify the Department may also suspend or revoke any registration issued under Chapter 525, F.S., in lieu of or in addition to issuing a penalty as prescribed by this section.

16. Reconstruct the penalty matrix.

17. Update ASTM International standards for gas, diesel fuels, fuel oils and biodiesel. Also, incorporate new ASTM International standards for biodiesel blends (with diesel fuel) for concentrations from 6% to 20%.

SUBJECT AREA TO BE ADDRESSED: The proposed Chapter 5F-2, F.A.C., establishes minimum octane rating requirements for gasoline sold, distributed, offered for sale or offered for distribution at retail gas stations; establishes a minimum motor octane number for gasoline with an octane rating of 87 or higher; is amended to reflect an anticipated lowering by ASTM International of the minimum vapor pressure requirement for all classes of E85 fuel ethanol permissible for sale in Florida; is amended to reduce the maximum amount of water permissible in storage tanks containing ethanol and biodiesel fuels and their respective blended products from two inches to one quarter inch; is amended to clarify disposition of gasoline, kerosene, diesel

fuel, fuel oils and alternative fuels and modify the disposition of such fuels resulting from proposed changes herein. Also, clarify and transfer references for penalty prohibitions for specified violations to Rule 5F-2.016, F.A.C.; is amended to remove the prohibition for penalty from the discovery of water and/or suspended matter in referenced fuels; is amended to only warrant penalties for vapor pressure violations over 11.0 psi, from June 1 through September 15 of each calendar year; is amended to reference forms used when fuel types in this section are found to be substandard; is amended to reference forms used in the disposition of all listed fuel types in this section; is amended to reference forms used in the discovery of improperly labeled petroleum fueling devices; is amended to reference forms used in the removal of inaccurate measuring devices, devices without inspection stickers, and improperly functioning measuring devices from service; is amended to describe the requirements for manufacturers, terminal suppliers, wholesalers, and importers of petroleum fuel distributing and/or selling petroleum fuel in this state and the party responsible for submitting the petroleum inspection fee; is amended to further clarify ethanol dispenser labeling requirements; is amended to add labeling language to M85 fuel methanol products to more clearly and conspicuously notify consumers that methanol blended products are not necessarily compatible with all flex fuel vehicles; is amended to describe the process and requirements for individuals wishing to register with the Department as a meter mechanic; adopts the current version of the National Institute of Standards and Technology (NIST) Handbook 44; establishes requirements for persons or service agencies installing new petroleum measuring devices to notify the Department within ten (10) days of installation; is amended to state that the Department may revoke or suspend a registration issued under Chapter 525, F.S., as a means of penalty for violations of the laws and rules adopted by the Department; is amended to update and enhance the fine matrix for violations of Chapter 525, F.S.; update the ASTM International fuel quality specification designations for gasoline, diesel fuels, fuel oils, and biodiesel; adopt by reference newly published standards for biodiesel blends (with diesel fuel) for concentrations of 6% to 20% biodiesel.

SPECIFIC AUTHORITY: 525.14, 531.40, 531.41, 570.07 FS.

LAW IMPLEMENTED: 525.01, 525.035, 525.037, 525.07, 525.09, 525.14, 525.16, 531.40 FS.

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

DATE AND TIME: February 23, 2009, 8:30 a.m. EST

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 24 hours before the workshop/meeting by contacting: Matthew Curran, Ph.D., Bureau Chief of Petroleum Inspection, 3125 Conner Blvd., Bldg. 1, Tallahassee, FL 32399, (850)488-9740. 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: Matthew Curran, Ph.D., Bureau Chief of Petroleum Inspection, 3125 Conner Blvd., Bldg. 1, Tallahassee, FL 32399, (850)488-9740. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NOS.:

5K-4.027

5K-4.028

RULE TITLES:

Standard of Identity – Honey

Adulteration and Misbranding –
Honey

PURPOSE AND EFFECT: The purpose of this rule development is to establish a standard of identity for honey that is produced, packed, repacked, distributed and sold in Florida or from Florida. Development of this rule is meant to have the effect on controlling the pervasive, illegal practice of blending or diluting pure honey with low-cost syrups (i.e., sugar, cane, corn, etc.) thereby committing an economic fraud on both the permanent and transient residents of Florida. Preliminary guidelines have been drafted through a cooperative effort between the Department of Agriculture and Consumer Services and the Florida State Beekeepers Association to implement a needed standard of identity for honey. The rule substantially conforms to standards set forth in the Codex Standard for Honey. This rule will have an effect on those establishments permitted by the Department of Agriculture and Consumer Services who produce local honey or sell honey from Interstate Commerce.

SUBJECT AREA TO BE ADDRESSED: This rule development will address the creation of a standard of identity for honey, comprehensive prohibitions against the deliberate addition of any food ingredient or food additives other than honey, will set maximum moisture content for honey, set parameters for sugar constituents in honey and establish honey labeling guidelines. This rule will also provide a mechanism for the Department to enforce instances of adulteration and misbranding of honey being offered for sale at retail in Florida. **SPECIFIC AUTHORITY:** 500.09, 570.07(23), 586.10 FS.

LAW IMPLEMENTED: 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 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: Paul M. Raynes, Senior Management Analyst II, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5539

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.027 Standard of Identity – Honey.

(1) This standard applies to all honey produced by honey bees from nectar and covers all styles of honey presentation that are processed and ultimately intended for direct consumption and to all honey packed, processed or intended for sale in bulk containers as honey, that may be repacked for retail sale or for sale or use as an ingredient in other foods.

(2) “Honey” means the natural food product resulting from the harvest of nectar by honeybees and the natural activities of the honeybees in processing nectar. It consists essentially of different sugars, predominantly fructose and glucose as well as other substances such as organic acids, enzymes and solid particles derived from honey collection. The color of honey can vary from nearly colorless to dark brown. The consistency can be fluid, viscous or partially to completely crystallized. The flavor and aroma vary, but are derived from the plant’s origin.

(3) Honey sold as such shall not have added to it any food additives, as defined in Section 500.03(1)(m), F.S., nor shall any other additions be made other than honey. It shall not have begun to ferment or effervesce and no pollen or constituent unique to honey may be removed except where unavoidable in the removal of foreign matter. Chemical or biochemical treatments shall not be used to influence honey crystallization.

(a) Moisture Content – No water may be added to honey in the course of extraction or packing for sale or resale as honey. Honey shall not have a moisture content exceeding 23%.

(b) Sugars Content.

1. The ratio of fructose to glucose shall be greater than 0.9.
2. Fructose and Glucose (Sum of Both) shall not be less than 60g/100g.

(c) Sucrose Content.

1. Honey not listed below shall not be more than 5g/100g.
2. Alfalfa (*Medicago sativa*), Citrus spp., False Acacia (*Robinia pseudoacacia*), French Honeysuckle (*Hedysarum*), Menzies Banksia (*Banksia menziesii*), Red Gum (*Eucalyptus camaldulensis*), Leatherwood (*Eucryphia lucida*), *Eucryphia milligani* – not more than 10g/100g.

3. Lavender (*Lavandula spp*) and Borage (*Borago officinalis*) – not more than 15g/100g.

(4) Name of the Food.

(a) Products conforming to the standard of identity as adopted in this rule shall be designated “honey”. Foods containing honey and any flavoring, spice or other added ingredient or if honey is processed in such a way that a modification to honey occurs that materially changes the flavor, color, viscosity or other material characteristics of pure honey, then such foods shall be distinguished in the food name from honey by declaration of the food additive or modification.

(b) Honey may be designated according to floral or plant source if it comes predominately from that particular source and has the organoleptic, physicochemical and microscopic properties corresponding with that origin.

(c) Where honey has been designated according to floral or plant source [as stated in (4)(b)], then the common name or the botanical name of the floral source shall be used in conjunction with or joined with the word “honey”.

(d) The styles in subparagraphs (4)(e)2. and 3. shall be declared.

(e) Honey may be designated according to the following styles:

1. “Honey” which is honey in liquid or crystalline state or a mixture of the two;

2. “Comb Honey” which is honey stored by bees in the cells of freshly built broodless combs and which is sold in sealed whole combs or sections of such combs;

3. “Cut Comb in Honey”, “Honey with Comb” or “Chunk Honey” which is honey containing one or more pieces of comb honey.

Specific Authority 500.09, 570.07(23), 586.10 FS. Law Implemented 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 FS. History–New _____.

5K-4.028 Adulteration and Misbranding – Honey.

The following shall be prima facie evidence of adulteration under Sections 500.10(2)(d) and 586.10, F.S., or misbranding under Sections 500.11(1)(g) and 586.10, F.S., of any product sold or offered for sale as honey:

(1) The product has a maltose content in excess of 10%; or
(2) The product contains oligosaccharides indicative of invert syrup; or

(3) The absolute value of Carbon Stable Isotope Ratio Analysis (CSIRA) is not more negative than -20.0 for the product; or

(4) CSIRA Internal Standard Procedure with a protein value minus honey value is more negative than -1.0 for the product; or

(5) The product fails to conform to the standard of identity stated in Rule 5K-4.027, F.A.C.

Specific Authority 500.09, 570.07(23), 586.10 FS. Law Implemented 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-11.001	Purpose
5M-11.002	Approved BMPs
5M-11.003	Presumption of Compliance
5M-11.004	Notice of Intent to Implement
5M-11.005	Record Keeping

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a Water Quality Best Management Practices manual for Florida Cow/Calf Operations. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will address the development of practices that protect water resources, the procedures for filing a Notice of Intent, and associated recordkeeping requirements necessary for producers to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2., 570.07(23) FS.

LAW IMPLEMENTED: 403.067(7)(c)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, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

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.”

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-18.100	Purpose and Effect
28-18.200	Work Program Administration
28-18.300	Comprehensive Plan

PURPOSE AND EFFECT: Proposal to adopt a new rule for the City of Marathon Comprehensive Plan to identify the purpose and effect, incorporate the Section 380.0552(4), Florida Statute, requirements for annual reporting to the Administration Commission describing the progress of the City of Marathon in accomplishing the remaining tasks under the Work Program as set forth in Rule 28-20.110, F.A.C., and to determine whether substantial progress has been achieved for removal of the Florida Keys Area of Critical State Concern designation.

SUBJECT AREA TO BE ADDRESSED: The protection of the natural environment of the Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-20.110, F.A.C.) to be reported in the Department of Community Affairs written annual report to the Administration Commission. The Work Program task include the continued implementation of the Wastewater Master Plan and the construction of additional wastewater treatment and collection facilities; the continued implementation of the Florida Keys Carrying Capacity Study; the identification and completion of stormwater projects; and the analysis of hurricane evacuation issues in the Florida Keys. **SPECIFIC AUTHORITY:** 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 FS.

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

DATE AND TIME: February 23, 2009, 10:00 a.m. as the second rule immediately following the conclusion of the first rule

PLACE: Florida Department of Community Affairs, Room 310M, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Toll Free Conference Call In Number: (888)808-6959; Conference Code: 9221698

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; Work (850)922-1782. 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: Barbara

Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; Work (850)922-1782

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

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-19.300	Work Program Administration
28-19.310	Comprehensive Plan

PURPOSE AND EFFECT: Proposal to adopt a new rule for the Islamorada, Village of Islands Comprehensive Plan to incorporate the Section 380.0552(4), Florida Statutes, requirements for annual reporting to the Administration Commission describing the progress of the Village of Islamorada in accomplishing the remaining tasks under the Work Program as set forth in Rule 28-20.110, F.A.C., and to determine whether substantial progress has been achieved for removal of the Florida Keys Area of Critical State Concern designation.

SUBJECT AREA TO BE ADDRESSED: The protection of the natural environment of the Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-20.110, F.A.C.) to be reported in the Department of Community Affairs written annual report to the Administration Commission. The Work Program task include the continued implementation of the Wastewater Master Plan and the construction of additional wastewater treatment and collection facilities; the continued implementation of the Florida Keys Carrying Capacity Study; the identification and completion of stormwater projects; and the analysis of hurricane evacuation issues in the Florida Keys.

SPECIFIC AUTHORITY: 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 FS.

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

DATE AND TIME: February 23, 2009, 10:00 a.m. as the first rule

PLACE: Florida Department of Community Affairs, Room 310M, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Toll Free Conference Call In Number: (888)808-6959; Conference Code: 9221698.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; Work (850)922-1782. 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: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; Work (850)922-1782

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

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-20.130	Work Program Administration
28-20.140	Comprehensive Plan

PURPOSE AND EFFECT: Proposal to adopt a new rule for the Monroe County Comprehensive Plan to incorporate the Section 380.0552(4), Florida Statutes, requirements for annual reporting to the Administration Commission describing the progress of Monroe County in accomplishing the remaining tasks under the Work Program as set forth in Rule 28-20.110, F.A.C., and to determine whether substantial progress has been achieved for removal of the Florida Keys Area of Critical State Concern designation.

SUBJECT AREA TO BE ADDRESSED: The protection of the natural environment of the Florida Keys, and the identification of and progress in accomplishing the tasks under Work Program (as set out in Rule 28-20.110, F.A.C.) to be reported in the Department of Community Affairs written annual report to the Administration Commission. The Work Program task include the continued implementation of the Wastewater Master Plan and the construction of additional wastewater treatment and collection facilities; the continued implementation of the Florida Keys Carrying Capacity Study; the identification and completion of stormwater projects; and the analysis of hurricane evacuation issues in the Florida Keys.

SPECIFIC AUTHORITY: 380.0552(9), 380.05(22) FS.

LAW IMPLEMENTED: 380.0552 FS.

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

DATE AND TIME: February 23, 2009, 10:00 a.m. as the third rule immediately following the conclusion of the second rule

PLACE: Florida Department of Community Affairs, Room 310M, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Toll Free Conference Call In Number: (888)808-6959; Conference Code: 9221698.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; Work (850)922-1782. 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: Barbara Powell, Community Planner, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; Work (850)922-1782

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201 RULE TITLE: Inmate Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate language concerning Social Security benefits, as inmates incarcerated for more than 30 days are ineligible to receive either Social Security or federal disability benefits.

SUBJECT AREA TO BE ADDRESSED: Inmate Trust Fund.

SPECIFIC AUTHORITY: 944.09, 944.516, 945.215 FS.

LAW IMPLEMENTED: 17.61, 57.085, 717.113, 944.09, 944.516, 945.091, 945.215 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Trust Fund.

(1) No change.

(2)(a) No change.

(b) In accordance with 38 U.S.C. 5301 and 42 U.S.C 407, Veterans Administration (VA) and Social Security (SS) benefit checks are exempt from attachment, levy or seizure. The Department shall not place liens on the inmate’s trust fund account for medical co-payments, legal copies, or other Department generated liens for VA and SS benefits checks mailed directly to the Bureau of Finance and Accounting, Inmate Trust Fund Section.

(c) through (d) No change.

(3) through (12) No change.

Specific Authority 944.09, 944.516, 945.091, 945.215 FS. Law Implemented 17.61, 57.085, 717.113, 944.09, 944.516, 945.091, 945.215 FS. History–New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05, 11-12-06, 9-2-08,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.314 RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the disciplinary charge for possession of a cell phone to include possession of any components or peripherals in accordance with Section 944.47(1)(a)6., F.S., and to create a new disciplinary charge for unauthorized use of or tampering with computers or other office equipment.

SUBJECT AREA TO BE ADDRESSED: Rules of Prohibited Conduct and Penalties for Infractions.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Section 1 through Section 2 No change.

Section 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

Section 3-1 through Section 3-13 No change.
 Section 3-14 Possession or use of a 60 DC + All GT
 cellular telephone or any other type
 of wireless communication device, or
any components or peripherals to
such devices, including but not
limited to SIM cards, Bluetooth
items, batteries, and charging
devices; any other technology that is
found to be in furtherance of
possessing or using a communication
device prohibited under Section
944.47(1)(a)6., F.S.

Section 3-15 No change.

Section 4-8 No change.

Section 9-1 through 9-36 No change.

Section 9-37 Unauthorized use of or 60 DC + All GT
tampering with a computer, computer
peripheral device, or any other office
equipment. Other office equipment
includes copying machines, facsimile
machines, postage meters, or any
other device utilized in an office or
office-like environment.

Section 10-11 No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09,
 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended
 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90,
 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012,
 Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05,
 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.002	Delegation of Authority
40D-1.1020	Timeframe for Providing Requested Information
40D-1.600	Permit Applications – General and Noticed General Permits
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to take agency action to approve certain Individual Environmental Resource and Water Use Permits and to revise the process for agency action to deny incomplete permit applications. Related rulemaking is also proposed for Chapters 40D-2, 40D-4 and 40D-40, F.A.C. The effect of this rulemaking will be to enable designated staff to take agency action on certain applications for Individual Water Use and Environmental Resource Permits unless the

applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments will also delegate to designated District staff authorization to issue notices of intent to deny permit applications that will become final agency action unless the applicant, District Executive Director or a Governing Board member requests that agency action be taken by the Governing Board.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource and Water Use Permitting processes.

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.219, 373.4135, 373.4136, 373.414 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 253.002, 373.083, 373.084, 373.085, 373.103, 373.116, 373.118, 373.119, 373.149, 373.171, 373.219, 373.223, 373.224, 373.226, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.416, 373.418, 373.426, 373.427 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to take agency action on certain applications for Individual Water Use Permits. Related amendments are also proposed to Chapter 40D-1, F.A.C., concerning permitting processes and Chapter 40D-4, F.A.C., concerning permitting of Individual Environmental Resource Permits. The effect of this rulemaking will be to enable designated staff to take agency action to approve certain Individual Water Use Permit applications unless the applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments also

incorporate a revised Water Use Permit Information Manual Part B, "Basis of Review" which is being updated to reflect the changes being proposed in this rulemaking.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting process.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.239, 373.243 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34606-6899, (352)796-7211, ext. 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.041	Permits Required
40D-4.091	Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to undertake agency action on certain applications for Individual Environmental Resource Permits. Related amendments are also proposed to Chapter 40D-1, F.A.C., concerning permitting processes, Chapter 40D-2, F.A.C., concerning the permitting process for Individual Water Use Permits and Chapter 40D-40, F.A.C., concerning incidental site activities permits applied for in conjunction with Individual Environmental Resource Permits. The effect of this rulemaking will be to enable designated staff to take agency action to approve certain Individual Environmental Resource Permits unless the applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments also incorporate a revised Environmental Resource Permit Information Manual Part B, Basis of Review which is being updated to reflect the changes proposed in this rulemaking.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting process.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.426, 373.427, 373.429, 373.441 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-40.302	Conditions for Issuance of General Permits

PURPOSE AND EFFECT: Rule 40D-40.302, F.A.C., is amended to state that, with respect to the related Individual Environmental Resource Permit application submitted with an application for a general incidental site activities permit, the Individual Environmental Resource Permit may be issued by District staff or the Governing Board. The purpose and effect of this amendment is to make the rule consistent with amendments concurrently proposed for Chapters 40D-1 and 40D-4, F.A.C., authorizing some Individual Environmental Resource Permits to be issued by District staff as well as the Governing Board.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permit procedures.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419, 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, 34604-6899, (352)796-7211, ext. 4651

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53-18.001
 RULE TITLE: Disciplinary Actions
 PURPOSE AND EFFECT: To update and clarify the Lottery’s disciplinary actions.

SUBJECT AREA TO BE ADDRESSED: Disciplinary actions.
 SPECIFIC AUTHORITY: 24.105(2), (9)(j) FS.
 LAW IMPLEMENTED: 24.105(19)(d) 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: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 53-18.001 follows. See the Florida Administrative Code for present text.)

53-18.001 Disciplinary Actions.

(1) As provided in Section 24.105, Florida Statutes, employees of the Florida Lottery serve at the pleasure of the Secretary and shall be subject, at the discretion of the Secretary, to disciplinary action for conduct or performance violations. Each disciplinary action shall be based on the individual circumstances and, ultimately, the best interests of the Florida Lottery.

(2) The types of disciplinary actions that may be imposed include but are not limited to the following:

- (a) Oral Reprimand,
- (b) Written Reprimand,
- (c) Suspension Without Pay,
- (d) Reduction in Pay,
- (e) Demotion,
- (f) Dismissal.

(3) Each supervisor is responsible for promptly reporting alleged disciplinary infractions and performance deficiencies to executive management. No disciplinary action shall be taken without the prior approval of the Secretary or designee.

Specific Authority 24.105(2), (9)(j) FS. Law Implemented 24.105(19)(d) FS. History–New 2-24-93, Amended _____.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NOS.:	RULE TITLES:
58L-1.001	Confidentiality and Disclosure
58L-1.0011	Definitions
58L-1.005	Access
58L-1.006	Conflict of Interest
58L-1.007	Complaint Procedures
58L-1.008	Administrative Assessment

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to add additional language; incorporate conflict of interest language into this rule chapter, which is currently included in Rule Chapter 58L-2, F.A.C.; and develop three new rules for definitions, complaint procedures and administrative assessments, including three forms incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments and new rules address confidentiality and disclosure of information, access to information, conflict of interest, definitions, complaint procedures, and administrative assessments, including three forms incorporated by reference.

SPECIFIC AUTHORITY: 400.0071, 400.0077(5), 400.0081(2) FS.

LAW IMPLEMENTED: 400.0071, 400.0073, 400.0075, 400.0077, 400.0081 FS.

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

DATE AND TIME: February 26, 2009, 9:30 a.m. – 12:30 p.m. EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000; Email address: crocethj@elderaffairs.org. 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: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000; Email address: crocethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 58L-1.001 follows. See Florida Administrative Code for present text.)

58L-1.001 Confidentiality and Disclosure.

(1) POLICY AND PROCEDURE.

Pursuant to Section 400.0077(5), F.S., the Department of Elder Affairs, in consultation with the Office of the State Long-Term Care Ombudsman, hereby adopts, and incorporates by reference, the following as policy and procedure for the confidentiality and disclosure of information by an ombudsman and ombudsman council members:

(a) Sections 400.0077(1) through (4), F.S. (2007); and

(b) Title VII, Chapter 2 of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C., Sections 3058f-h.

(2) APPLICABILITY.

(a) The confidentiality and disclosure of information procedure applies to the files maintained by the following entities established under Chapter 400, Part I, F.S.:

1. The staff of the Office of the State Long-Term Care Ombudsman;

2. Members of the State Long-Term Care Ombudsman Council; and

3. Members of the district long-term care ombudsman councils.

(b) Complaint case files cannot be released by the Long-Term Care Ombudsman Program until the case is closed as defined in Rule 58L-1.0011, F.A.C.

Specific Authority 400.0077(5) FS. Law Implemented 400.0077 FS. History--New 7-25-95, Amended _____.

58L-1.0011 Definitions.

In addition to the terms defined in Section 400, Part I, F.S., the following terms are defined in this rule chapter:

(1) CASE: Each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one or more complaints which requires opening a case and includes ombudsman investigation, strategy to resolve, and follow-up.

(2) CLOSED CASE: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code, and each complaint has been reviewed and accepted by the district long-term care ombudsman council.

(3) COMPLAINT: A concern brought to, or initiated by, the ombudsman for investigation and action by or on behalf of one or more residents of a long-term care facility relating to residents' health, safety, welfare or rights. One or more complaints constitute a case as defined in subsection (1) of this rule.

(4) COMPLAINANT: An individual or a party, who files with the ombudsman program, one or more complaints made by, or on behalf of, residents in a long-term care facility as defined in subsection (9) of this rule.

(5) DEPARTMENT: The Department of Elder Affairs.

(6) DISTRICT: A geographic area in which the ombudsman program is administered and services are delivered.

(7) IMMEDIATE FAMILY: Father, mother, husband, wife, son, daughter, brother, sister, or any other individual residing in the household.

(8) INDIRECT REMUNERATION: Receiving remuneration from a company providing a service to a long-term care facility, such as a consulting pharmacist.

(9) LONG-TERM CARE SERVICES: Services provided by a long-term care facility, home health agency, adult day care center, hospice, intermediate care facility, home for special services or transitional living facility as those terms are defined in Chapters 400 and 429, F.S. Long-term care services also include services provided to residents by geriatric care managers, guardians or representative payees who are not immediate family members.

(10) PROGRAM: The Office of the State Long-Term Care Ombudsman, its representatives and employees, the State Long-Term Care Ombudsman Council, and the district long-term care ombudsman councils as established in Chapter 400, Part I, F.S.

(11) RESOLVED: The resolution of the complaint has been addressed to the satisfaction of the resident or the resident's legal representative.

(12) VERIFIED: It is determined after (interviews, record inspection, and observation, etc.) that the circumstances described in the complaint are generally accurate.

Specific Authority 400.0070, 400.0071 FS. Law Implemented 400.0070, 400.0071, 400.0073, 400.0075 FS. History--New _____.

(Substantial rewording of Rule 58L-1.005 follows. See Florida Administrative Code for present text.)

58L-1.005 Access.

The Department of Elder Affairs, in consultation with the Office of the State Long-Term Care Ombudsman, hereby adopts, and incorporates by reference, Title VII Chapter 2 of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(b) and Section 400.0081, F.S. (2007), as policy and procedure to ensure access to long-term care facilities.

Specific Authority 400.0081(2) FS. Law Implemented 400.0081 FS. History--New 7-31-95, Formerly 58L-3.001, Amended _____.

58L-1.006 Conflict of Interest.

This rule incorporates conflict of interest language that was formerly included under Rule Chapter 58L-2, Long-Term Care Ombudsman Conflict of Interest, Rules 58L-2.001, 58L-2.003, 58L-2.005, and 58L-2.007, F.A.C., are repealed.

(1) PURPOSE.

The purpose of this rule is to ensure that every effort is made to minimize any perception of individual or organizational conflicts of interest affecting the ombudsman program, including conflicts that affect the public perception of the program's independence. It is promulgated to define situations that constitute a person having a conflict of interest and to further the ability of ombudsmen to independently and fully perform their duties pursuant to the Older Americans Act of 1965, as amended in 2006, and Chapter 400, Part I, Florida Statutes. The department shall monitor the program to ensure that it and its representatives have the objectivity and independence required to qualify for federal funding under the Older Americans Act of 1965, as amended in 2006, and to comply with state laws, rules and regulations relating to the program.

(2) CONFLICT OF INTEREST DEFINED.

A conflict of interest is a competing interest, obligation, or duty which compromises, influences, interferes with (or gives the appearance of compromising, influencing or interfering with) the integrity, the activities or the conduct of the program's representatives, including the State Long-Term Care Ombudsman, in faithfully and effectively fulfilling his or her official duties. Types of conflicts include:

(a) Conflicts of loyalty involve issues of judgment and objectivity, including, but not limited to, financial incentives that shape an individual's judgment or behavior in such a way that is contrary to residents' interest.

(b) Conflicts of commitment involve issues of time and attention that direct an individual's time and attention away from the residents' interests.

(c) Conflicts of control involve issues of independence, including limitations or restrictions that effectively foreclose an individual's ability to advocate for residents' interests.

(3) PROHIBITIONS.

(a) The Department of Elder Affairs, in consultation with the Office of the State Long-Term Care Ombudsman, hereby adopts and incorporates by reference, the prohibited conduct specified in Section 400.0070(1), F.S. (2007), and Title VII, Chapter 2 of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(f). In addition, the following situations constitute a prohibited conflict of interest involving an ombudsman; an ombudsman's immediate family member; an officer, employee or representative of the Office of State Long-Term Care Ombudsman or of the state or district long-term care ombudsman councils:

1. Having an ownership or investment interest, represented by equity, debt or other financial relationship, in a long-term care facility or long-term care service as defined in Rule 58L-1.0011, F.A.C.;

2. Providing long-term care services, including the provision of personnel for long-term care facilities or the operation of programs which control access to, or services for, long-term care facilities;

3. Participating in the management of a long-term care facility or serving as the medical director of a long-term care facility; or having an immediate family member who participates in the management of a long-term care facility or serves as a medical director of a long-term care facility;

4. Being involved in the licensing and certification of a long-term care facility or provision of a long-term care service to a facility or its residents; or a having an immediate family member involved in the licensing or certification of such facility or providing a long-term care service to the facility or its residents;

5. Receiving direct or indirect remuneration under a compensation arrangement with an owner or operator of a long-term care facility or having an immediate family member who receives such compensation;

6. Accepting substantial or consequential gifts or gratuities from a long-term care facility, facility owner, administrator, resident or resident's representative;

7. Performing ombudsman duties in a facility in which an immediate family member resides;

8. Standing to gain financially through an action or potential action brought on behalf of residents by ombudsman services;

9. Participating in activities which compromise the ability of the Long-Term Care Ombudsman Program to serve residents or are likely to create an appearance that the Long-Term Care Ombudsman Program's primary interest is other than as a resident advocate.

10. Being an employee of the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Children and Family Services and the Department of Health.

(b) Past employment in a long-term care facility or being related to a long-term care facility resident shall not, in and of itself, be construed as an impermissible conflict of interest.

(4) PROCEDURES.

(a) Upon approval, employment or affiliation with the program, each appointee, officer, employee or representative shall sign and date a conflict of interest statement that includes the following:

1. Acknowledgement that the individual has reviewed Title VII, Chapter 2 of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C., Section 3058g(f), Section 400.0070, F.S. (2007), and this rule;

2. Acknowledgement that the individual understands the prohibitions contained in subsection (3) of this rule; and

3. A statement that the individual has no conflict of interest as defined in subsection (2) of this rule.

(b) All acknowledgements referenced in this subsection must be submitted to the Office of the State Long-Term Care Ombudsman at the following address: Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The Office of the State Long-Term Care Ombudsman must keep the statements on file.

(c) The State Long-Term Care Ombudsman shall receive and review all allegations of conflict of interest and, if appropriate, shall request that the individual remove the conflict of interest.

(d) If the individual does not comply with the recommendation to remove the conflict of interest, the State Long-Term Care Ombudsman shall de-designate the representative from the Office of the State Long-Term Care Ombudsman, or shall terminate for cause any such employee.

(e) Deliberate failure to disclose any conflict of interest, or the violation of any prohibition set forth in subsection (3) of this rule, shall be considered sufficient grounds for de-designating the representative of the Office of the State Long-Term Care Ombudsman from performing any authorized ombudsman duty or responsibility, or terminating for cause such an employee.

Specific Authority 400.0070 FS. Law Implemented 400.0070 FS. History—New _____.

58L-1.007 Complaint Procedures.

This rule outlines the procedures for receiving complaints and conducting complaint investigations against a long-term care facility or facility employee.

(1) RECEIVING COMPLAINTS.

(a) Any person may make a written or verbal complaint to the Office of State Long-Term Care Ombudsman or its representatives. A complaint may be anonymous.

(b) The receipt of a complaint by the district ombudsman manager or his/her designee triggers the opening of a case as defined in Rule 58L-1.0011, F.A.C.

1. The district ombudsman manager, or designee, must code complaints based on the requirements of the National Ombudsman Reporting System published by the U.S. Department of Health and Human Services, Administration on Aging.

2. The district ombudsman manager, or designee, must complete and provide DOEA Form LTCOP-001 to the ombudsman conducting the investigation. DOEA Form LTCOP-001, Case Investigation, 2009, is hereby incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care

Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained at the following Web site: (Website TBA).

(2) INVESTIGATIVE PROTOCOL.

(a) An investigation is initiated when an ombudsman makes contact with the complainant or resident. The investigation shall be initiated within five business days after the district ombudsman manager receives the complaint.

(b) The ombudsman must visit the resident or residents on whose behalf the complaint was filed.

(c) The complaint investigation must focus on the rights, health, safety and welfare of the resident or residents and may include direct observation, interviews with residents and other individuals, and record reviews, as permitted in 42 U.S.C., Section 3058g(b) and Section 400.0081, F.S.

(d) Investigations must be closed within 90 calendar days after receiving the complaint unless additional time is requested by the ombudsman and granted by the local council.

(e) At the conclusion of a case investigation, the ombudsman must:

1. Complete DOEA Form LTCOP-0001, using disposition codes referenced in subparagraph (1)(b)1. of this rule.

2. Contact the resident or the resident's legal representative, if possible, to inform him or her of the disposition.

3. Conduct an exit interview with the facility administrator, or his or her designee, to discuss the investigation and provide an opportunity for comment. All comments must be documented and become part of the complaint record.

(f) The local council must review and accept the complaint investigation, the investigative process and the case documentation upon completion of the case.

(g) Within 20 business days after case closure as defined in Rule 58L-1.0011, F.A.C., the district ombudsman manager must submit a written summary of the case disposition to the resident or the resident's legal representative and the facility as required by Section 400.0075(1)(a), F.S.

Specific Authority 400.0071 FS. Law Implemented 400.0071, 400.0073, 400.0075 FS. History—New _____.

58L-1.008 Administrative Assessments.

This rule outlines procedures for conducting administrative assessments of long-term care facilities.

(1) MINIMUM ASSESSMENT REQUIREMENT.

All long-term care facilities must have at least one onsite administrative assessment conducted in accordance with Section 400.0074, F.S., during each federal reporting year, which is October 1 through September 30.

(2) DISTRICT OMBUDSMAN MANAGER RESPONSIBILITY.

(a) By October 1 of each year, the district ombudsman manager must assign all facilities within his or her district to individual members of the local council for administrative assessments to be completed by September 30 of the following year.

(b) The district ombudsman manager must keep original completed assessment forms in the district office and forward copies to the facility administrator and the local Agency for Health Care Administration field office within 30 business days after council approval.

(3) ADMINISTRATIVE ASSESSMENT PROCESS AND FOCUS.

Administrative assessments may include observations, interviews with residents and other individuals, and review of facility records as permitted in 42 U.S.C. § 3058g(b) and Section 400.0081, F.S. The assessment must focus on issues affecting residents' rights, health, safety, and welfare from their perspective.

(4) ADMINISTRATIVE ASSESSMENT FORMS.

(a) The results of an administrative assessment must be recorded on the DOEA Form LTCOP-0002, _____ 2009, Administrative Assessment, which is incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained from the following Website: (Website TBA).

(b) The administrative assessment should be conducted using DOEA Form LTCOP-003, Long-Term Care Ombudsman Program Administrative Assessment Guidelines, _____, 2009, which is incorporated by reference and available from the department at the address indicated in paragraph (a) of this subsection. The guidelines may also be obtained from the following Website: (Website TBA).

(5) EXIT INTERVIEW.

(a) At the conclusion of the assessment, the ombudsman must conduct an exit interview with the facility administrator or his or her designee to discuss the assessment and provide an opportunity for the administrator or his or her designee to comment. All comments must be documented and become part of the assessment record.

(b) Pursuant to Section 400.0075, F.S., if any problems are identified during the assessment, the ombudsman must document the steps agreed upon for remedial action and the agreed target dates for completion of these steps. Identified problems and target dates must be recorded on the assessment form referenced in paragraph (a) of subsection (4) of this rule and provided in writing to the facility administrator during the exit interview.

(6) UNRESOLVED PROBLEMS.

If problems identified during an assessment remain unresolved, the ombudsman, the district long-term care ombudsman council and the State Long-Term Ombudsman Council, in consultation with the State Ombudsman, shall proceed with actions pursuant to Section 400.0075, F.S.

Specific Authority 400.0071 FS. Law Implemented 400.0071, 400.0073 FS. History—New _____.

The text of the proposed rule development and FORMS INCORPORATED BY REFERENCE can be found at the following web address under LTC Ombudsman Rules: <http://elderaffairs.state.fl.us/english/rulemaking.php>

**AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing**

RULE NO.: 59A-3.2085
RULE TITLE: Department and Services

PURPOSE AND EFFECT: The Agency proposes to revise rules governing licensure of hospital adult cardiovascular services programs.

SUBJECT AREA TO BE ADDRESSED: The rules governing adult diagnostic cardiac catheterization services and adult cardiovascular services will be revised to clarify the license application process and incorporate license application forms.

SPECIFIC AUTHORITY: 408.0361 FS.

LAW IMPLEMENTED: 408.0361 FS.

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

DATE AND TIME: February 25, 2009, 1:30 p.m. – 4:30 p.m.
PLACE: Agency for Health Care Administration, Building 3, Conference Room B, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL 32308, (850)922-0791

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

**AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing**

RULE NO.: 59A-7.020
RULE TITLE: Definitions

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines “authorized person” and “kickback”.

SUBJECT AREA TO BE ADDRESSED: Revisions to specify the professionals authorized to order clinical laboratory tests and receive test results and to revise the definition of kickback so that the definition does not include laboratory personnel directly collecting specimens from kidney disease patients under certain circumstances.

SPECIFIC AUTHORITY: 483.051 FS.
LAW IMPLEMENTED: 483.041(7), 483.181, 483.245 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: February 23, 2009, 1:30 p.m. – 4:30 p.m.
PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Tallahassee, Florida
Special call-in provisions have been made for those unable to attend the workshop in Tallahassee. The call-in number is (888)808-6959 and the conference code is (850)922-0791.

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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-7.020 Definitions.

(1) through (3) No change.

(4) Authorized Person – a person authorized by the laws of this State to order tests or receive test results or both including a medical doctor licensed under Chapter 458, F.S., a doctor of osteopathy licensed under Chapter 459, F.S., a chiropractor licensed under Chapter 460, F.S., a doctor of podiatry licensed under Chapter 461, F.S., an individual licensed in naturopathy under Chapter 462, F.S., an advanced registered nurse practitioner, including the category of certified nurse midwife, licensed under Chapter 464, F.S., a dentist licensed under Chapter 466, F.S., and a certified nurse midwife licensed under Chapter 464, F.S.

(5) through (14) No change.

(15) Kickback.

(a) through (f) No change.

(g) Provision of personnel or assistance of any kind to perform any duties for the collection or processing of specimens except:

1. Phlebotomist providing collection services in physician’s office to obtain blood samples for patients that are diagnosed with chronic kidney disease (CKD) and do not yet require dialysis and the testing preformed on the samples is specific to the diagnosis or;

~~2. Such P~~ersonnel or assistance is ~~authorized to be~~ provided on a temporary basis for the collection of specimens at a patient’s residence.

These collections must meet the requirements of Chapter 59A-7, F.A.C.

(16) through (34) No change.

Specific Authority 483.051 FS. Law Implemented 483.035, 483.041, 483.051, 483.106, 483.191 FS. History–New 11-20-94, Amended 8-13-95, 12-27-95, 6-22-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-12.006
RULE TITLE: Approved Form; Incorporation

PURPOSE AND EFFECT: The Board proposes to review and update the forms and reincorporate them by reference.

SUBJECT AREA TO BE ADDRESSED: Approved forms and incorporation.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 120.52(15), (16), 489.108, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-21.003
RULE TITLE: Filing Claims

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add new language to clarify the procedures for filing claims.

SUBJECT AREA TO BE ADDRESSED: Filing Claims.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.006
 RULE TITLE: Facials (Including Skin Care and Hair Removal)

PURPOSE AND EFFECT: The purpose and effect is to clarify the minimum competency areas and hours of training.

SUBJECT AREA TO BE ADDRESSED: Facials (Including Skin Care and Hair Removal).

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201, 477.023(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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-22.006 Facials (Including Skin Care and Hair Removal).

(1) through (4) No change.

(5) Definition of Services: Services shall be a facial, a client consultation/skin analysis; exfoliation, either manual, mechanical or chemical; cleansing; toning; manipulations; and packs, masks, or other treatments as needed.

(6) At a minimum, the curriculum of schools and programs specified in Section 477.0201, F.S. shall include the following hours of instruction in the indicated theory items:

TOPIC	HOURS
<u>(a) Florida Laws and Rules</u>	<u>5</u>
<u>(b) HIV and AIDS</u>	<u>4</u>
<u>(c) Sanitation</u>	<u>10</u>
<u>(d) Ethics</u>	<u>2</u>
<u>(e) Basics of Electricity</u>	<u>8</u>
<u>(f) Facial Techniques and Contraindications</u>	<u>66</u>
<u>(g) Product Chemistry</u>	<u>8</u>
<u>(h) Hair Removal</u>	<u>2.5</u>

<u>(i) Makeup</u>	<u>2</u>
<u>(j) Skin Theory and Disease</u>	<u>85</u>

(7) The curriculum shall also include the performance of the following specified services as indicated as well as the estimated total number of hours needed to complete the required number services:

TYPE OF SERVICE	NUMBER OF SERVICES	HOURS REQUIRED
<u>(a) Facials, manual and mechanical, including masks, packs or treatments which must be performed on a variety of skin types including normal, oily, dry, combination, problem, and mature</u>	<u>40</u>	<u>40</u>
<u>(b) Set up, use and maintenance of electrical devices</u>	<u>5</u>	<u>1.25</u>
<u>(c) Hair removal, including tweezing, waxing, threading, and sugaring</u>	<u>20</u>	<u>5</u>
<u>(d) Makeup application for both day time and nighttime looks</u>	<u>10</u>	<u>5</u>
<u>(e) Lash and brow tinting</u>	<u>10</u>	<u>5</u>
<u>(f) Eyelash application, including strip lashes, individual lashes, and semi-permanent lashes</u>	<u>10</u>	<u>10</u>
<u>(g) Manual Extractions</u>	<u>5</u>	<u>1.25</u>

(8) Subsections (6) and (7) shall be effective January 2, 2010.

Specific Authority 477.016 FS. Law Implemented 477.0201, 477.023(2) FS. History–New 11-2-80, Amended 10-29-85, Formerly 21F-22.06, Amended 4-8-86, Formerly 21F-22.006, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.0105
 RULE TITLE: Approval of Continuing Education Courses in Laws and Rules

PURPOSE AND EFFECT: Approval of Continuing Education Courses in Laws and Rules.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses in Laws and Rules.

SPECIFIC AUTHORITY: 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.2123, 455.213, 455.2179, 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 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.: 64B5-16.006 RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist

PURPOSE AND EFFECT: The Board proposes the rule amendments to delete unnecessary language and to add new language to clarify the duties performed by the dental hygienist as indirect supervision or general supervision.

SUBJECT AREA TO BE ADDRESSED: Remediable tasks delegable to a dental hygienist.

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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 #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.007 RULE TITLE: Levels of Supervision for Dental Hygienists

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify remediable task without additional training as defined in Chapter 64B5-16, F.A.C., and the level of supervision.

SUBJECT AREA TO BE ADDRESSED: Levels of supervision for dental hygienists.

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024(3) 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 #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-17.006 RULE TITLE: Work Order Forms

PURPOSE AND EFFECT: The Board proposes the rule amendment to: change the title of the rule to Prescription forms; delete unnecessary language and add new language in compliance with the new rule title; to add new language to clarify the for retention period of original prescriptions; and to add new language to clarify the requirements for a registered dental laboratory to perform work for another registered dental laboratory.

SUBJECT AREA TO BE ADDRESSED: Work order forms.

SPECIFIC AUTHORITY: 466.021 FS.

LAW IMPLEMENTED: 466.021 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 #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-4.0023 RULE TITLE: Tier Two Waiver

PURPOSE AND EFFECT: To comply with Section 393.0661, F.S., requiring the Agency to implement the Second Tier of a Four Tiered Waiver System to serve clients with developmental disabilities.

SUBJECT AREA TO BE ADDRESSED: As amended in HB 5087 in 2008, Section 393.0661, F.S., now requires that the Agency amend the criteria for Tier Two of the Four Tiered Waiver System so that residential habilitation service clients are categorized by a moderate level of standard support or a minimal level of support for behavior focus residential habilitation services.

SPECIFIC AUTHORITY: 393.0661(3) FS.

LAW IMPLEMENTED: 393.0661(3)(b) 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: Denise Arnold, Acting Bureau Chief, Home and Community Based Services, (850)488-3673

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65G-4.0023 Tier Two Waiver.

The total budget in a cost plan year for each Tier Two Waiver client shall not exceed \$55,000. The Tier Two Waiver is limited to clients who meet the following criteria:

(1) The client's service needs include placement in a licensed residential facility and authorization for a moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services; greater than five hours per day of residential habilitation services; or

(2) The client is in supported living and is authorized to receive more than six hours a day of in-home support services.

(3) This rule shall take effect July 1, 2008.

Specific Authority 393.0661(3) FS. Law Implemented 393.0661(3)(b) FS. History--New 7-1-08, Amended_____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-53.003	Compliance Procedures
67-53.004	Right to Inspect and Monitor Funded Developments
67-53.005	Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds
67-53.006	Compliance and Monitoring Procedures
67-53.007	Compliance Procedures
67-53.008	Compliance and Reporting Requirements
67-53.009	Compliance and Monitoring
67-53.010	Forms

PURPOSE AND EFFECT: The purpose of this Rule is to establish the compliance procedures by which Florida Housing or any duly authorized representative of Florida Housing shall be permitted at any reasonable time to inspect and monitor developments and tenant records and facilities.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to amendments to the compliance procedures, as specified in Rule Chapter 67-53, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.507(12), 420.508(3)(a) FS.

LAW IMPLEMENTED: 420.507(4), (13), (14), 420.508, 420.509 FS.

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

DATE AND TIME: February 23, 2009, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301

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: Laura Cox, (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: Laura Cox, Director of Asset Management & Guarantee Program, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 6000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's website www.floridahousing.org.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-14.001	Purpose and Intent, Designation as Restricted Species
68B-14.002	Definitions
68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper
68B-14.00355	Size Limits for Importation and Sale

- 68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption
- 68B-14.0038 Recreational Red Snapper Season
- 68B-14.0039 Recreational Grouper Season
- 68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits
- 68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation
- 68B-14.006 Other Prohibitions

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes for reef fish in the 2009 calendar year as a result of stock assessments, federal regulatory actions or other management or enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered by this notice of rule development include any areas encompassed by the above-cited rules.

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, IF AVAILABLE, IS: Mark Robson, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Tallahassee, Florida 32301, (850)487-0554

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

- | | |
|--|--|
| <p>RULE NOS.:</p> <ul style="list-style-type: none"> 68B-22.001 68B-22.002 68B-22.003 68B-22.005 68B-22.006 68B-22.007 | <p>RULE TITLES:</p> <ul style="list-style-type: none"> Purpose and Intent; Repeal of Certain Laws; Designation as Protected Species Definitions Size Limits Bag and Possession Limits; Sale Prohibited Other Prohibitions; Applicability Catch-Hold-and-Release Tournament Exemption |
|--|--|

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes for red drum (redfish) in the 2009 calendar year as a result of stock assessments or other management or enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered by this notice of rule development include any areas encompassed by the above-cited rules.

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, IF AVAILABLE, IS: Mark Robson, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Tallahassee, Florida 32301, (850)487-0554

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

- | | |
|--|---|
| <p>RULE NOS.:</p> <ul style="list-style-type: none"> 68B-31.001 68B-31.002 68B-31.003 68B-31.0035 68B-31.004 68B-31.0045 68B-31.005 68B-31.006 68B-31.007 68B-31.008 68B-31.009 | <p>RULE TITLES:</p> <ul style="list-style-type: none"> Northeast Florida Live Bait Shrimp Fishery; Purpose and Intent Definitions Live Bait Shrimp Trawl Gear Specifications Trawls: Allowed Use; Maximum Square Footage of Mesh Area; Definitions Trawl Gear Specifications: Turtle Excluder Devices Required; Exceptions; Definitions Otter Trawl Gear Specifications: Bycatch Reduction Devices Purpose and Intent; Repeal of Certain General and Special Acts; Designation of Shrimp as Restriction Species Definitions Statewide Recreational Shrimping Restrictions Statewide Live Bait Shrimp Production Restrictions Statewide Food Shrimp Production Restrictions |
|--|---|

- 68B-31.010 Northwest Region Food Shrimp Production Gear Specifications
- 68B-31.011 Big Bend Region Food Shrimp Production Gear Specifications
- 68B-31.012 Southwest Region Food Shrimp Production Gear Specifications
- 68B-31.013 Southeast Region Food Shrimp Production Gear Specifications
- 68B-31.0135 Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures
- 68B-31.0136 Southeast Region: Food Shrimp Production Closed Area (Portion of Monroe County)
- 68B-31.014 Northeast Region Food Shrimp Production Gear Specifications
- 68B-31.015 Northeast Florida Shrimping: Definition
- 68B-31.0155 Northeast Florida Shrimping: Closed Season; Definition of Term "Legal State Holidays" for Purposes of Section 379.247(8)(a), F.S.; Closed Areas
- 68B-31.0156 Florida East Coast Shrimp Bed: Repeal of Section 370.156, Florida Statutes; Seasonal Food Shrimp Production Closure; Exception; Definition
- 68B-31.0157 East Coast: Night Trawling Prohibited; Exception
- 68B-31.016 Tortugas Shrimp Beds: Repeal of Section 370.151(2), F.S. (1991); Redescription of Tortugas Shrimp Beds; Closed Areas
- 68B-31.017 Big Bend Region Closed Areas; Seasonal Closures
- 68B-31.018 Northwest Region Closed Areas; Repealed Special Acts
- 68B-31.019 Regulation of Shrimp Fishing in Tampa Bay; License Requirements

PURPOSE AND EFFECT: The purpose and effect of the rule development notice is to address possible rule changes for shrimp and shrimping in calendar year 2009 as a result of federal regulatory actions or other management or enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered by the rule development notice include gear and other subjects encompassed by the above-cited rules.

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, IF AVAILABLE, IS: Mark Robson, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:

68B-35.001

68B-35.002

68B-35.003

68B-35.004

68B-35.005

RULE TITLES:

Purpose and Intent; Repeal of Certain Laws; Designation as Restricted Species, Aquaculture Exemption for Pompano

Definitions

Size and Bag Limits; Prohibition of Sale

Gear Specifications and Prohibited Gear

Commercial Pompano Harvest Requirements; Pompano Endorsement Criteria; State and Federal Waters Pompano Daily Harvest Limits and License Requirements for Sale or Purchase

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes for permit in the 2009 calendar year as a result of stock assessments or other management or enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered by this notice of rule development include any areas encompassed by the above-cited rules.

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, IF AVAILABLE, IS: Mark Robson, Director, Division of Marine Fisheries Management,

Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Tallahassee, Florida 32301, (850)487-0554

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-44.002	Definitions
68B-44.003	Bag Limit Applicable to State Waters, Gear Restriction
68B-44.004	Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited
68B-44.005	Commercial Harvest of Sharks: Federal Permit Required
68B-44.006	Commercial Season; Season Closure; Prohibition of Sale
68B-44.008	Protected Species: Sawfishes, Basking Shark, Whale Shark, White Shark, Sand Tiger Shark, Bigeye Sand Tiger Shark, Spiny Dogfish, Manta Ray, and Spotted Eagle Ray; Prohibition of Harvest, Landing, and Sale

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes for sharks and rays in the 2009 calendar year as a result of stock assessments, federal regulatory actions or other management or enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: The subject areas covered by the rule development notice include bag limits, recreational and commercial harvest and other subjects encompassed by the above-cited rules.

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, IF AVAILABLE, IS: Mr. Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-47.001	Definitions
68B-47.002	Size Limits
68B-47.003	Bag Limits
68B-47.004	Gear Restriction

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes in the 2009 calendar year for weakfish as a result of stock assessments, federal regulatory actions or other management and enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include size limits, bag limits, gear restrictions and other subjects encompassed by the above-cited rules.

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, IF AVAILABLE, IS: Mr. Mark Robson, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-48.001	Purpose and Intent; Repeal of Section 370.11(2)(a)2., F.S.; Designation as Restricted Species, Aquaculture Exemption
68B-48.002	Definitions
68B-48.003	Size and Bag Limits
68B-48.004	Gear Specifications and Prohibited Gear

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes for flounder or sheepshead in the 2009 calendar year as a result of stock assessments or other management or enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered by the rule development notice include subjects encompassed by the above-cited rules.

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, IF AVAILABLE, IS: Mr. Mark Robson, Director, Division of Marine Fisheries Management Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-49.001	Definitions
68B-49.002	Size and Bag Limits, Daily Commercial Vessel Limit, Designation as Restricted Species
68B-49.003	Gear Specifications and Prohibited Gear

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes in the 2009 calendar year for tripletail as a result of stock assessments or other management or enforcement requirements.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the rule development notice include size and bag limits, gear specifications and other subjects encompassed by the above-cited rules.

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, IF AVAILABLE, IS: Mr. Mark

Robson, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Station 201, Tallahassee, Florida 32301, (850)487-0554

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-5.0125	Minimum Records to Be Maintained by Burial Rights Brokers; Inspection of Records

PURPOSE AND EFFECT: Section 497.281(3), F.S., requires the Department to establish by rule the minimum records to be maintained by brokers of burial rights. Section 497.281(3), F.S., states that the purpose of maintaining such records is to prevent “confusion and error by the licensee or by the cemeteries in which the burial rights are located as to the status as sold or unsold, and as to the identity of the owner, of the burial rights and related interment spaces in the cemetery.” Section 497.281(4), F.S., authorizes the Department by rule to require inspections of the records of brokers of burial rights.

SUBJECT AREA TO BE ADDRESSED: Minimum records to be maintained by burial rights brokers and inspection of such records by the Department.

SPECIFIC AUTHORITY: 497.103(5)(b), 497.281 FS.

LAW IMPLEMENTED: 497.103(2)(a), 497.281 FS.

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

DATE AND TIME: February 23, 2009, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., 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: Doug Shropshire (850)413-3039 or doug.shropshire@myfloridacfo.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: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 or doug.shropshire@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-5.0125 Minimum Records to be Maintained by Burial Rights Brokers; Inspection of Records.

(1) Definitions. As used in this rule, the following definitions apply:

(a) "Person" includes natural persons, corporations, limited liability companies, trusts, and partnerships.

(b) "Department" refers to the Florida Department of Financial Services.

(2) A Person involved in the sale or transfer of burial rights under Section 497.281, F.S., shall maintain the following records for each sale or transfer of a burial right:

(a) The name, address, and phone number of the person selling or transferring the burial right.

(b) The name, address, and phone number of the person acquiring the burial rights.

(c) The date of the sale or transfer.

(d) The price paid or to be paid for the sale or transfer of the burial rights.

(e) The total amount of compensation paid to the burial rights broker for the sale or transfer, with identification of who has paid the burial rights broker; that is, the acquirer, the seller, or other (named) person.

(f) The name and address of the cemetery where the burial space is located.

(g) A record identifying the type of burial rights: an in-ground interment space, a mausoleum, a columbarium, an ossuary, or a scattering garden.

(h) A record providing detailed identification of the specific location in the cemetery of the burial space, using location identification nomenclature in current use by the cemetery where the burial right is located.

1. Regarding in-ground interment spaces, such detailed identification shall include the name of the garden, lot, plot, and space number of the space.

2. Regarding interment spaces in a mausoleum or columbarium, such detailed identification shall include the unique name or number of the mausoleum or columbarium building or structure, and the location of the crypt or niche within that building or structure.

(i) A list of any merchandise or services that were sold or transferred with the burial rights, if any, including identification of any preneed contract that was transferred or sold.

(j) If the cemetery where the burial space is located requires a burial right transfer form, documentation that such a form has been filed, by whom, and on what date.

(k) If the cemetery where the burial space is located requires payment of a burial rights transfer fee, documentation that the burial rights transfer fee has been paid, by whom, and on what date.

(l) A copy of any written or printed agreement or agreements relating to the sale or transfer of the burial right.

(m) Copies of all correspondence to or from the burial rights broker regarding the sale or transfer of the burial right.

(n) The complaint log and related records required under Section 497.151, F.S.

(3)(a) The records required to be maintained by this rule shall be maintained at the burial rights broker's address identified on the most recent licensure application or renewal form under Section 497.281, F.S. The records shall be maintained in written or in electronic form. If the records are maintained in electronic form, the burial rights broker shall at all times have available at the same place where the records are maintained, all equipment and software needed to allow the immediate viewing of such records upon request by the Department's inspector.

(b) When a Person licensed under the provisions of Chapter 497, F.S., other than Section 497.281, F.S., engages in activity as a burial rights broker under Section 497.281, F.S., such Person shall maintain the records required by subsection (2) of this rule, at such Person's primary place of business in Florida.

(4) Records required to be maintained under this rule shall be kept until the later of the following dates:

(a) Five years after the date a final interment has occurred using the burial rights that were the subject of the sale or transfer;

(b) Twelve months after the most recent inspection of the records by the Department under this rule.

(5) The Department of Financial Services shall inspect the records of each burial rights broker at least once every two years.

Specific Authority 497.103(5)(b), 497.281 FS. Law Implemented 497.103(2)(a), 497.281 FS. History--New _____.

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09432
RULE TITLE: Assessment of English Language Learners

PURPOSE AND EFFECT: The proposed modification updates terminology to reflect current practice in the field, updates statutory references and modifies exemptions to statewide assessments for newly arrived English Language Learners.

SUMMARY: The rule is amended to correct references to "limited English proficient students" which have been changed to "English Language Learners." In addition, the rule is amended to allow only students who have been enrolled in