

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-12.001	Purpose
15A-12.002	Definitions
15A-12.003	Reciprocity
15A-12.004	Application for Authority to Conduct a Motorcycle Safety Training Program
15A-12.005	Authorized Program: Requirements and Limitations
15A-12.006	Quality Assurance
15A-12.007	Student and Program Records
15A-12.008	Personnel Certification
15A-12.009	Complaints
15A-12.010	Compliance and Termination of RiderCoach Recognition or Sponsor Authorization to Conduct Motorcycle Safety Education Courses
15A-12.011	Forms

PURPOSE AND EFFECT: This rule chapter sets forth the standards for the Florida Motorcycle Safety Education Program, hereafter referred to as the Florida Rider Training Program (FRTP) with organizations to provide motorcycle safety training, the certification of instructors hereafter referred to as RiderCoaches (RC), and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles (DHSMV)/Florida Rider Training Program (FRTP) pursuant to Sections 322.0255, 322.12(5)(a), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Compliance with these rules is required to obtain and to maintain licensure and certification by FRTP.

RULEMAKING AUTHORITY: 322.0255 FS.

LAW IMPLEMENTED: 322.0255, 322.12(5) 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: Monday, January 4, 2010, 10:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Lauer, Bureau of

Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, Tallahassee, FL 32399-0500, (850)617-2534

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15A-12.001 Purpose.

This rule chapter sets forth the standards for the Florida Motorcycle Safety Education Program, hereafter referred to as the Florida Rider Training Program (FRTP) with organizations to provide motorcycle safety training, the certification of instructors hereafter referred to as RiderCoaches (RC), and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles (DHSMV)/Florida Rider Training Program (FRTP) pursuant to Sections 322.0255, 322.12(5)(a), Florida Statutes. Compliance with these rules is required to obtain and to maintain licensure and certification by FRTP.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New _____.

15A-12.002 Definitions.

(1) Curriculum – the Basic Rider Course (BRC) or Experienced Rider Course (ERC) curriculum from the Motorcycle Safety Foundation (MSF), Sidecar/Trice Education Program (S/TEP) curriculum from the Evergreen Safety Council (ESC) or a standardized course authorized by FRTP.

(2) Department – The Department of Highway Safety and Motor Vehicles (DHSMV).

(3) Manager – any individual who oversees the day-to-day operation of the state motorcycle safety program.

(4) Motorcycle Safety Foundation – “A not for profit foundation, supported by motorcycle manufacturers, that provides leadership to the motorcycle safety community.” They developed various courses approved for use in Florida.

(5) Program Fee – the fee charged by the motorcycle training program for providing education on motorcycle safety.

(6) Sponsor – an entity which provides or intends to provide motorcycle safety training program services and functions in the State of Florida, hereinafter identified as “the Sponsor.”

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New _____.

15A-12.003 Reciprocity.

Motorcycle training programs recognized, approved, licensed, or certified by another state or country’s driver license authority, that are recognized by FRTP as being similar to the motorcycle safety training program in this State.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New _____.

15A-12.004 Application for Authority to Conduct a Motorcycle Safety Training Program.

(1) Locate a suitable area for a range. An unobstructed area of 200' x 300' is recommended. Potential alternatives can be found on the MSF website. A request for any range approval shall be made electronically or in writing to FRTP to secure a letter of authorization with FRTP.

(2) Obtain a letter of understanding from the property owner stating you have permission to use the property for motorcycle safety courses.

(3) Complete the forms listed below which are available from MSF website, www.msf-usa.org, Training Site Support, Rider Education Recognition Program (RERP) Forms:

(a) Rider Education Recognition Program (RERP) Agreement.

(b) Rider Education Recognition Program (RERP) Application.

(c) Rider Education Recognition Program (RERP) Range Application.

(4) The regional coordinator will verify the range area and all forms will be sent to the FRTP Program Manager who will sign and forward them to MSF for approval.

(5) MSF will send a letter of approval to the applicant with a copy to the FRTP Program Manager.

(6) Once FRTP receives clearance from MSF, FRTP will initiate the letter of authorization process.

(7) The letter of authorization will be signed by the Director of the Division of Driver License or her designee and provided to the Sponsor.

(8) Only when the applicant receives both official documents, will they be able to start classes.

(9) Non-transferability. Any change in the information provided by the applicant must be approved by FRTP. A letter of authorization shall not be transferable. The program shall notify FRTP at least 90 days prior to the effective date of a proposed change in the program's corporate structure. FRTP shall review the proposed changes and may request additional information from the program.

(10) The Sponsor shall be given Primary and Secondary signatory forms designed to designate approval authority for the motorcycle safety course classes. The Sponsor shall keep record of Online Data Exchange System signatories, signatory ID's and clerical additions.

(11) Program Title.

(a) No program shall use, adopt, or conduct any business under a name that is like or deceptively similar to a name used by another program.

(b) A program shall not use the word "State" in any part of the program name.

(12) A copy of the program's certificate of occupancy or documentation reflecting compliance with local, state, and federal fire, sanitation and building requirements shall be made available upon request by FRTP.

(13) The program shall permit FRTP and its representatives upon request to inspect the program, its public facilities, equipment and records that are required by these administrative rules to be maintained in the operation of the program.

(14) The procedure followed for processing the application will be pursuant to Section 120.60, F.S.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.005 Authorized Program: Requirements and Limitations.

(1) An organization authorized to conduct motorcycle safety education program

(a) All RiderCoaches must abide by the FRTP and MSF Rules of Professional Conduct;

(b) Sponsors must attend required meetings, advise FRTP of organizational changes, location of services, schedules of classes and provide copies of incident reports and legal actions.

(c) Sponsors must submit reports on student completion in the format required by the FRTP. All completions will be entered within three days of the conclusion of the class into the Online Data Exchange System;

(d) RiderCoaches must meet all requirements regarding certification, continuing recertification, conduct, background, administrative rule requirements, and customer testing of students;

(e) Sponsors must provide proper insurance coverage with FRTP listed as a Certificate holder or co-insured on the policy and any changes to that policy must be provided to FRTP;

(f) Sponsors and RiderCoaches will cooperate with FRTP staff or their consultants on quality assurance site visits;

(g) Sponsors must maintain training materials and equipment; all cosmetic damage to state loaned motorcycles must be repaired at least annually; any motorcycle that has been involved in a crash will be immediately removed from service; the Sponsor must ensure that it is inspected and ridden by a RiderCoach to ensure proper repair prior to student use;

(h) Sponsors must maintain all ranges and meet safety codes;

(2) The Sponsor is solely responsible for the performance of all aspects of these administrative rules. The Sponsor may subcontract aspects of these requirements but assumes full responsibility for the performance of that subcontractor.

(3) A program shall not use any name other than its registered name with the Secretary of State, for advertising or publicity purposes, nor shall a program advertise or imply that it is "recommended," or "endorsed" by FRTP.

(4) No program, RiderCoach or employee shall advertise or represent themselves to be an agent or employee of FRTP or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of FRTP.

(5) No program, RiderCoach or employee shall solicit business on the premises rented, leased or owned by FRTP including parking lots adjoining driver license examining offices or parking lots used by driver license applicants.

(6) No program shall make a false or misleading claim in any of its advertisements.

(7) Obscene Advertising. No program shall use any form of advertising which is obscene, lewd, or pornographic. Upon a finding by FRTP that a program has used any obscene advertising in any medium, the program's license will be suspended upon a first offense, and a mandatory license revocation for a second offense.

(8) The Sponsor must notify FRTP in writing of any legal action filed against the Sponsor, its officers or the RiderCoaches within 10 days of receiving notice of such action.

(9) With the implementation of the electronic Online Data Exchange System, reports must be submitted within three days of course completion. If any portion of the documentation is incorrect or incomplete, it may be addressed via email to the Sponsor or the documentation will be returned to the Sponsor for correction and must be resubmitted by the Sponsor within 3 working days of receipt.

(10) By submission of the online reports, the Sponsor certifies their correctness. All such reports are subject to audit by the State or its designee.

(11) The Sponsor shall direct all required correspondence and reports to the Department which shall bear an original signature. Of the Sponsors designated representative.

(12) The Sponsor shall provide a completion card to each student who successfully completes a department approved Rider Course but this does not negate the requirement to enter all information in the online system.

(13) The Sponsor shall provide a properly equipped classroom conducive to learning as outlined in the RiderCoach Guide. There shall be sufficient classroom space to comfortably accommodate all students with a minimum of twenty (20) square feet of space per student.

(14) The Sponsor shall issue each student a current original edition of the BRC Rider Handbook, S/TEP Student Book or supply each a set of ERC Suite Classroom cards to be used during the class when applicable. Handbooks cannot be photocopied.

(15) Sponsor schools must order and pay for all Rider Course completion cards, as well as MSF and ESC workbooks directly through MSF and ESC.

(16) A student who fails either the Rider Course knowledge test or skills test shall be allowed one retest. The retest shall not be on the same day as the failure. The retest shall be at no cost to the student and shall occur within 60 days of the date of the failure.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.006 Quality Assurance.

FRTP will process quality assurance at each program site to ensure compliance with these administrative rules, Florida Statutes, and the Florida Administrative Code. The FRTP staff and consultants under these administrative rules shall:

(1) Conduct unannounced site visits.

(2) Check the range for size and safety compliance; if there is an immediate safety issue the range shall be shut down; a report shall be made on the Quality Assurance Audit Form.

(3) During a site visit, all representatives of the program shall cooperate with FRTP's representative(s), and, upon request, shall exhibit all records, instructional aids, manuals, or such other materials as necessary for the review.

(4) The person completing the quality assurance will produce a report on the Quality Assurance Audit Form which shall be provided to the Sponsor.

(5) Sponsors shall be responsible for ensuring any deficiencies noted in the report are remedied in the time allotted. Failure to do so shall be considered administrative rule violations which are cause for termination of authorization to provide motorcycle safety education.

(a) The Quality Assurance Audit Form, HSMV..... outlines the steps that will be taken by the Florida Rider Training Program (FRTP), when the Code of Conduct and / or the Florida "Letter of understanding", are not adhered to.

(b) On the first observation the State representative documents in a comprehensive report what they saw and why it was viewed as a problem. This report is submitted to FRTP for review. A notice will be provided to the Rider Coach and Sponsor. The Rider Coach and Sponsor will be allowed to explain why they do it that way or did it that way. If it makes sense and is just different then ok, if not advise Rider Coach and Sponsor of corrective measure(s) to be taken by them to correct it.

(6) In order to better facilitate site visits, the shall provide the Department a quarterly Rider Course schedule no later than the 15th of the month preceding the new quarter. The course schedule shall be sent to FRTP-Schedules@flhsmv.gov. The Sponsor shall notify the Department of any changes in course schedules.

(7) The steps for non-compliance issues are as follows:

(a) 1st Time Observed: The State representative shall explain in a comprehensive report what they viewed and why it was considered a problem. This report shall be submitted to the

Quality Assurance Coordinator for review. A notice shall be sent electronically to the RiderCoach and Sponsor who must respond to this report.

(b) 2nd Time Observed: The State representative shall explain in a comprehensive report what they observed and why it was considered a problem. This report will be submitted to the Quality Assurance Coordinator for review. A notice shall be sent electronically to the Rider Coach and Sponsor advising them that a second written complaint has been received by QA – FRTP. A written warning to be issued by an FRTP member to the Rider Coach and Sponsor and the Sponsor will receive notice of the action. The Rider Coach and Sponsor will be placed on notice for a period of 6 months.

(c) 3rd. Time Observed: The State representative shall explain in a comprehensive report what they observed and why it was considered a problem. This report shall be submitted to the Quality Assurance Coordinator for review. A notice shall be sent electronically to the Rider Coach and Sponsor advising them that a third written complaint has been received. After a review by the QA Coordinator and the FRTP Manager a letter of suspension shall be sent to the Rider Coach and Sponsor of their FRTP recognition for a period of 90 days, this letter will be forwarded to the Sponsor. The Rider Coach and Sponsor may address complaint if desired. During this time the RiderCoach must attend an RCP or clinic to observe or participate in and must be observed on the first class he/she is teaching following this suspension. The Sponsor must correct the issues noted in the audit report prior to the end of the suspension.

(d) 4th. Time observed: The State representative shall explain in a comprehensive report what they saw, and why it was seen as a problem. This report shall be submitted to the Quality Assurance Coordinator for review. A notice shall be sent electronically to the Rider Coach and Sponsor advising them that a fourth written complaint has been received by QA – FRTP. After a review by the Quality Assurance Coordinator and the FRTP Manager, FRTP shall issue a letter of suspension of their FRTP recognition for one year to the Rider Coach. The Sponsor's authorization to conduct rider education shall be suspended. The RiderCoach, along with the Sponsor, if they choose, can address the complaint, pursuant to Chapter 120, Florida Statutes, prior to the full suspension being enacted. Prior to returning to any program in the State of Florida as a Rider Coach they must complete a pre-approved educational plan and apply as a new coach. The Sponsor must reapply with the state for a Letter of Understanding to conduct Rider Training in the State of Florida.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.007 Student and Program Records.

The program Sponsor shall produce and maintain specific records as identified below:

(1) Student Observation/Incident Report, HSMV Form 77008, where applicable. The Sponsor shall submit copies of all incident reports to the Department within 30 days of occurrence.

(2) The student has one year from the date the BRC was completed to secure the endorsement on their driver license.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.008 Personnel Certification.

(1) The Sponsors shall employ only RiderCoaches who are recognized by FRTP and certified by MSF.

(2) RiderCoaches and Sponsors must adhere to the professional standards adopted by FRTP as established by the MSF and the ESC.

(3) RiderCoaches trained in another state, must, prior to teaching in Florida, complete a BRC RiderCoach Information Sheet; submit a driver's record and criminal history background and a copy of their MSF RiderCoach card to the area Regional Coordinator. Then they will be evaluated by FRTP staff or their designee. They must also attend a RiderCoach update within six months of evaluation.

(4) RiderCoaches must maintain their certification and a valid driver license with a motorcycle endorsement.

(5) RiderCoaches must sign and abide by the FRTP's RiderCoach Rules of Professional Conduct, teach or team teach a minimum of one complete BRC or S/TEP annually, attend one FRTP RiderCoach Update and one professional development activity in their certification period (two years).

(6) RiderCoaches must recertify with MSF on-line and must forward recertification surveys to Sponsors.

(7) RiderCoaches must refrain from conduct that would constitute conduct unbecoming a public employee, defined by Rule 15-3 of the Florida Administrative Code on the job and off.

(8) RiderCoaches shall ensure that no assistance is given any student in a manner that provides unfair advantage in passing the skills and/or knowledge tests. RiderCoaches cannot conduct tests for their relatives as defined in Section 112.3135, Florida Statutes.

(9) RiderCoaches cannot be employed if they engage in behavior which constitutes sexual harassment, discrimination or behavior which endangers the health, safety and welfare of any person or the general public. They cannot be convicted of or placed on probation for any felony within a time period to be determined on a case by case basis by FRTP, any offense involving alcohol, drugs, violence, dishonesty, deceit, fraud or indecency within a time period determined on a case by case basis by FRTP.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.009 Complaints.

Any complaint against the Florida Rider Training Program must be submitted to the Florida Department of Highway Safety and Motor Vehicles, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, MS 88, Room B214, Tallahassee, Florida, in writing. The complaint can also be submitted electronically by contacting (850)617-3815 for the specific email address.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.010 Compliance and Termination of RiderCoach Recognition or Sponsor Authorization to Conduct Motorcycle Safety Education Courses.

(1) Administrative non-compliance is the failure to meet requirements for reporting, notifications, record keeping and similar acts that do not compromise testing integrity or public safety. The first occurrence requires a written reprimand and a repeated one requires a 30 day suspension of the authorization to provide motorcycle safety education.

(2) Discrepancy in test procedure is the failure to properly administer a required portion of a test procedure, such as the omission of a required maneuver. The first occurrence is a ten day suspension of the administrative rule agreement and a repeated occurrence requires the termination thereof.

(3) A major discrepancy in testing procedures is a failure to include all required parts, use of an unsafe vehicle for testing, or other action that significantly compromises the integrity of the testing process. This requires a 45 day suspension for the first occurrence and the termination if it is repeated.

(4) Fraud is defined as the abuse of authorities granted under these administrative rules to gain profit through the issuance of test waivers for students who have not passed a complete test.

(5) The authorization to conduct motorcycle safety education may be cancelled if a Sponsor refused to allow public access to all documents subject to Chapter 119, F.S., failed to comply with any part of these administrative rules, commits an act that compromises the integrity of the program, uses a RiderCoach who is not Florida recognized.

(6) Upon termination of the authorization, all loaned equipment and program materials must be returned to FRTP within 10 calendar days of the termination.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.011 Forms.

The forms listed below are incorporated by reference for administration of the FRTP program. Copies of the forms may be obtained from the FRTP website, under forms or by contacting the Department, Neil Kirkman Building, MS 88, Room B211, Tallahassee, Florida 32399-0571.

(1) Form 77108, “BRC Skill Evaluation Score Sheet.”

(2) Form 77110, “ERC Skill Evaluation Score Sheet.”

(3) Quality Assurance Form.

Rulemaking Authority 322.0255 FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.217

Elderly Offender Housing

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove reference to the Correctional Privatization Commission, as the commission no longer exists.
SUBJECT AREA TO BE ADDRESSED: Elderly offender housing.

RULEMAKING AUTHORITY: 944.09, 944.804 FS.

LAW IMPLEMENTED: 944.09, 944.804 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.217 Elderly Offender Housing.

(1) Definitions.

(a) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, a correctional officer chief, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(b) State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting ICT recommendations.

(c) Elderly Offender – an inmate age 50 or older in a state correctional institution ~~or facility~~ operated by the Department of Corrections or a private facility operated by the Department of Management Services ~~or the Correctional Privatization Commission.~~

(d) River Junction Work Camp – a geriatric facility designated by Section 944.804, F.S., for generally healthy elderly offenders who can perform general work appropriate for their physical and mental condition.

(e) Inmate Support Group – a group of inmates under the age of 50 who are needed to supplement the elderly inmate work assignments.

(2) Placement criteria. Inmates shall be recommended for placement at River Junction Work Camp through routine classification assignment.

(a) Inmates shall meet the following criteria for housing at RJCI:

1. Age 50 or older (other than inmate support group inmates);
2. Medium, minimum, or community custody;
3. Have not received three or more major disciplinary reports within the last six months;
4. Are not otherwise deemed to be a security risk for placement; and
5. Medical profile that will allow the inmate to perform meaningful work activities.

(b) An inmate ~~The following inmates~~ shall not be eligible for housing at RJCI if he:

1. Is close ~~Close~~ or maximum custody;
2. Has ~~Have~~ a current or prior conviction for any sex offense;
3. Has ~~Have~~ a current or prior conviction for first degree murder;
4. Has ~~Have~~ an escape history or escape arrest with unknown disposition;
5. Has ~~Have~~ a violent felony or INS detainer;
6. Has ~~Have~~ an ex-death sentence;
7. Has ~~Have~~ a life sentence without parole eligibility;
8. Has ~~Have~~ been released from close management status within the last six months; or
9. Has ~~Have~~ a special medical need that which cannot be accommodated in the work camp setting.

Rulemaking Specific Authority 944.09, 944.804 FS. Law Implemented 944.09, 944.804 FS. History–New 9-15-02, Amended 4-1-04, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.603
 RULE TITLE: Furloughs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates on community custody status are eligible to be considered for furlough, to update form names and numbers, and to amend for grammatical accuracy.

SUBJECT AREA TO BE ADDRESSED: Furloughs.

RULEMAKING AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.603 Furloughs.

(1) Purpose. This rule sets forth guidelines for the utilization of type A and B furloughs.

(2) Definitions.

(a) Furlough – The program that ~~which~~ allows inmates to visit in the community for specified purposes and under certain conditions.

(b) Correctional Officer Major – The chief correctional officer who is charged with the responsibility of the daily operation of a community correctional center.

(c) Approving Authority – For purposes of this rule, the term “approving authority” refers to the Secretary of the Department of Corrections or his designee who shall be the warden of a major institution or the select exempt service status employee who has oversight responsibility of a community correctional center.

(d) Relative – Relative is defined as a member of the inmate’s immediate family, i.e., parent, grandparent, brother, sister, spouse, child, grandchild, or legal guardian.

(e) Non-relative sponsor – A person approved through the furlough sponsor process who ~~that~~ is not a relative ~~an immediate family member~~ of the inmate.

(f) Family Visitation – A visit with a relative for the purpose of re-establishing family ties.

(g) Non-Advanceable Release Date – A release date that ~~which~~ cannot be reduced by the application of discretionary gain time.

(3) Policy Statement.

(a) Except as limited in this rule, the limits of confinement for inmates participating in the furlough program will be relaxed ~~extended~~ in area and in time to the degree necessary to allow the inmate to travel to the furlough destination, accomplish the purpose for which the furlough was authorized, and return to the facility. The limits will be specified in writing and the inmate will be advised of the limits prior to the issuance of a furlough.

(b) The department will allow inmates to leave the principal places of their confinement unaccompanied by a custodial agent for a prescribed period of time ~~not accompanied by a custodial agent~~.

(c) The department shall have the authority to remove an inmate from the furlough program when the department determines that removal is in the best interest of the security and safety of the public, the department, or the inmate.

(d) The decision as to which inmates shall be allowed to leave the principal places of their confinement shall be based upon criteria set forth in subsection (6) of this rule 33-601.603(6), F.A.C.

(e) Inmate participation in the furlough programs shall be voluntary.

(f) Inmates who participate in the furlough programs shall at all times be considered in the custody of the department.

(4) Requirements and General Considerations.

(a) Participation in the furlough program is not a right, but a privilege that which must be earned by the inmate.

(b) Federal inmates housed in state facilities, inmates placed with the department pursuant to interstate compact agreements, and inmates within the custody of the department shall be eligible for consideration for furlough privileges.

(c) The objectives of the furlough program is are to contribute to the total rehabilitation of the inmate by any of the following means:

1. Easing ~~Ease~~ the transition from prison back to the community.

2. Seeking ~~Seek~~ employment that which may be retained after the inmate is released from the facility.

3. Helping ~~Help~~ determine the inmate's readiness for release.

4. Preserving ~~Preserve~~ family and community ties.

5. Permitting ~~Permit~~ the inmate to develop or maintain occupational skills.

(d) General conditions applicable to participation in the furlough program are as follows:

1. An inmate who is furloughed to a sponsor shall remain in the company of that sponsor during the entire period of the furlough.

2. No inmate participating in the on a furlough program shall be allowed to operate any type of motor vehicle. Transportation shall be provided by the furlough sponsor or the facility. Public transportation shall be authorized when a

furlough sponsor does not possess private means of transportation or when such transportation is required due to time or distance limitations. If public transportation is used, the cost of such transportation shall be paid by the inmate or sponsor.

3. Inmates who have contact with the community shall be subject to periodic drug testing. All inmates considered for furlough participation shall be subject to drug testing as a condition of their participation or consideration for the furlough.

(e) Clothing Requirements.

1. Inmates shall wear clothing suitable for the furlough program in which they are engaged.

2. In the event that suitable clothing is not available at the institution, the inmate's family shall be required to furnish such clothing to the inmate. The control of civilian clothing for inmates on furlough will be covered by an institutional or center operating procedure.

(f) Upon request of the inmate, community and minimum custody inmates will be considered for furlough providing:

1. Objectives and goals specified in this rule will be met;

2. If a detainer exists from an outside agency, the detaining authority has, in writing, not objected to for the inmate's participation ~~inmate to participate~~ in the furlough program;

3. The purpose for the furlough is legitimate and within a recognized reason for granting furlough, as specified in this rule;

4. The interests of the safety and security of the community and department will be served;

5. Any additional requirements or conditions imposed for the particular type of furlough requested are met; and

6. There is cause to believe that the inmate will honor the trust bestowed upon him or her. All furloughs shall be verified by the approving authority for the legitimacy and authenticity of the furlough requested by the approving authority.

(5) Furlough Sponsors.

(a) All furlough sponsors must be at least 18 years of age and must produce identification to verify age and identity.

(b) Factors used in assessing the appropriateness of an applicant to serve as a furlough sponsor are:

1. The nature of the relationship between the inmate and the prospective sponsor;

2. Institutional security concerns;

3. The arrest record, if any, of the prospective sponsor. In the event that the prospective sponsor has a criminal record, the nature and extent of that record and the date of the offenses shall be weighed against the value of the relationship;

4. Any other factor that which impacts the safety and security of the public, institution, or inmate;

5. Whether the potential sponsor is ~~Must be~~ a relative of the inmate, unless no such relative is available. In that event, a non-relative furlough sponsor shall be utilized.

(c) A furlough sponsor will not be approved if:

1. The applicant Applicant is under any active felony supervision;

2. The applicant Applicant has introduced or attempted to introduce contraband into any correctional facility within the last 10 years as documented by an incident report; or evidenced by a finding of guilt by a court or administrative body;

3. The applicant Applicant has assisted or attempted to assist an escape or escape attempt from any correctional facility;

4. The applicant Applicant or inmate has committed a violation of department regulations during furlough activities in which the applicant has served as a sponsor; within the last five years;

5. The applicant Applicant or inmate has given false information at any point during the application process, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertant or good faith mistake, omission, or clerical error.

(d) Approval to serve as furlough sponsor is subject to termination at any time for the reasons stated below:

1. Failure to disclose criminal activity;

2. Current criminal activity;

3. Violation of any rule set forth in Form DC6-152, Type A/B Furlough Sponsor Agreement, if the person is serving as sponsor for a type B furlough. Form DC6-152 is incorporated by reference in subsection (11) of this rule;

4. Infraction of furlough procedures;

5. Information acquired by the department that supports reasonable belief that the sponsor's conduct or behavior does not promote the goals and objectives of the furlough;

6. Any other Sponsor is deemed to present a threat to the security, order, or rehabilitative objectives of the correctional system, or to the safety of any person posed by continued participation by the sponsor.

(6) Type A Furloughs.

(a) Type A furloughs are granted for the following purposes:

1. To visit a dying relative.

2. To attend the funeral of a relative.

3. For any other reasons deemed consistent with the public interest, including medical or mental health treatment, attendance at civil hearings, or to otherwise aid in the rehabilitation of the inmate.

(b) Other conditions that which apply to type A furloughs are:

1. Inmates must be community or minimum custody;

2. Inmates must complete Form DC6-178, Type A Furlough Agreement. Form DC6-178 is incorporated by reference in subsection (11) of this rule;

3. The sponsor must complete and agree to abide by all conditions of Form DC6-152, Type A/B Furlough Sponsor Agreement;

4. Inmates must agree to any time or distance limitations placed on them and the imposition of special conditions as determined by the approving authority. The inmate will be advised of these conditions and must abide by these conditions until released from them by the approving authority;

5. An inmate shall abide by all conditions in Form DC6-178 DC6-152, the Type A Furlough Agreement;

6. There are no limitations on the number of Type A furloughs that which may be granted;

7. Inmates furloughed for a hospital stay may not require sponsorship;

8. Only one inmate will be released to a sponsor at a given time period for Type A furloughs.

(c) The type A furlough recommendation shall be forwarded to the appropriate approving authority who shall ensure that the criteria, requirements, and considerations outlined in this rule are met, and who shall issue a final determination.

(7) Community Supervision Type A Furloughs.

(a) Pregnancy Furloughs.

1. Female inmates in the last trimester of pregnancy shall be considered for a Type A furlough if:

a. The inmate Inmate meets all criteria outlined in this rule;

b. The inmate is within 36 months of release unless, serving a sentence with a non-advanceable release date or a current commitment of 1st, 2nd, or 3rd degree murder or attempt, in which case the inmate shall be within 15 months of her release date;

c. The chief health officer verifies that the level of medical care that which will be rendered to the inmate outside the institution is comparable to or greater than that which could be rendered to the inmate within the institution.

2. A plan of community supervision shall be developed by the classification specialist and approved by the approving authority of the inmate's facility, and arrangements shall be made for monitoring the inmate's activities while on furlough.

a. The plan of community supervision shall include supervision contact by probation and parole services while the inmate is on furlough status. The furloughing facility shall contact probation and parole services in the city where the inmate will be residing during the furlough period; and develop community control supervision contact standards. The developed plan will be attached to the furlough request.

b. The furloughing facility is responsible for the monitoring of the inmate's progress while on the furlough. Monitoring shall include any changes in the inmate's medical condition or any violations of the rules concerning the furlough. Any changes or violations detected shall be reported immediately to the appropriate authority of the furloughing facility.

c. Any violation of the conditions of the furlough shall be immediately reported to the approving authority.

d. The approving authority is authorized to terminate a pregnancy furlough any time during the furlough period for noncompliance with the conditions of the furlough. The pregnancy furlough shall be terminated within 1 week after a satisfactory 6 week postpartum examination.

3. The pregnancy furlough recommendation shall be forwarded to the approving authority who shall issue a final determination.

4. ~~An inmate~~ ~~Inmates~~ shall be considered for placement at ~~the~~ a community correctional center nearest to ~~her~~ ~~their~~ residence upon satisfactory completion of the pregnancy furlough.

(b) Medical Furloughs.

1. An inmate who in all medical probability is not expected to live more than 6 months from the date of the furlough request or is permanently incapacitated to such an extent that it is not reasonably foreseeable that he or she will be able to perpetrate a crime shall be considered for a Type A medical furlough. The inmate must meet all criteria outlined in this rule.

2. In order to be eligible for a medical furlough, the inmate must be recommended by the Chief Health Officer, Regional Health Services Director, and classification team, and the recommendation must be endorsed by the Assistant Secretary for Health Services. After the assistant secretary has endorsed the medical furlough based on all pertinent medical information and the above criteria, he shall forward the recommendation to the approving authority for review of security issues and for final determination. If approved, a plan of community supervision shall be developed by the classification specialist and approved by the approving authority of the inmate's facility, and arrangements shall be made for monitoring the inmate's progress.

(c) The plan of community supervision shall include supervision contact by probation and parole services while the inmate is on furlough status. The furloughing facility shall contact probation and parole services in the city where the inmate will be residing during the furlough period; and develop community control supervision contact standards. The developed plan will be attached to the furlough request.

(d) The furloughing facility is responsible for the monitoring of the inmate's progress while on the furlough. Monitoring shall include any changes in the inmate's medical condition or any violations of the rules concerning the furlough. Any changes or violations detected shall be reported immediately to the appropriate authority of the furloughing facility.

(e) Any violation of the conditions of the furlough shall be immediately reported to the approving authority.

(f) The approving authority is authorized to terminate a medical furlough at any time during the furlough period for noncompliance with the conditions of the furlough; or changes in the inmate's medical condition.

(g) Upon the death of the inmate on furlough, staff performing community supervision shall contact the institution from which the inmate was released on furlough. The institution shall be responsible for providing notice of the death, the custody and disposition of the body, the distribution of the certificate of death, and the coroner's report pursuant to Rule 33-602.112, F.A.C., Inmate Deaths.

(8) Type B Furlough Sponsors. In addition to the criteria outlined in subsection ~~(5) of this rule 33-601.603(5), F.A.C., Furlough Sponsors~~, the following criteria ~~apply~~ ~~applies~~ to Type B furlough sponsors:

(a) A Type B furlough sponsor shall be a relative; unless a relative is not available to serve as a sponsor or no relative meets ~~fails to meet~~ the criteria to serve as a sponsor; ~~then a non-relative furlough sponsor may be utilized.~~

(b) The inmate who requests an applicant to become a type B furlough sponsor shall submit the appropriate request to his assigned center officer. The assigned center officer shall obtain an FCIC/NCIC criminal history background inquiry on the prospective furlough sponsor. The Correctional Officer Major ~~correctional officer major~~ of the community correctional center shall review the request and approve or disapprove the request based on criteria provided in subsection (5) of this rule 33-601.603(5), F.A.C. If disapproved, the correctional officer major shall provide the furlough sponsor applicant written notification of the decision and reasons why, a copy of which shall be included in the inmate's record.

(c) Applicants approved to serve as type B furlough sponsors shall be added to an approved list for a period of six months. Pertinent information concerning the sponsor will be updated and approval to continue to serve as a sponsor will be reassessed every six months. If removed as a furlough sponsor, the sponsor shall be notified of the reasons for such a removal and reasons for removal shall be documented in the inmate's record.

(d) In the event that any incident occurs involving the inmate or furlough sponsor while on type B furlough, the inmate's assigned center officer shall prepare a report of the facts and a recommendation for review by the correctional officer major. The correctional officer major shall decide, based on the severity of the circumstances, whether approval should be withdrawn, and if withdrawn, shall provide the furlough sponsor with written notification of the decision, a copy of which shall also be included in the inmate's file.

(9) Type B Furloughs.

(a) The goals of the type B furlough program are to motivate the inmate towards self-improvement, gradually reintegrate the inmate back into the community, strengthen family ties, and expose the inmate to beneficial programs.

(b) Prior to participation in the type B furlough program, the inmate and sponsor must participate in furlough orientation sessions.

(c) Type B furloughs aid in the rehabilitation of the inmate; and are granted for family visitation, routine medical or dental appointments, community volunteer projects, employment interviews, mental health counseling, haircut appointments, church services, or substance abuse treatment meetings.

(d) Restrictions on ~~the number of~~ type B furloughs, ~~and time and distance limitations~~ are as follows:

1. Type B furlough destinations are limited to the state of Florida.

2. Other than family visitation and time constraints, there are no limitations on the number of type B furloughs which may be granted. Only one type B furlough for family visitation will be issued to an inmate within a given week, which, for the purpose of this rule, encompasses Monday through Sunday.

3. Type B furloughs will be authorized only for the period of time needed to travel to and from the furlough destination and to accomplish the purpose of the furlough. Time extensions on approved type B furloughs shall be granted by the approving authority or the center's officer-in-charge in cases of emergencies which arise while the inmate is on furlough.

4. Except as noted in subparagraph (9)(d)3. of this rule 33-601.603(9)(d)3., F.A.C., a type B furlough for purposes other than family visitation shall not exceed three hours. For family visitation an inmate shall not be granted more than a maximum of eight daylight hours. Factors ~~that~~ ~~which~~ will be considered in determining the maximum number of hours granted an inmate for a family visitation furlough shall include the inmate's need for furlough, degree of participation in programs, adjustment to the facility, and willingness to abide by the furlough conditions.

(e) Inmates who demonstrate satisfactory facility adjustment and program participation, meet all eligibility criteria, and have either served 5 calendar years or have completed one third of the sentence to be served, which ever is less, shall be eligible for consideration for a furlough for family visitation purposes. "Sentence to be served" is interpreted as being from the imposed date of sentence to the earliest release date. The following special conditions apply to family visitation furloughs:

1. The furlough must occur in a residential type facility ~~that~~ ~~which~~ has telephone access. Hotel or motel rooms will suffice if a residential type facility is not available given the particular circumstances of the visitation;

2. Inmates will be required to call the facility when they arrive at their furlough destination and when they are departing from their furlough destination to return to the facility. In addition, at least one telephone contact with the inmate by facility staff shall be made to the location of the furlough to verify the inmate's presence. The contact shall be documented

on Form DC6-180, Sign-Out Sheet for Community Activity or Furlough. Form DC6-180 is incorporated by reference in subsection (11) of this rule;

3. Only one inmate will be released to a sponsor during a given time period for family visitation purposes.

(f) The approving authority for community correctional centers shall have the authority to approve participation in the type B furlough family visitation program for all inmates assigned to community correctional centers, contract work release, and contract community substance abuse treatment facilities. Once approval has been granted, the Correctional Officer Major or the program director at contract facilities shall have the authority to approve ~~the taking of~~ type B family furlough privileges on a case by case basis; while ensuring that the criteria requirements and considerations outlined in this rule are met.

(g) An inmate granted type B furlough privileges must:

1. Agree to the conditions as outlined in Form DC6-179, Type B Furlough Request Agreement. Form DC6-179 is incorporated by reference in subsection (11) of this rule;

2. Be accompanied throughout the furlough period by the approved furlough sponsor; and

3. Adhere to the following procedures:

a. Inmates who reside in community correctional centers, contract work release facilities, or a community contract substance abuse treatment facility, upon approval by the Correctional Officer Major or program director, shall be permitted to leave the center on a sign-out basis not requiring a type B family visitation furlough approval for the following activities: routine medical, mental health, or dental appointments; community volunteer projects; employment interviews; haircuts; church services; substance abuse counseling; or seeking suitable residence.

b. All inmates to whom a type B furlough privilege has been granted must be signed out of and into the facility by an officer prior to departure from and upon their return from the furlough activity utilizing Form DC6-180, Sign-Out Sheet for Community Activity or Furlough.

c. A furlough sponsor must accompany an inmate to attend church services, substance abuse treatment meetings, hair appointments, or to participate in volunteer community projects. A furlough sponsor is not required to accompany an inmate when seeking employment, routine medical or dental treatment, or suitable residence.

(h) An inmate who is on a type B furlough for any activity except family visitation or church services shall call the community correctional center, contract work release facility, or community Tier IV drug treatment center in which the inmate resides at least once per hour during the furlough period. In the event more than one inmate is attending a function with a particular sponsor, that sponsor, rather than the inmate, is authorized to make the required call at least once per hour during the furlough period.

(i) Should an inmate’s arrest history, assessed needs, and public safety considerations necessitate imposition of special conditions as determined by the approving authority, the inmate will be advised of the conditions and must abide by them until released from the conditions by the approving authority.

(10) Removal From the Type B Furlough Program.

(a) The approving authority of a community correctional centers shall remove an inmate from the furlough program if:

1. The approving authority, following placement of the inmate in the type B furlough program, receives any information concerning the inmate ~~that which~~ would adversely impact the safety and security of the community;

2. The inmate engages in any conduct ~~that which~~ causes the approving authority to believe that the inmate will not honor the trust bestowed upon ~~him them~~;

3. The approving authority determines that it is not in the best interest of the safety and security of the community, the department, or the inmate to continue the inmate in the type B furlough program.

(b) If an inmate is removed from the furlough program, the reasons for such removal shall be documented in the inmate’s file.

(11) Forms. The following forms are hereby incorporated by reference.

(a) DC6-178, “Type A Furlough Agreement”, effective 4-13-98.

(b) DC6-179, “Type B Furlough Request Agreement”, effective ~~12-8-97~~.

(c) DC6-152, “Type A/B Furlough Sponsor Agreement”, effective 12-25-08.

(d) DC6-180, “Sign-Out Sheet for Community Activity or Furlough” ~~“Community Correctional Sign Out Sheet for Community Activities”~~, effective ~~12-8-97~~.

Rulemaking Specific Authority 945.091 FS. Law Implemented 945.091 FS. History–New 12-8-97, Amended 4-13-98, 10-20-98, Formerly 33-9.024, Amended 10-9-07, 12-25-08,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to include in the list of all forms adopted by the District as rule, an emergency field authorization form in conjunction with concurrent amendment to Rule 40D-1.1021, F.A.C., revising the requirements for obtaining emergency authorizations to conduct activities regulated under Part IV, Chapter 373, Florida Statutes (F.S.). The form is adopted by reference in Rule 40D-1.1021, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Forms and Instructions.

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

LAW IMPLEMENTED: 373.0831(3), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 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, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2009056)

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-1.1021 Emergency Authorization of Permits for Activities Regulated Under Part IV of Chapter 373, F.S.

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to revise the requirements for obtaining emergency authorizations to conduct activities regulated under Part IV, Chapter 373, Florida Statutes (F.S.), and to adopt an emergency field authorization form. These amendments are proposed to provide a more effective and efficient process for obtaining emergency authorizations.

SUBJECT AREA TO BE ADDRESSED: Emergency Authorization of Permits for Activities Regulated Under Part IV of Chapter 373, F.S.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113, 373.149 FS.

LAW IMPLEMENTED: 120.54(5), 120.569(2)(n), 373.119, 373.413, 373.416, 373.426, 373.439 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: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2009056)

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 NOS.:	RULE TITLES:
59A-8.002	Definitions
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.008	Scope of Services
59A-8.0086	Denial, Suspension, Revocation of License and Imposition of Fines
59A-8.0095	Personnel
59A-8.0185	Personnel Policies
59A-8.020	Acceptance of Patients or Clients
59A-8.0215	Plan of Care
59A-8.022	Clinical Records
59A-8.0245	Advance Directives

PURPOSE AND EFFECT: The purpose of this rule development is to prepare the rules required in Section 400.497(5) and (6), F.S., on the oversight by the director of nursing and the use of an unannounced licensure survey related to a licensure application for a change of ownership; to prepare rules on the submission of the quarterly report required in Section 400.474(6)(f), F.S.; to update the health statement required of personnel; to update rules to conform to updated state practice act rules for included professions; to update the statutory references in the rule and forms referenced to conform to current statutes, and remove items that are now in statutes.

SUBJECT AREA TO BE ADDRESSED: oversight by the director of nursing, change of ownership license, submission of the quarterly report, and updating the rules to conform to current statutes

RULEMAKING AUTHORITY: 400.497 FS.

LAW IMPLEMENTED: 400.497, 400.474(6)(f) FS.

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

DATE AND TIME: Thursday, January 14, 2010, 1:00 p.m. – 4:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT: Anne Menard, Home Care Unit, Bureau of Health Facility Regulation, HQAHOMEHEALTH@ahca.myflorida.com or (850)414-6010

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE AT THE AGENCY WEBSITE: http://ahca.myflorida.com/licensing_cert.shtml, select “home health agency”. Text will be available January 1, 2010.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.300	State Mental Health Hospital Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.300, F.A.C., is to: update fiscal agent contact information and websites; update and clarify services included in the per diem rates; update and clarify non-institutional services and excluded services; adopt new AHCA-Med Serv Form 034, Jan 2008; and update references to Medicaid claim form UB 04.

SUBJECT AREA TO BE ADDRESSED: State Mental Health Hospital Services.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

DATE AND TIME: January 12, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Patrick Rhodes at the Bureau of Medicaid Services, (850)414-6249. 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: Patrick Rhodes, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)414-6249, e-mail: rhodesp@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.300 State Mental Health Hospital Services.

(1) No change.

(2) All state mental hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older who meet the Medicaid Institutional Care Program eligibility requirements must be in compliance with the provisions of the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, January 2010, ~~September 2005~~, incorporated by reference, AHCA-Med Serv Form 034, January 2008, incorporated by

reference, and the ~~and the~~ Florida Medicaid Provider Reimbursement Handbook, UB 04, July 2008, Institutional 021, which is incorporated in Rule 59G-4.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com> ~~http://floridamedicaid.aes-inc.com~~. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7 Provider Inquiry at (800)377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New 5-29-06, Amended.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.300	Provider and Class Registration Procedures; Application; Eligibility Determination
60BB-8.301	Statewide Provider Agreement for the VPK Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the current rules to incorporate updated forms by reference in order to reduce administrative burdens on early learning coalitions and Voluntary Prekindergarten Education Program providers.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments incorporate by reference the revised form AWI-VPK 20 (Statewide Provider Agreement), form AWI-VPK 10 (Statewide Provider Registration Application), and form AWI-VPK 11 (Class Registration Application). The proposed amendments also incorporate recommendations made by the Florida Auditor General.

RULEMAKING AUTHORITY: 1002.79(2) FS.

LAW IMPLEMENTED: 1002.55(3), (4), 1002.61(4), (8)(a), 1002.63(3)-(6), (9)(a), 1002.75 FS.

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

DATE AND TIME: Friday, January 8, 2010, 1:00 p.m. – 5:00 p.m. or until business is concluded

PLACE: Agency for Workforce Innovation, 107 East Madison St., Tallahassee, Florida 32399-4128 or via conference call at (888)808-6959, conference code 921-3193.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey Gatlen at (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available online at the website: http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: 60CC-2.002
RULE TITLE: Election Eligibility List
PURPOSE AND EFFECT: Section 119.071(4)(d), F.S., exempts home addresses of certain personnel from inspection or copying. The proposed rule amendment instructs a public employer to provide the work addresses rather than home addresses for the personnel listed in Section 119.071(4)(d), F.S., on an election eligibility list.

SUBJECT AREA TO BE ADDRESSED: Election eligibility list.

RULEMAKING AUTHORITY: 447.207(1) FS.

LAW IMPLEMENTED: 119.071, 447.207(6), 447.307(3)(a), 447.308 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: January 6, 2010, 10:00 a.m.

PLACE: Conference Room (check in with receptionist), State of Florida Capital Circle Office Center, Building 4050, Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60CC-2.002 Election Eligibility List.

(1) The public employer shall file with the Commission and deliver to each party to the election an election eligibility list containing the names and addresses of all eligible voters not later than fifteen (15) days after the date of approval of a Consent Election Agreement, or the date of the Commission order ordering an election, except that such a list shall provide the work addresses rather than the home addresses of ~~law enforcement~~ personnel covered by Section 119.071(4)(d)

~~49.07(3)(k)~~, Florida Statutes. Unless otherwise ordered by the Commission, the list shall include all employees employed in the unit as of the date of approval of the Consent Election Agreement, or the date of the Commission order directing an election, whichever date is applicable.

(2) through (4) No change.

Rulemaking Specific Authority 447.207(1) FS. Law Implemented ~~119.071~~ ~~49.07(2)(n)~~, 447.207(6), 447.307(3)(a)3., 447.308 FS. History—New 5-6-79, Amended 1-17-80, Formerly 38D-18-02, 38D-18.002, Amended.

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NO.: RULE TITLE:

60CC-3.004 Appointment of Magistrate

PURPOSE AND EFFECT: Rule 60CC-3.003, F.A.C., sets forth the criteria for the selection of special magistrates. The proposed rule amendment corrects a scrivener’s error to refer to the proper rule regarding the selection of special magistrates.

SUBJECT AREA TO BE ADDRESSED: Special magistrates.

RULEMAKING AUTHORITY: 447.207 FS.

LAW IMPLEMENTED: 447.207, 447.403 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: January 6, 2010, 10:00 a.m.

PLACE: Conference Room (check in with receptionist), State of Florida Capital Circle Office Center, Building 4050, Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stephen A. Meck, General Counsel, Public Employees Relations Commission, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60CC-3.004 Appointment of Magistrate.

(1) No change.

(2) The parties may agree to the appointment of an individual who will be appointed by the Chairman if the Chairman finds that such individual is qualified pursuant to Rule ~~60CC-3.003, F.A.C.~~ ~~60CC-3.004, F.A.C.~~

(3) through (4) No change.

Rulemaking Specific Authority 447.207 FS. Law Implemented 447.207, 447.403, FS. History—New 5-6-79, Formerly 38D-19.05, Amended 11-26-86, Formerly 38D-19.005, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:

RULE TITLES:

61A-10.100

Reduced Cigarette Ignition Propensity Standard

61A-10.101

Testing and Certification

61A-10.102

Recertification and Product Change

61A-10.103

Markings

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to set forth procedures to be followed by manufacturers and importers to obtain certification for the sale of cigarettes that comply with Section 633.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the method by which certification is obtained by manufacturers and importers to sell cigarettes that comply with Section 633.042, Florida Statutes.

RULEMAKING AUTHORITY: 633.042(8)(a) FS.

LAW IMPLEMENTED: 633.042 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ben Pridgeon at (850)414-6172. 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: Ben Pridgeon at (850)414-6172

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:

RULE TITLE:

61G5-18.0055

Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: The purpose of the rule amendment to delete unnecessary language to clarify the circumstances under which an applicant may practice with supervision.

SUBJECT AREA TO BE ADDRESSED: Supervised Cosmetology Practice Exception.

RULEMAKING AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4)(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.017 RULE TITLE: Minimum Curriculum for Facial Specialty Training

PURPOSE AND EFFECT: The proposed rule amendment will clarify what is required for a stand-alone facial specialty program compared to the facial and skin care requirements within the cosmetology curriculum.

SUBJECT AREA TO BE ADDRESSED: Minimum Curriculum for Facial Specialty Training.

RULEMAKING 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, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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 Hearing Aid Specialists

RULE NO.: 64B6-2.003 RULE TITLE: Licensure by Examination

PURPOSE AND EFFECT: To update Form 1155 to accommodate licensing changes in Section 456.0635(2), F.S.

SUBJECT AREA TO BE ADDRESSED: Changes to Form 1155, which will be adopted and incorporated by reference.

RULEMAKING AUTHORITY: 456.017(1)(c), (6), 484.004, 484.0445(1) FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.0635(2), 484.045, 484.0445(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-7.002 RULE TITLE: Guidelines for Disposition of Disciplinary Cases

PURPOSE AND EFFECT: To update the guidelines to accommodate new disciplinary violations contained in Section 456.072, F.S.

SUBJECT AREA TO BE ADDRESSED: New disciplinary ranges for new violations contained within Section 456.072, F.S.

RULEMAKING AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.001 RULE TITLE: Licensure Requirements

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address incorporation of the revised application for licensure.

SUBJECT AREA TO BE ADDRESSED: The revised application for licensure as an athletic trainer.

RULEMAKING AUTHORITY: 456.013, 468.705, 468.707, 468.711 FS.

LAW IMPLEMENTED: 456.013, 468.707, 468.711 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: Susan Foster, Executive Director, Board of Athletic Training/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 Athletic Training

RULE NO.: 64B33-5.001 **RULE TITLE:** Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes and additions to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.072, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.719 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: Susan Foster, Executive Director, Board of Athletic Training/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

RULE NO.: 65-2.042 **RULE TITLE:** Applicant/Recipient Fair Hearings

PURPOSE AND EFFECT: The proposed rule amendment addresses procedural guidelines for administrative hearings that are conducted within the Department of Children and Family Services for federally funded public assistance programs.

SUBJECT AREA TO BE ADDRESSED: The rule amendment is to include an acknowledgement of the Administration Commission's granting of an exemption to the Department's following the Uniform Rule 28-106.213, F.A.C.

RULEMAKING AUTHORITY: 409.285 FS.

LAW IMPLEMENTED: 409.285 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: January 7, 2010, 10:00 a.m.

PLACE: Department Of Children and Families, Office of Appeal Hearings Conference Room, Building 5, Room 259, Tallahassee, FL

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: John Pritchard, Chief of Appeal Hearings, Building 5, Room 255, 1317 Winewood Blvd., Tallahassee, FL, telephone (850)488-1429. 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: John Pritchard, Chief of Appeal Hearings, Building 5, Room 255, 1317 Winewood Blvd., Tallahassee, FL, telephone (850)488-1429

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NO.: 65-2.057 **RULE TITLE:** Conduct of Hearing

PURPOSE AND EFFECT: The proposed rule amendment addresses procedural guidelines for administrative hearings that are conducted within the Department of Children and Family Services for federally funded public assistance programs.

SUBJECT AREA TO BE ADDRESSED: The rule amendment is to clarify the rule text as a part of implementing the Administration Commission's granting of an exemption to the Department's following the Uniform Rule 28-106.213, F.A.C.

RULEMAKING AUTHORITY: 409.285 FS.

LAW IMPLEMENTED: 409.285 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: January 7, 2010, 10:00 a.m.

PLACE: Department Of Children and Families, Office of Appeal Hearings Conference Room, Building 5, Room 259, Tallahassee, FL

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: John Pritchard, Chief of Appeal Hearings, Building 5, Room 255, 1317 Winewood Blvd., Tallahassee, FL, telephone (850)488-1429. 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: John Pritchard, Chief of Appeal Hearings, Building 5, Room 255, 1317 Winewood Blvd., Tallahassee, FL, telephone (850)488-1429

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NOS.:	RULE TITLES:
65D-30.001	Title
65D-30.002	Definitions
65D-30.003	Department Licensing and Regulatory Standards
65D-30.004	Common Licensing Standards
65D-30.005	Standards for Addictions Receiving Facilities
65D-30.006	Standards for Detoxification
65D-30.0061	Standards for Intensive Inpatient Treatment
65D-30.007	Standards for Residential Treatment
65D-30.008	Standards for Day or Night Treatment with Host Homes
65D-30.0081	Standards for Day or Night Treatment with Community Housing
65D-30.009	Standards for Day or Night Treatment

65D-30.0091	Standards for Intensive Outpatient Treatment
65D-30.010	Standards for Outpatient Treatment
65D-30.011	Standards for Aftercare
65D-30.012	Standards for Intervention
65D-30.013	Standards for Prevention
65D-30.014	Standards for Medication and Methadone Maintenance Treatment

PURPOSE AND EFFECT: Chapter 65D-30, F.A.C. will be substantially revised to comply with statutory revisions in Chapter 397, F.S., effected by Chapter 2009-132, Laws of Florida. The rule amendments will include but not be limited to, updating rule language to reflect current practice in the field of addictions, modifying substance abuse program licensure requirements, and adding new language to address and regulate e-counseling services.

SUBJECT AREA TO BE ADDRESSED: Proposed changes to Substance Abuse Licensure

RULEMAKING AUTHORITY: 397.321(5), 397.407(1), 397.427(2) FS.

LAW IMPLEMENTED: Chapter 397, Parts I, II, and III, as amended by Chapter 2009-132, Laws of Florida.

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: Tuesday, January 19, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, 3rd Floor, Conference Room 335, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herman McBride, Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, 3rd Floor, Room 304, Tallahassee, Florida 32399 or by calling (850)413-6708

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-1.004	Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2010.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-4.001	General Prohibitions
68A-4.002	Possession of Gun While Using a Light Prohibited
68A-4.007	Exclusion of Certain Areas from Open Season

PURPOSE AND EFFECT: The purposes and effects of this rule development effort are to establish or revise rule provisions, during calendar year 2010, associated with general prohibitions pertaining to wildlife and freshwater fish resources, possession of a gun while using a light, and exclusion of certain areas from open season.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general prohibitions pertaining to wildlife and freshwater fish, possession of a gun while using a light, and exclusion of certain areas from open season.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 379.1025 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 379.2223, 379.3015, 379.404 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-4.004	Possession of Wildlife or Freshwater Fish or the Carcasses Thereof

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise the current rule to allow the possession of deer (carcasses) resulting from the accidental collision with a vehicle. The effect of the proposed rule change will accommodate possession of incidentally taken deer to prevent the waste of said animal.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change would allow for the possession of deer accidentally killed by the collision with a vehicle, thereby preventing the waste of said deer.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68A-4.004 Possession of Wildlife or Freshwater Fish or the Carcasses Thereof.

(1) Whenever the taking or possession of wildlife or freshwater fish is prohibited, the possession of any carcass or portion of the carcass of such wildlife or freshwater fish is prohibited. The possession of any wildlife or freshwater fish showing evidence of being taken by any unlawful method is prohibited. Wildlife or freshwater fish lawfully taken during the open season and properly identified may be possessed and stored in freezers or freezer lockers except when otherwise provided in Rule 68A-12.004 or 68A-23.006, F.A.C.

(2) through (3) No change.

(4) The prohibition in subsection (1) does not apply to deer carcass or parts thereof from a deer that was killed by accidental collision with a vehicle.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-4.04, Amended 5-10-87, 7-1-89, 7-1-96, Formerly 39-4.004, Amended 7-1-00,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-9.002	Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas
68A-9.005	Falconry
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing
68A-9.008	Permits for Physically Disabled
68A-9.010	Taking Nuisance Wildlife

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, associated with wildlife management area permits, recreational use permits and related fees on Wildlife Management Areas; falconry; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; permits for the physically disabled; and to clarify and simplify regulations relating to nuisance wildlife.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; falconry; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 379.1025, 379.354 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.1025, 379.2223, 379.354 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-11.003	Use of Motorboats on Certain Waters; Permits

PURPOSE AND EFFECT: The purpose and effect of this rule development is to establish or revise rule provisions, during calendar year 2010, associated with the use of motorboats on certain waters.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include use of motorboats on certain waters.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-12.002	General Methods of Taking Game; Prohibitions
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise rule provisions, during calendar year 2010, associated with general methods of taking game, and the use of dogs for taking game.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general methods of taking game, and the use of dogs for taking game.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-13.001	Open Season for Taking Game; Bag and Possession Limits
68A-13.003	Hunting Regulations for Ducks, Geese, and Coots
68A-13.004	Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits
68A-13.006	Hunting on National Wildlife Refuges
68A-13.007	Hunting Regulations on Public Small-Game Hunting Areas
68A-13.008	Hunting Regulations for Migratory Birds Other than Ducks and Coots

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is, during calendar year 2010, to (1) establish open seasons, statewide management zones, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) update taxonomic changes; (5) establish hunting regulations for public small-game hunting areas; and (6) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-14.001	Establishment Orders
68A-14.0011	Opening or Closing Areas Other Than Restricted Hunting Areas, Bird Sanctuaries or Critical Wildlife Areas; General

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, associated with the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-15.004	General Regulations Relating to Wildlife Management Areas
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
68A-15.006	Regulations Relating to Miscellaneous Areas
68A-15.061	Specific Regulations for Wildlife Management Areas – Southwest Region
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region
68A-15.063	Specific Regulations for Wildlife Management Areas – Northwest Region
68A-15.064	Specific Regulations for Wildlife Management Areas – South Region
68A-15.065	Specific Regulations for Wildlife Management Areas – Northeast Region

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMAs) and specific regulations related to Miscellaneous Areas (MAs); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs and MAs; and (4) adjust hunting season dates on WMAs and MAs to conform with proposed 2010-2011 hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223, 379.354 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-17.004	General Regulations Relating to Wildlife and Environmental Areas
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEAs); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2010-2011 hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223, 379.354 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-18.004
 RULE TITLE: Regulations in Wildlife Refuges
 PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, associated with wildlife refuges.
 SUBJECT AREA TO BE ADDRESSED: Subject area covered in the proposed rules include regulations in wildlife refuges.
 RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 379.2223 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-19.005
 RULE TITLE: Establishment and Protection of Critical Wildlife Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions related to the establishment and protection of critical wildlife areas (CWAs) during calendar year 2010.

SUBJECT AREA TO BE ADDRESSED: Proposed changes would clarify existing rule language; require CWA boundaries to be posted; prohibit public access in areas posted "Closed to Public Access"; prohibit dogs in area posted as "Closed to Dogs"; and allow permits to be issued by the Executive Director for scientific or conservation purposes on CWAs closed to public access.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-20.004
 RULE TITLE: Regulations in Fish Management Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, for regulations in Fish Management Areas (FMA).

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in proposed rules include regulations in Fish Management Areas.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-20.005
 RULE TITLE: Specific Fish Management Area Regulations

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, specific to Fish Management Area (FMA) regulations.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in proposed rules include specific area regulations pertaining to individual FMAs.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-23.002	General Methods of Taking Freshwater Fish

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, for the general methods of taking of freshwater fish.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in proposed rules include general methods of taking freshwater fish.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-24.002	Methods of Taking Fur-Bearing Animals; Possession; Open Season
68A-24.005	Transporting and Shipping Live Raccoons

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, associated with methods of taking, possession of, and open season for furbearing animals; and transporting and shipping live raccoons.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include methods of taking, possession of, and open season for furbearing animals; and transporting and shipping live raccoons.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-25.002	General Provisions for Taking Possession and Sale of Reptiles
68A-25.003	Taking and Disposal of Nuisance-Alligators Statewide
68A-25.004	Regulations Governing the Operation of Alligator Farms

- 68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs
- 68A-25.032 Regulations Governing the Establishment of Alligator Management Programs
- 68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale
- 68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2010, to establish regulations for taking and possessing alligators and other reptiles that will ensure conservation of alligator populations and other reptiles while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 379.26, 379.3012, 379.303, 379.304, 379.305, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

- | | |
|-------------|----------------------------|
| RULE NOS.: | RULE TITLES: |
| 68A-27.0011 | Killing Endangered Species |

- 68A-27.0012 Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern
- 68A-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property
- 68A-27.0021 Designation of Candidate Species; Prohibitions; Permits
- 68A-27.003 Designation of Endangered Species; Prohibitions; Permits
- 68A-27.004 Designation of Threatened Species; Prohibitions; Permits
- 68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits
- 68A-27.006 Reward Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish or revise rule provisions, during calendar year 2010, associated with species classified as Candidate Species, Endangered Species, Threatened Species and Species of Special Concern, reward programs, and additional rules related to endangered and threatened species as part of the ongoing effort to develop a new imperiled species listing process.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying procedures; designation of species in categories; and prohibitions, permits, and rewards associated with such species.

RULEMAKING 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

- | | |
|------------|---|
| RULE NO.: | RULE TITLE: |
| 68A-31.001 | Regulations Related to Commission Managed Shooting Ranges |

PURPOSE AND EFFECT: The purpose of the proposed rule development effort is to establish regulations for Commission managed shooting ranges in calendar year 2010 that would address public safety, access, and activities. The effect of the proposed rule will be to enable the agency to better manage public use of Commission managed shooting ranges.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include requirements for access, activities, and public safety on Commission managed shooting ranges.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 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: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

<p>RULE NO.: 69A-62.004</p>	<p>RULE TITLE: Uniform Minimum Firefighter Employment Standards: Presence of Toxic Substances; Notice to Fire Departments</p>
--	--

PURPOSE AND EFFECT: The purpose of the rule amendment is to allow flexibility in maintaining current notices of toxic substances in the workplace, without the need for constant rule amendment.

SUBJECT AREA TO BE ADDRESSED: Toxic substances in firefighter workplace.

RULEMAKING AUTHORITY: 633.01(1), 633.808 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.807, 633.821 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: Thursday, January 21, 2010, 10:00 a.m., or as soon thereafter as the Florida Fire Standards and Training Council meeting is adjourned

PLACE: Ocean Center in Daytona Beach, 101 North Atlantic Ave., Daytona Beach, FL 32118

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: Charles Brush, (352)369-2836. 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: Charles Brush, Safety Program Manager, Bureau of Fire Standards and Training, Division of State Fire Marshal; phone: (352)369-2836

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

**Section II
Proposed Rules**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-11.001	Definitions
15A-11.002	General Regulations
15A-11.003	CDS License Application and Renewal
15A-11.004	Offices and Instruction Facilities
15A-11.0045	Program of Instruction and Requirements
15A-11.005	CDS Records Retention
15A-11.006	Driving Instruction Contracts
15A-11.007	CDS Instruction Vehicles
15A-11.008	Soliciting and Advertising
15A-11.009	CDS Instructor Certificate Application and Renewal
15A-11.0095	Agent Identification Cards
15A-11.010	Commercial Truck Driver Schools
15A-11.011	CTDS Instructor Certificate Application and Renewal
15A-11.012	CTDS Instruction Vehicles
15A-11.013	Cancellation or Suspension of CDS License, CDS, CTDS Instructor's Certification or Agent's Card
15A-11.014	Grounds for Cancellation and Suspension Matrix
15A-11.015	Forms

PURPOSE AND EFFECT: A new rule is proposed to regulate business and their instructors that teach people to drive motor vehicles. Truck driving schools are regulated elsewhere;