

manner as described in paragraph (6)(b) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(d) Minimum Reserves. The minimum reserves during the secondary guarantee period are the greater of:

- 1. The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or
- 2. The minimum reserves required by Rule 690-164.010, F.A.C., governing universal life plans.

(9) Effective Date.

(a) This rule shall be effective for policies issued on or after January 1, 2000 for valuation dates on or after the date this rule is adopted.

(b) For valuation dates prior to the effective date of this rule, at the option of the company, the company may report reserves for policies issued in calendar year 2000 based upon this rule.

Rulemaking Specific Authority 624.308(1), 625.121(5) FS. Law Implemented 624.307(1), 625.121(5) FS. History—New 12-24-03, Formerly 4-164.020, Amended 6-8-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.krantz@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-15.012	Manual on Speed Zoning for Highways, Roads, and Streets in Florida

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 27, July 9, 2010 issue of the Florida Administrative Weekly.

In response to comments from the Joint Administrative Procedures Committee, Rule 14-15.012, F.A.C., Manual on Speed Zoning for Highways, Roads, and Streets in Florida, is being corrected. The effective date of Form 750-10-03 is being amended from "10/99" to "03/10."

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-18.001	Electronic Filing System
15C-18.006	Electronic Filing System Requirements; Disclosure to Customer

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly.

These changes were omitted in error from the approved rule text.

15C-18.001(2), shall have the following paragraph (i) added:

(i) "Sales Agreement" means the document that buyer and seller sign memorializing the terms of the sale and includes, but is not limited to a buyer's order and a bill of sale.

15C-18.006, subsection (5) shall read:

(5) If an EFS agent charges a fee to the customer for use of the electronic filing system in a title or registration transaction, the fee shall be disclosed separately and conspicuously in the sales agreement as an optional fee. The EFS agent may not disclose or disguise this as a State or Government fee.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-18.001	Electronic Filing System
15C-18.002	Electronic Filing System Features
15C-18.003	Tax Collector Responsibilities
15C-18.004	EFS Agent Participation Requirements
15C-18.005	Service Providers; Certification; Requirements
15C-18.006	Electronic Filing System Requirements; Disclosure to Customer
15C-18.007	Enforcement; Service Providers; EFS Agents; Tax Collectors

NOTICE OF PUBLIC HEARING

The Department of Highway Safety and Motor Vehicles announces a hearing regarding the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 Florida Administrative Weekly.

DATE AND TIME: September 27, 2010, 2:00 p.m. – 4:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, 2900 Apalachee Parkway, Auditorium A427, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any comments from the public on the proposed rule revisions to Rules 15C-18.001 through 15C-18.007, F.A.C., as published in the August 20, 2010 Florida Administrative Weekly. A copy of the agenda and proposed rule revisions may be obtained by contacting: Julie Baker by email: juliebaker@flhsmv.gov or by telephone (850)617-3001.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Julie Baker, juliebaker@flhsmv.gov or (850)617-3001. 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).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.401
RULE TITLE: Admissible Reading Material
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 31, August 6, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.202
RULE TITLE: Use of Inmates in Public Works
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 48, December 4, 2009 issue of the Florida Administrative Weekly.

- 33-601.202 Use of Inmates in Public Works.
(1) through (5) No change.
(6) Non-department supervisors.

(a) Individuals other than Department of Corrections employees may supervise minimum and community custody inmates under this rule only upon the approval of the warden or designee. In making this determination, the warden or designee shall consider the following:

- 1. The individual's criminal history as determined by an initial National Crime Information Center/Florida Crime Information Center (NCIC/FCIC) ~~NCIC/FCIC~~ background check;
2. through 4. No change.

(b) through (d) No change.

(e) The warden may suspend or revoke a non-department supervisor's authorization to supervise when an incident occurs or when the warden receives information indicating that the individual is unable or unwilling to safely and effectively supervise inmates participating in a public works program. Incidents and information that may subject a non-department supervisor to suspension or revocation include:

- 1. Criminal history or activity;
2. Failure to maintain required training;
3. Failure to ensure that inmates follow safety requirements, such as hazardous materials handling requirements, vision and hearing protection requirements, and sanitary practices;
4. Allowing inmates to use or handle tools and equipment for which they have not been trained;
5. Failure to inventory and account for tools and equipment;
6. Failure to maintain communication with the institution regarding the location and operations of outside work squads;
7. Failure to report inmate injuries and misconduct;
8. Permitting inmates to use commercial or business restrooms; and
9. Failure to adequately supervise the behavior of inmates based on the inmates' custody classification and the particular safety risks of the work assignment, and such failure to supervise results in injury, escape, escape attempt, loss or destruction of property, tools, or equipment, or inability of the squad to engage in or complete its assigned work.

(7) through (8) No change.

Rulemaking Authority 944.09, 946.40(1) FS. Law Implemented 944.09, 944.10(7), 946.002, 946.40(1) FS. History--New 6-20-84, Formerly 33-3.17, Amended 2-26-86, 10-31-86, 1-29-98, 8-13-98, Formerly 33-3.017, Amended 2-7-02, 12-28-04, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.217
RULE TITLE: Elderly Offender Housing
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District
RULE NO.: 40C-400.211
RULE TITLE: Processing Procedures for Noticed General Permits
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule development in Vol. 36, No. 34, August 27, 2010 issue of the Florida Administrative Weekly.

The previously published notice of rule development included amendments to Rule 40C-400.211, F.A.C.; however, that rule was transferred and renumbered to Rule 40C-1.1013, F.A.C. The published amendments will be made to Rule 40C-1.1013, F.A.C., rather than Rule 40C-400.211, F.A.C.

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: RULE TITLE:
55A-3.006 Continuing Certification

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 27, July 9, 2010 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: RULE TITLE:
55A-3.007 Failure to Attend Training Refresher Course

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 27, July 9, 2010 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: RULE TITLE:
55A-5.008 Supervisory Inspection Review

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 27, July 9, 2010 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.: RULE TITLES:
58A-5.0181 Admission Procedures, Appropriateness of Placement and Continued Residency Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 31, August 6, 2010 issue of the Florida Administrative Weekly.

AHCA Form 1823 has been amended to delete the "Total Assistance Column" on page 3, Section 2-A, Subsection A., Ability to perform self-care tasks. The amended form can be found on the following website: <http://elderaffairs.state.fl.us/english/rulemaking.php>.

58A-5.0181 Admission Procedures, Appropriateness of Placement and Continued Residency Criteria.

- (1) No change.
- (2) HEALTH ASSESSMENT. As part of the admission criteria, an individual must undergo a face-to-face medical examination completed by a licensed health care provider, as specified in either paragraph (a) or (b) of this subsection.

(a) No change.

(b) A medical examination completed after the resident's admission to the facility within 30 calendar days of the admission date. The examination must be recorded on AHCA Form 1823, Resident Health Assessment for Assisted Living Facilities, _____ 2010. The form is hereby incorporated by reference. A faxed copy of the completed form is acceptable. A copy of AHCA Form 1823 may be obtained from the Agency Central Office or its website at www.fdhc.state.fl.us/MCHQ/Long_Term_Care/Assisted_living/pdf/AHCA_Form_1823.pdf. The form must be completed as follows:

- 1. through 2. No change.
- ~~3. ALF providers may continue to use AHCA Form 1823, April 2010, for up to six months after the effective date of this rule amendment. After that date, providers must use AHCA Form 1823, _____, 2010.~~

(c) through (g) No change.

(3) through (5) No change.

Rulemaking Authority 429.07, 429.41 FS. Law Implemented 429.07, 429.26, 429.41 FS. History—New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06, 10-9-06, 4-15-10, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-11.001	Purpose
59G-11.002	Definitions
59G-11.003	Agency Certification Process and Requirements
59G-11.004	Revocation of a 211 Number

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly.

Correction to be made is;
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Thomas W. Arnold
 Statement of Regulatory Costs
 RULE NOS.: 59G-11.001, .002, .003, .004
 ENTITIES AFFECTED: Twenty.
 STATE OR LOCAL GOVERNMENT COSTS: Repeal of
 these rules will result in an approximately \$5,000 saving to the
 Agency for Health Care Administration per year. No other
 government entity is affected.
 TRANSACTIONAL COSTS: None. There were no licensing
 fees or other operational costs to any public or private entity
 associated with this program.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: RULE TITLE:
 60BB-8.210 Reenrollment for Good Cause and
 Extreme Hardship in the Voluntary
 Prekindergarten Education Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been
 made to the proposed rule in accordance with subparagraph
 120.54(3)(d)1., F.S., published in Vol. 36, No. 12, March 26,
 2010 issue of the Florida Administrative Weekly.

Paragraph (1) is revised and renumbered as follows:

(1) Definitions. As used in this rule:

~~(a) "Delayed enrollment" means recording the initial
 enrollment of a student in a Voluntary Prekindergarten
 Education Program (VPK) class after VPK instruction has
 begun.~~

~~(a)(b)~~ "Reenrollment" means the enrollment of a student
 in a new VPK program type (school-year or summer) or with a
 new VPK provider following the student's removal or
 withdrawal from enrollment with a VPK provider after the
 student has attended a portion of VPK instruction.

~~(b)(c)~~ "Substantial completion" means a student has been
 enrolled in a VPK provider's class for more than 70 percent of
 the instructional hours for the program type (school-year or
 summer).

Paragraph (2)(c) is revised as follows:

(c) The student's parent or guardian completes the
~~Delayed Enrollment and~~ Reenrollment Application (Form
 AWI-VPK 05), dated April 9, 2010, which is hereby
 incorporated by reference, and submits it to the early learning
 coalition as documentation that the student was or is prevented
 from attending the VPK class for good cause. The
Reenrollment Application (Form AWI-VPK 05) may be
obtained as described in Rule 60BB-8.900, F.A.C. The
 following are examples of situations which prevent the student
 from attending the VPK class for good cause:

1. The illness of:

- a. The student;
 - b. An individual living in the student's household;
 - c. An individual which the student's parent or guardian is
responsible for caring for; or
 - d. The student's parent, guardian, sibling, grandparent,
step-parent, step-sibling, or step-grandparent.
2. A disagreement between the parent or guardian and the
VPK provider or school concerning policies, practices, or
procedures at the provider's or school's VPK program;
 3. A change in the student's residence;
 4. A change in the employment schedule or place of
employment of the student's parent or guardian;
 5. The VPK provider's inability to meet the student's
health or educational needs;
 6. The termination of the student's VPK class before 70
percent of the class instructional hours is delivered;
 7. The student is dismissed by a VPK provider for failure
to comply with the provider's attendance policy;
 8. The provider's designation as a low performing
provider under Section 1002.67, F.S.;
 9. Any condition described as an extreme hardship in
paragraph (3)(c) below; or

10. Another reason not expressly stipulated in this rule
 which prevents the student from attending the VPK provider's
 class or which prevents the VPK provider from serving the
 student in accordance with the requirements of the VPK
 program.

Paragraph (3)(c) is revised as follows:

(3) Reenrollment for extreme hardship. A student may be
 reenrolled and reported for funding purposes as one full-time
 equivalent student, as defined by Section 1002.71(2), F.S., in
 the summer VPK program, if all the following applies:

(c) The student's parent or guardian completes and
 submits to the early learning coalition the ~~Delayed Enrollment~~
~~and~~ Reenrollment Application, and, where documentation is
 not supplied by the coalition or provider, supporting written
 documentation of extreme hardship of one or more of the
 following:

1. The illness of the student, as documented in writing by a
physician licensed under Chapter 458 or 459, F.S., if the illness
would result in the student being absent from more than 30
percent of the number of hours in the program type in which
the student is enrolled;
2. The provider's misconduct or noncompliance which
results in the provider's inability to offer the VPK program, as
documented by the early learning coalition;
3. The parent's or guardian's inability to meet the basic
needs of the student, including, but not limited to, a lack of
food, shelter, clothing, or transportation, as documented in
writing by a federal, state, or local governmental official;

4. The provider’s inability to meet the student’s educational needs due to the student’s learning or developmental disability as documented by a federal, state, or local governmental official;

5. The provider’s inability to meet the student’s health needs as documented by a physician licensed under Chapter 458 or 459, F.S., or a federal, state, or local governmental official; or

6. Displacement of a student from his or her place of residence or closure of the student’s VPK provider as a result of a state of emergency as declared by a federal, state, or local governmental official.

Paragraph (5) is stricken in its entirety.

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 19, May 14, 2010 issue of the Florida Administrative Weekly.

60BB-8.300 Provider and Class Registration Procedures; Application; Eligibility Determination.

Paragraph (1)(a) is amended as follows:

(1) Statewide Provider Registration Application; Supporting Documents.

(a) A VPK provider registering for the VPK Program on or after January 1, 2011, ~~September 30, 2010~~, must annually complete and sign Form AWI-VPK 10 (Statewide Provider Registration Application), dated April 30, 2010, which is hereby incorporated by reference, with instructions, and may be obtained as described in Rule 60BB-8.900, F.A.C.

Paragraph (1)(c) is revised as follows:

(c) If submitted information changes, a VPK provider must submit written notice of the changes ~~in a form prescribed by the early learning coalition~~, to the early learning coalition within 14 calendar days after the submitted information changes.

Paragraph (2) is revised as follows:

(2) Class registration application; supporting documentation.

(a) A VPK private provider or public school must annually complete and sign Parts A and B of Form AWI-VPK 11 (Class Registration Application), dated April 30, 2010, which is hereby incorporated by reference, with instructions, and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form AWI-VPK 11, Parts A and B, including supporting documents, to the coalition.

(c) If submitted information changes, a VPK provider must submit written notice of the changes ~~in a form prescribed by the early learning coalition~~ to the early learning coalition within 14 calendar days after the changes. The written notice of changes must include, at a minimum:

1. The VPK provider’s name.
2. The VPK provider’s physical address.
3. The date of the change.
4. From what and to what the information is changing, and
5. A verbatim copy of the following certification signed by

an authorized representative of the VPK provider: “I have examined this application and, to the best of my knowledge and belief, the information provided is true and correct. If any of this information changes, I understand that the provider must submit updated information to the coalition, in writing, within 14 days of the change. I also understand that the provider is encouraged to submit updated information before a change is implemented as the provider may be out of compliance with the requirements of the VPK program if the changes are implemented before the coalition approves of the changes.”

Paragraph (1) is revised as follows:

60BB-8.301 Statewide Provider Agreement for the VPK Program.

(1) An early learning coalition may not pay a VPK provider which registers to offer the VPK program on or after January 1, 2011, ~~September 30, 2010~~, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement. A school district may sign a single provider agreement on behalf of all public school VPK providers in the district, ~~at the discretion of the coalition~~. The owner or manager of multiple private VPK providers may sign a single provider agreement on behalf of all of his or her private VPK providers. A VPK provider may not offer VPK services or instruction until the VPK provider receives notice of its eligibility to offer the VPK program. The coalition shall notify a VPK provider of its eligibility to offer the VPK program by sending a copy of a provider agreement which has been signed by the VPK provider and its early learning coalition.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Administrative Hearings

RULE NO.:	RULE TITLE:
60Q-6.107	Amendment and Dismissal of Petition for Benefits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 29, July 23, 2010 issue of the Florida Administrative Weekly.

~~(4) Upon motion by the employer or carrier, the judge may require the claimant to file a verified motion for attorney’s fees and costs and adjudicate the verified motion for attorney’s fees and costs. Any party seeking an order determining the entitlement to or amount of attorney’s fees or costs shall file the motion therefor within 365 days after the provision of benefits, dismissal of claim, judicial order, or appellate mandate from which the movant claims attorney’s fees or costs are due. Untimely motions or petitions for attorney’s fees or costs will be dismissed.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-1.001 Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers’ Board

RULE NO.: RULE TITLE:
61G3-19.011 Barbershop Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 40, October 9, 2009 issue of the Florida Administrative Weekly has been withdrawn.

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 Osteopathic Medicine

RULE NOS.: RULE TITLES:
64B15-14.0051 Standards of Practice for Physicians Practicing in Pain Management Clinics
64B15-14.0052 Requirement for Pain Management Clinic Registration; Inspection or Accreditation

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of an additional public hearing on Rules 64B15-14.0051 and 64B15-14.0052, F.A.C., to be held via telephone conference call on Monday, September 13, 2010, 1:00 p.m., or shortly thereafter. The telephone Conference Call number is: (888)808-6959; Conference Code 6321783289. The rule was originally published in Vol. 36, No. 16, of the April 23, 2010, issue of the Florida Administrative Weekly. The Board held two public hearings on these rules on June 18, 2010, and August 20, 2010. At the public hearing held on August 20, 2010, the Board considered draft changes for these rules which inadvertently omitted part of the language recommended by the Boards of Medicine and Osteopathic Medicine Pain Management Clinic Standards of Practice Joint Committee on July 24, 2010. The purpose of this public hearing is to consider the language inadvertently omitted from the draft changes considered by the Board on August 20, 2010.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

Office of Information Security

RULE NOS.: RULE TITLES:
71A-1.004 Agency Information Technology Workers
71A-1.011 Configuration Management
71A-1.016 Media Protection
71A-1.017 Physical and Environmental Protection
71A-1.019 Personnel Security and Acceptable Use

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly.

The changes published in this Notice of Change apply to the proposed rule published on June 18, 2010 and supersede changes to any previous versions of the same provisions.

71A-1.004 Agency Information Technology Workers.

~~(1) Agency heads are responsible to ensure information technology workers are managed appropriately and effectively.~~

(1)(2) Agency heads are advised to designate information technology positions with access to information processing facilities, or positions that have system, database, developer, network, or other administrative capabilities for systems, applications, or servers with risk categorization of moderate or high as ~~are~~ positions of special trust.

(3) through (7) renumbered (2) through (6) No change.

71A-1.011 Configuration Management.

(3) The agency shall specify and document standard configurations used to harden software and hardware and assure the configurations address known security vulnerabilities ~~and are consistent with industry accepted system hardening standards.~~

71A-1.016 Media Protection

(2) The agency shall maintain electronic data in accordance with the same applicable regulatory retention requirements that apply to agency data in non-electronic formats.

71A-1.017 Physical and Environmental Protection.

(5) Visitors shall be recorded and, in locations housing systems categorized as moderate impact or high impact, they shall be supervised. (See Rule 71A-1.020.)

71A-1.019 Personnel Security and Acceptable Use

(14) Users shall change their passwords at least every 60 days for high risk systems, every 90 days for moderate risk systems and every 180 days for low risk systems. (See Rule 71A-1.020.)

Section IV
Emergency Rules

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 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."

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the Criminal Justice Standards and Training Commission has issued an order.

On July 22, 2010, the Criminal Justice Standards and Training Commission, received a petition for waiver of subparagraphs 11B-20.0014(3)(d)5. and 6., F.A.C., by Jonathan Kinney and St. Johns River Community College Director of Criminal Justice Training, Gary Killam. The Petitioners seek to waive that portion of the rule requiring breath test instructors to be actively certified prior to instructing a breath test operator renewal course. Both Petitioner Kinney and the Petitioner college assert that Petitioner Kinney was otherwise qualified at the time that he taught the class, and that Petitioner Kinney has, indeed, now received the necessary certification. Receipt of the petition was published in the Florida Administrative Weekly Vol. 36, No. 31, August 6, 2010.

On August 12, 2010, at its regularly scheduled business agenda meeting held in Tampa, Florida, the Commission found that the Petitioners' situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness. The Commission found that the purposes of the underlying statute, to ensure that alcohol breath test operator instructors are certified prior to instructing courses, will be met by granting this waiver request. The Commission found that the Petitioner Kinney had the knowledge, skills, and abilities required to instruct and, indeed, did become certified soon after instructing the course. The failure of Petitioner Kinney to become certified was an oversight by the Petitioner college and was not flagrant. The Commission granted the Petitioner's waiver.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on August 12, 2010, the Criminal Justice Standards and Training Commission has issued an order.

This matter concerned a request for a permanent waiver of paragraphs 11B-27.00213(4)(a) and (b), F.A.C., by Tabitha Williams received by the agency on July 16, 2010. The rule at issue requires officers employed on a Temporary Employment Authorization (TEA) to have a four year break in service before they may enter another TEA if they terminate the first TEA prior to completion. Petitioner Williams was terminated