

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099825
 RULE TITLE: Voluntary Prekindergarten (VPK) Curriculum Approval Process

PURPOSE AND EFFECT: The purpose of this rule development is to identify the process utilized to approve and maintain a list of curricula for required use by those VPK providers that are placed on probation as a result of readiness rates falling below the minimum rate adopted by the State Board of Education.

SUBJECT AREA TO BE ADDRESSED: Curriculum submission and approval process to provide the list.

RULEMAKING AUTHORITY: 1002.67(2)(c), 1002.67(3) FS.

LAW IMPLEMENTED: 1002.67(2)(c), 1002.67(3) 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: April 27, 2012, 3:00 p.m. – 5:00 p.m.

PLACE: Webinar

1. Go to <https://suncom.webex.com/suncom/j.php?ED=18881843&UID=32481043&RT=MiMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click “Join”.

To view in other time zones or languages, please click the link: <https://suncom.webex.com/suncom/j.php?ED=18881843&UID=32481043&ORT=MiMxMQ%3D%3D>

To join the teleconference only:

Conference Call #: 1(888)808-6959

Conference Code #:2450966

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, 325 W. Gaines St., Room 1514, Tallahassee, Florida 32399-0400. For information relating to the proposed rule development, please contact Stuart Greenberg, Executive Director, Just Read, Florida! and the Office of Early Learning, Department of Education, 325 West Gaines Street, Suite 514, Tallahassee, Florida, 32399, (850)245-0445

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099826
 RULE TITLE: Voluntary Prekindergarten (VPK) Staff Development Plan for Providers on Probation

PURPOSE AND EFFECT: The purpose of the rule development is to adopt procedures and criteria for the Department’s approval of a staff development plan to strengthen instruction in language development and phonological awareness, for use by VPK providers placed on probation.

SUBJECT AREA TO BE ADDRESSED: Procedures and criteria for a staff development plan approved for use by VPK providers placed on probation.

RULEMAKING AUTHORITY: 1002.67(3) FS.

LAW IMPLEMENTED: 1002.67(3) 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: April 27, 2012, 3:00 p.m. – 5:00 p.m.

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

PUBLIC SERVICE COMMISSION

RULE NO.: 25-6.0346
 RULE TITLE: Quarterly Reports of Work Orders and Safety Compliance

PURPOSE AND EFFECT: To make existing rule provisions currently in subsections 25-6.0345(2) and (4), F.A.C., easier to locate by moving them to this new rule.

Docket No. 110313-PU

SUBJECT AREA TO BE ADDRESSED: Quarterly reports of work orders and safety compliance for electric utilities.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.04(2)(f), 366.05(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: Kathryn G. W. Cowdery, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.723
 RULE TITLE: Visiting Check-In Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that an approved parent, legal guardian or authorized adult must be present at all times during any search of a visitor under seventeen years of age.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the procedures for check-in at visitation.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.47, 944.8031 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.723 Visiting Check-In Procedures.

(1) through (4) No change.

(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times, to include when the minor is subject to being searched under the provisions of Rule 33-601.726, F.A.C. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship from the minor's parent or legal guardian (neither of which may be an inmate except as provided below) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue. In cases where it can be determined that legal custody remains with the incarcerated parent or legal guardian and has not been given to another adult by the court, a notarized statement from the incarcerated parent or guardian shall be acceptable for purposes of authorizing children of the inmate to visit. Any such authorization remains subject to any relevant court orders or relevant departmental rules regarding the inmate's contact with the minor in question. Falsification of a document of guardianship shall result in the person being subject to suspension of visiting privileges pursuant to paragraph 33-601.731(9)(d), F.A.C.

(6) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-17-06, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.726
 RULE TITLE: Visitor Searches

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that an approved parent, legal guardian or authorized adult must be present at all times during a visitor search conducted on a minor.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the procedures for visitor searches.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.47, 944.8031 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.726 Visitor Searches.
 (1) through (2)(i) No change.

(j) Careful search by touching of clothing worn next to the body such as stockings, socks, and diapers, using sufficient pressure to detect contraband items. If it is necessary to remove the diaper of an infant or toddler, written consent from the parent, legal guardian, or authorized adult shall be obtained as provided in subsection (3), and it shall be done in the privacy of a search room with the parent, legal guardian, or authorized adult present and by an officer of the same sex.

(3) The visitor shall be instructed to sign Form DC1-803, Unclothed Body Search Consent, if specific factual reasons support the suspicion that contraband is concealed on a visitor's person and this suspicion is not resolved by a less intrusive search. The parent, legal guardian, or authorized adult shall sign the consent form and will be present if a minor is to be searched. Form DC1-803 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date is 11-18-11. <http://www.flrules.org/Gateway/reference.asp?No=Ref-00793>.

(a) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 1-25-05, 1-4-12,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.733
 RULE TITLE: Visiting – Special Status Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to specify the rules applicable to visiting privileges for inmates in administrative confinement, protective management, or disciplinary confinement status and to the determination whether an approved visit will be non-contact.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed relates to visiting privileges for inmates in administrative confinement, protective management or disciplinary confinement and non-contact visits.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.733 Visiting – Special Status Inmates.

(1) Inmates in special statuses, except for medical reasons, are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden or duty warden shall grant special visits, as outlined in Rule 33-601.736, F.A.C., if the inmate remains at the reception center more than 45 days.

(b) Inmates in administrative confinement, protective management, or disciplinary confinement status shall have visiting privileges as outlined in Rules 33-602.220, 33-602.221, and 33-602.222, F.A.C., respectively. The warden or designee shall determine whether an approved visit for inmates in one of the above statuses will be non-contact pursuant to Rule 33-601.735, F.A.C. In disciplinary confinement, administrative confinement, or protective management status, inmates shall have visiting privileges as outlined in Rule 33-701.734, F.A.C.

(c) through (6) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 12-25-08,_____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.001
 RULE TITLE: Continuing Education for Licensure Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish additional methods for obtaining continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Licensure Renewal.

RULEMAKING AUTHORITY: 465.033, 468.1685(1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 468.1715(3), 468.1725 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: Bruce

Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.001
RULE TITLE: General Information

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish guidelines for the monitor's review of AIT quarterly reports.

SUBJECT AREA TO BE ADDRESSED: General Information.

RULEMAKING AUTHORITY: 468.1685(1), 468.1695(2) FS.
LAW IMPLEMENTED: 468.1695(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: Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

RULE NO.: 69U-100.1000
RULE TITLE: Transactions Relating to Iran or Terrorism

PURPOSE AND EFFECT: The proposed rule establishes minimum standards for due diligence policies, procedures, and controls for financial institutions chartered in Florida that maintain certain accounts with foreign financial institutions, to reasonably detect whether the foreign financial institution engages in certain activities facilitating the development of mass destruction by the Government of Iran, provides support for certain foreign terrorist organizations, or participates in other related activities.

SUBJECT AREA TO BE ADDRESSED: Regulation of Financial Institutions.

RULEMAKING AUTHORITY: 655.012, 120.54(1)(f) FS., SB 792 (enrolled)

LAW IMPLEMENTED: SB 792 (enrolled)

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: Jeffrey Jones, Office of Financial Regulation, jeffrey.jones@flofr.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0015
RULE TITLE: K-20 Data Warehouse

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise existing requirements of the statewide database manuals, which guide the K-20 Data Warehouse data collection and data quality. The effect of the rule will be to incorporate revisions to the database manuals used by the K-20 Data Warehouse.

SUMMARY: All education data collected by the Florida Department of Education and the Board of Governors will be evaluated for inclusion in the K-20 data warehouse. This includes data collected by the Department relating to PK-12, technical centers, and Florida colleges as well as by the Board of Governors related to state universities. This rule outlines the format and timelines for data collected by the Department relating to the PK-12, technical centers, and Florida colleges as well as by the Board of Governors related to the state university system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with database manuals and rules of this nature, the