

SPECIFIC AUTHORITY: 641.31, 641.36 FS.
 LAW IMPLEMENTED: 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.31074, 641.3922(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: August 28, 2006, 9:30 a.m.
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Keating, Life and Health Product Review, Office of Insurance Regulation, E-mail dan.keating@fldfs.com.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
69P-2.001	Purpose
69P-2.002	Adoption of Property and Casualty Risk Apportionment Plan

PURPOSE AND EFFECT: To adopt a joint underwriting plan for commercial property insurance.
 SUBJECT AREA TO BE ADDRESSED: Property & Casualty Insurance Risk Apportionment Plan.
 SPECIFIC AUTHORITY: 624.308(1), 627.351(5) FS.
 LAW IMPLEMENTED: 624.307(1), 627.351(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: August 28, 2006, 9:30 a.m.
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Abby London, Director, Legislative and Cabinet Affairs, Office of Insurance Regulation, E-mail: abby.london@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-2.028	Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization; Records; Penalties

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to broaden the window of aldicarb application on citrus to alleviate time constraints on aldicarb applicators; add a requirement to be effective July 1, 2007 for intended application sites to be identified to the 1/4 of 1/4 section and drinking wells to be identified to the 1/4 of 1/4 section and with Global Positioning System (GPS) coordinates; clarify rule requirements regarding the 1,000-foot setback; specify requirements to be effective July 1, 2007 for cased well documentation for exemption from the 1,000-foot setback; abolish the 10-day waiting period for aldicarb application to start once a permit is approved to allow more flexibility for applicators; establish justification in rule for permit denials; correct website addresses that have changed; and update forms to match changes in the rule.

SUMMARY: The proposed rule amendment changes the time period for application of aldicarb on citrus from January 1 – April 30 to November 15 – April 30; adds a requirement to be effective July 1, 2007 that intended aldicarb application sites must be identified to the 1/4 of 1/4 section and drinking wells must be identified to the 1/4 of 1/4 section and with GPS coordinates in decimal degrees; clarifies that the 1,000-foot setback requirement in citrus applies only if restricted (highly permeable) soils occur within 1,000 feet of any drinking wells; specifies the information to be required effective July 1, 2007 on well construction documentation for exemption from the 1,000-foot setback; abolishes the 10-day waiting period after a permit application is filed before aldicarb application can begin; establishes justification for permit denials in areas where aldicarb or aldicarb residues have been detected in potable wells at concentrations exceeding water quality standards; and updates forms and website addresses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(23), 487.051 FS.

LAW IMPLEMENTED: 487.051 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 6, 2006, 9:00 a.m.

PLACE: Eyster Auditorium, Conner Administration Building, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

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 3 days before the workshop/meeting by contacting: 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 IS: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Building 8 (L29), Tallahassee, Florida 32399-1650; telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization Approval; Records; Penalties.

(1) Use and Sale Restrictions. The use of aldicarb in accordance with label directions is authorized statewide, with the following restrictions:

(a) Aldicarb shall be applied only during the time period for which written or electronic authorization has been ~~is~~ issued by the department by means of an aldicarb permit.

(b) Aldicarb shall be applied only at the sites for which written or electronic authorization has been ~~is~~ issued by the department by means of an aldicarb permit.

(c) Experimental use must be authorized by the United States Environmental Protection Agency or the department.

(d) Aldicarb shall not be applied within 300 feet of any well in this state, with the exception of wells that meet the provisions of paragraph (1)(f)(e). ~~Aldicarb shall not be used on Florida citrus within 1000 feet of any well when any soil series within the intended site of application is identified by the U.S.D.A. Soil Conservation Service as highly permeable well drained sand, unless the applicator furnishes the department with construction documentation confirming that the well is properly cased to a depth of 100 feet below ground~~

~~surface or a minimum of 30 feet below the water table. The 1000-foot setback requirement shall not apply to any wells that meet the provisions of paragraph (1)(e). Soils series which have been identified by the U.S.D.A. Soil Conservation Service as highly permeable well drained sand include, but are not limited to, the following:~~

(e) Aldicarb shall not be used in Florida citrus on any soil series identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil within 1,000 feet of any well, with the exception of wells that meet the provisions of paragraph (1)(f) or (1)(g). Soil series which have been identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil include but are not limited to the following:

- Adamsville
- Archbold
- Astatula
- Candler
- Cassia
- Lake
- Neillhurst
- Orsino
- Palm Beach
- Paola
- Satellite
- St. Lucie
- Tavares

~~Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified as to accuracy by a licensed well contractor.~~

(f)(e) Any well that meets the following provisions is exempt from the 300-foot and 1,000-foot setback requirements specified in paragraphs (1)(d) and (1)(e):

1. The well is not used for human consumption;
2. The well has been posted with a conspicuous warning notice stating "NOT FOR HUMAN CONSUMPTION"; and
3. If the well is situated on property under different ownership from the property where the aldicarb application is to be made, a signed statement has been obtained from the well owner authorizing the posting of the warning notice specified in subparagraph (1)(f)(e)2.

(g) The 1,000-foot setback requirement in paragraph (1)(e) shall not apply to wells for which the permit applicant has furnished the department well construction documentation confirming that the well is continuously cased to a depth of at least 100 feet below ground surface or at least to a minimum depth of 30 feet below the top of the shallowest water-producing zone recognized at the time of well construction. Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified

as to accuracy by a Florida-licensed well contractor. Effective July 1, 2007, the well completion report or statement certified by a Florida-licensed well contractor must contain the following information: name of property owner; well construction permit number (if issued); name and license number of well contractor; well location; well completion date (if available); casing depth; total depth of well; and static water level at time of well completion if not continuously cased to a depth of 100 feet or greater. If available, a driller's log describing the type of subsurface material encountered should also be reported. Well location must be identified by county, range, township, and section; and, effective July 1, 2007, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees and indication on a section diagram of the 1/4 section of the 1/4 section of the given section in which the well is situated. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.

~~(h)(f)~~ Warning notices specified in subparagraph (1)(f)2. ~~(e)~~ of this subsection shall remain in place subsequent to the aldicarb application until sampling and analysis of the well water performed or approved by the department indicate an aldicarb residue level in compliance with the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C.

~~(i)(g)~~ Citrus grove use is limited to one application per season year. For purposes of this rule, the citrus season is defined as the period November 15 – April 30. ~~Such application may be made only during the period January 1 – April 30.~~ Application shall not exceed the rate of 5 pounds active ingredient or 33 pounds of 15G formulation per acre.

~~(j)(h)~~ Any drinking water well found to contain aldicarb residues in excess of the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C., shall have further use of the chemical within 1,000 feet of the well suspended immediately. The suspension shall remain in effect until the well has undergone remedial treatment in a manner acceptable to the department or until subsequent sampling and analyses of the well water performed or approved by the department indicate residue levels in compliance with standards established by the Florida Department of Environmental Protection.

~~(k)(i)~~ Sales documents from any person selling or distributing aldicarb in Florida shall state: "For use only as authorized by Rule 5E-2.028, F.A.C."

(2) Permit Reporting Requirements and Procedures.

~~(a) At least 10 days~~ Prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically on the web site <http://www.temikpermit.com> or

in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, revised 7/06 4/02, to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, revised 5/04 new 2/02, to the address listed on the form.

~~(b) Licensed applicators conducting research with aldicarb and making application to no more than 10 acres per site shall be exempt from the 10 day pre application requirement, provided a signed statement attesting the application is for research purposes is filed with the permit application and provided a permit is obtained before the application is made.~~

~~(b)(e)~~ Each intended application site shall be listed on as a separate entry on the permit application. Application sites situated in more than one township, range, and/or section must be submitted as multiple sites, with each site identified as one entry with a distinct township, range, and section.

~~(c) Each intended application site must be identified with county, range, township, and section; and, effective July 1, 2007, indication on a section diagram of all 1/4 of 1/4 sections in which any part of the intended application site is situated.~~

~~(d) Well location must be provided for each well situated inside or within 300 feet of the intended application site. For applications to citrus, well location must also be provided for each well within 1,000 feet of any soil series within the intended application site identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil. Exception: Well location does not need to be provided for any well that meets the provisions of paragraph (1)(f), but the number of such wells within the intended application site must be provided. Well location must be identified by county, range, township, and section; and, effective July 1, 2007, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees and indication on a section diagram of the 1/4 section of the 1/4 section of the given section in which the well is situated. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.~~

~~(3)(d)~~ Forms.

~~(a)~~ Form DACS-13317, Application for Permit to Apply Aldicarb (Temik), revised 7/06 4/02, hereby adopted and incorporated by reference, may be obtained from the web site <http://www.flaes.org> or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(b) Form DACS-13356, Request for Username and Password for Electronic Temik Permit Application, revised 5/04 new 2/02, hereby adopted and incorporated by reference, may be obtained from the web sites or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

~~(4)(3) Department Authorization; Permit.~~

(a) No person shall apply aldicarb in this state unless written or electronic authorization has been issued by the department by means of an aldicarb permit.

~~(b) No person shall apply aldicarb in this state to any site in Florida until for at least 10 days after an aldicarb permit has been approved for that site. This subsection shall not apply to licensed applicators who apply aldicarb for research purposes to 10 acres or less per site and who otherwise meet the requirements set forth in this chapter.~~

(c) The department shall designate on the permit application the time period dates during which aldicarb is approved for application ~~in this state~~. The time period authorized for application shall not exceed six (6) months.

(d) Department authorization is not transferable.

(e) The department may deny permit applications that list intended application sites in areas determined by the department to be unsuitable for aldicarb application. Areas unsuitable for aldicarb application are those geographic areas in which potable well water sampling has revealed a pattern of detections of aldicarb or aldicarb residues at concentrations exceeding water quality standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C. Petitions for the reversal of determinations of unsuitability for aldicarb application may be submitted to the department for review and consideration. In reviewing such petitions, the department shall evaluate the adequacy of documentation submitted by the petitioner to demonstrate that proposed reintroduction of aldicarb use would not result in water quality violations in potable wells in the area. Pending approval of the submitted documentation, the department may require the petitioner to provide written permission to reverse the unsuitability determination from all property owners affected by the proposed change.

~~(5)(4) Records.~~ Each applicator shall maintain a copy of all aldicarb permits approved by the department for that applicator, including all attachments, for a minimum of 2 years. These records shall be made available upon request by an authorized representative of the department. For permit approvals issued to the applicator via the web site <http://www.temikpermit.com>, upon request by an authorized representative of the department, the applicator must either provide a printed copy of the permit information from the web site or make the permit information available by computer screen for review and printing by the department representative.

~~(6)(5) Penalties.~~ The use, sale, distribution or application of aldicarb by any person in a manner inconsistent with the provisions of this rule is a violation of Chapter 487, F.S., and subject to the penalties described therein.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History—New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98, 3-28-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, FL 32399-1650

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Anderson Rackley, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, FL 32399-1650

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2006

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
14-115 Rail Corridor Crossing Management
RULE NOS.: RULE TITLES:
14-115.003 Existing Rail Corridor Crossings
14-115.004 Rail Corridor Crossing Permits

PURPOSE AND EFFECT: With the adoption of Part III of Rule Chapter 14-57, F.A.C., these rules are obsolete and need to be repealed. Repeal of these rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary.

SUMMARY: New Rule 14-57.014, F.A.C., in Part III of Rule Chapter 14-57, F.A.C., superseded these rules, which are being repealed.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(14), 337.242 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-115.003 Existing Rail Corridor Crossings.

Specific Authority 334.044(2) FS. Law Implemented 334.044(14), 337.242 FS. History—New 10-17-95, Amended 5-20-97, Repealed

14-115.004 Rail Corridor Crossing Permits.

Specific Authority 334.044(2) FS. Law Implemented 334.044(14), 337.242 FS. History—New 10-17-95, Amended 5-20-97, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Bordelon, Rail Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2006

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 NOS.:	RULE TITLES:
33-602.220	Administrative Confinement
33-602.222	Disciplinary Confinement

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to allow routine 30 minute checks to be entered on the Housing Unit Log rather than the Inspection of Housing Record. This prevents the Inspection of Housing Record from becoming cluttered with routine checks, making it more difficult to monitor other required visits and inspections. The rules are also amended to provide that inmates in administrative and disciplinary confinement shall be allowed out of their cells to receive regularly scheduled mental health services unless the inmate has displayed hostile, threatening, or other behavior that could present a danger to others within the past four hours.

SUMMARY: Amends the rules to allow routine 30 minute checks to be entered on the Housing Unit Log rather than the Inspection of Housing Record and to provide that inmates in administrative and disciplinary confinement shall be allowed out of their cells to receive regularly scheduled mental health

services unless the inmate has displayed hostile, threatening, or other behavior that could present a danger to others within the past four hours.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-602.220 Administrative Confinement.

(1) through (4) No change.

(5) Conditions and Privileges.

(a) through (g) No change.

(h) Counseling Interviews – Inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an ISP unless, within the past four hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others. Security staff shall determine the level of restraint required while inmates in administrative confinement access services outside their cells. Counseling shall be provided to inmates in administrative confinement in cell or out of cell when deemed necessary by mental health staff. The ICT shall determine whether an inmate in administrative confinement may be removed to attend individual or group counseling sessions or interviews when they determine that it is safe to do so, or whether counseling must take place in cell.

(i) through (q) No change.

(6) No change.

(7) Visits to Administrative Confinement. The following staff members shall be required to officially inspect and tour the administrative confinement unit. All visits by staff, other than the 30 minute checks described in paragraph (a) below, shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (11) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if any discussion of significance, action or behavior of the inmate occurs or any important

information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) At least every 30 minutes by a correctional officer, but on an irregular schedule. These checks shall be documented on Form DC6-209, Housing Unit Log. Form DC6-209 is hereby incorporated by reference in subsection (11) of this rule.

(b) through (h) No change.

(8) through (11) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History–New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, _____.

33-602.222 Disciplinary Confinement.

(1) through (3) No change.

(4) Conditions and Privileges.

(a) through (g) No change.

(h) Counseling and Interviews. Inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an ISP unless, within the past four hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others. Security staff shall determine the level of restraint required while inmates in administrative confinement access services outside their cells. Counseling shall be provided to inmates in disciplinary confinement in cell or out of cell when deemed necessary by mental health staff. The ICT shall determine whether an inmate in disciplinary confinement may be removed to attend individual or group counseling sessions or interviews when they determine that it is safe to do so, or whether counseling must take place in cell.

(i) through (r) No change.

(5) through (6) No change.

(7) Visits to Disciplinary Confinement.

(a) The following staff members shall be required to officially inspect and tour the disciplinary confinement unit. All visits by staff, other than the 30 minute checks described in subparagraph 1. below, shall be documented on the Inspection of Special Housing Record DC6-228. Form DC6-228 is incorporated in subsection 33-602.220(11)(10), F.A.C. The staff member shall also document his or her visit on the Daily Record of Segregation Form DC6-229, if any discussion of significance, action or behavior of the inmate, or any other important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted a minimum of:

1. Every 30 minutes by a correctional officer, but on an irregular schedule. These checks shall be documented on Form DC6-209, Housing Unit Log. Form DC6-209 is incorporated by reference in Rule 33-602.220, F.A.C.

2. through 10. No change.

(b) through (14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, Amended 2-12-01, 2-5-02, 4-1-04, 1-16-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenhia “Tina” Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2006

COMMISSION ON ETHICS

RULE NO.: 34-7.010
RULE TITLE: List of Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed amendment is to make revisions to various forms that are required to be filed by the Code of Ethics, and which are adopted by reference in Rule 34-7.010, Florida Administrative Code. Most changes are relatively minor – changing the date, correcting statutory citations, updating addresses, etc.

SUMMARY: CE Form 1 (Statement of Financial Interests), CE Form 1F (Final Statement of Financial Interests), CE Form 6 (Full and Public Disclosure of Financial Interests), CE Form 6F (Final Full and Public Disclosure of Financial Interests), CE Form 9 (Quarterly Gift Disclosure), CE Form 10 (Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses), CE Form 3A (Statement of Interest in Competitive Bid for Public Business), and CE Form 30 (Donor's Quarterly Gift Disclosure) will be affected by this rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(14), 112.322(9) FS., Chapter 2005-359, L.O.F.

LAW IMPLEMENTED: 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS, Art. II, Sec. 8(a), (f), (h), Fla. Const., Chapter 2005-359, L.O.F.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 8, 2006, 8:30 a.m.

PLACE: The Knott Building, Room 412, 111 West St. Augustine Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, Telephone: (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2007 ~~1/2006~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2007 ~~1/2006~~.

(d) No change.

(e) Form 3A, Statement of Interest in Competitive Bid for Public Business. To be utilized by persons wishing to do business with their agency or to have employment or a contractual relationship with a business entity doing business with their agency, provided that the business is awarded under a system of sealed, competitive bidding, under Subsection 112.313(12)(b), Florida Statutes. Effective 1/2007 ~~1/95~~.

(f) through (k) No change.

(l) Form 9, Quarterly Gift Disclosure. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the quarterly gift disclosure requirements of Section 112.3148(8), Florida Statutes. Effective 1/2007 ~~1/2001~~.

(m) Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the gift disclosure requirements of Section 112.3148(6), Florida Statutes, and the honorarium disclosure requirements of Section 112.3149(6), Florida Statutes. Effective 1/2007 ~~1/2002~~.

(n) Form 30, Donor's Quarterly Gift Disclosure. To be utilized by political committees, committees of continuous existence, lobbyists (persons who for compensation sought to influence the governmental decisionmaking, proposal, or recommendation of an agency), and the partners, firms, principals, and employers of lobbyists for compliance with the gift disclosure requirements of Section 112.3148(5), Florida Statutes. Effective 1/2007 ~~1/2001~~.

(o) Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2007 ~~1/2006~~.

(p) Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2007 ~~1/2006~~.

(q) and (r) No change.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2007

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(14), 112.322(9) FS., Chapter 2005-359, L.O.F. Law Implemented 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a), (f), (h), Fla. Const., Chapter 2005-359, L.O.F. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04, 1-1-05, 1-1-06, 6-15-06, 1-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Senior Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission on Ethics

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
58A-5	Assisted Living Facilities
RULE NOS.:	RULE CHAPTER TITLES:
58A-5.0181	Residency Criteria and Admission Procedures
58A-5.0182	Resident Care Standards
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.024	Records

PURPOSE AND EFFECT: The proposed rule amendments were developed in consultation with the Agency for Health Care Administration. Pursuant to Section 429.41(1)(l), F.S., [formerly 400.441(1)(l), F.S.], the department is required to establish specific policies and procedures regarding resident elopement.

SUMMARY: The proposed rule amendments include the requirement for resident elopement policies and procedures as they relate to residency criteria and admission procedures, resident care standards, staff training requirements and competency test, and records.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 429.07, 429.26, 429.41 FS.

LAW IMPLEMENTED: 429.02, 429.07, 429.075, 429.26, 429.41 FS.

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

DATE AND TIME: September 6, 2006, 10:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000. 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 RULES IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochethj@elderaffairs.org.

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-5.0181 Residency Criteria and Admission Procedures.

(1) through (2) No change.

(3) ADMISSION PACKAGE.

(a) The facility shall make available to potential residents a written statement(s) ~~or statements~~ which includes the following information listed below. A ~~promotional brochure prepared by the facility or a copy of the facility resident contract or facility brochure form used by the facility~~ which contains all of the required information shall meet this requirement.:

1. through 10. No change.

11. If the facility also has an extended congregate care program, the ECC program's residency criteria, and a description of the additional personal, supportive, and nursing services provided by the program, additional costs, and any

limitations, if any, on where ECC residents must reside based on the policies and procedures described in Rule 58A-5.030, F.A.C.; ~~and~~

12. If the facility advertises that it provides special care for persons with Alzheimer's disease and ~~or~~ related disorders, a written description of those special services as required under Section 429.177, F.S.; and

13. A copy of the facility's resident elopement response policies and procedures.

(b) through (c) No change.

(4) through (5) No change.

Specific Authority 429.07, 429.26, 429.41 FS. Law Implemented 429.02, 429.07, 429.075, 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,_____.

58A-5.0182 Resident Care Standards.

An assisted living facility shall provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) through (5) No change.

(6) RESIDENT RIGHTS AND FACILITY PROCEDURES.

(a) through (d) No change.

(e) The facility shall have a written statement of ~~its~~ ~~the~~ ~~facility's~~ house rules and procedures which shall be included in the admission package provided pursuant to Rule 58A-5.0181, F.A.C. The rules and procedures shall address the facility's policies with respect to such issues, for example, as resident responsibilities, the facility's alcohol and tobacco policy, medication storage, the delivery of services to residents by third party providers, resident elopement, and other administrative and housekeeping practices, schedules, and requirements.

(f) through (h) No change.

(7) No change.

(8) ELOPEMENT STANDARDS.

(a) Residents Assessed At Risk for Elopement.

All residents assessed at risk for elopement or with any history of elopement shall be identified so staff can be alerted to their needs for support and supervision.

1. As part of its resident elopement response policies and procedures, the facility shall make, at a minimum, a daily effort to determine that at risk residents have identification on their persons that includes their name and the facility's name, address, and telephone number. Staff attention shall be directed towards residents assessed at high risk for elopement, with special attention given to those with Alzheimer's disease and related disorders assessed at high risk.

2. At a minimum, the facility shall have a photo identification of at risk residents on file that is accessible to all facility staff and law enforcement as necessary. The photo

identification shall be made available for the file within 10 calendar days of admission. In the event a resident is assessed at risk for elopement subsequent to admission, photo identification shall be made available for the file within 10 calendar days after a determination is made that the resident is at risk for elopement. The photo identification may be taken by the facility or provided by the resident or resident's family/caregiver.

(b) Facility Resident Elopement Response Policies and Procedures.

The facility shall develop detailed written policies and procedures for responding to a resident elopement. At a minimum, the policies and procedures shall include:

1. An immediate staff search of the facility and premises;
2. The identification of staff responsible for implementing each part of the elopement response policies and procedures, including specific duties and responsibilities;
3. The identification of staff responsible for contacting law enforcement, the resident's family, guardian, health care surrogate, and case manager if the resident is not located pursuant to subparagraph (8)(b)1.; and
4. The continued care of all residents within the facility in the event of an elopement.

(c) Facility Resident Elopement Drills.

The facility shall conduct resident elopement drills pursuant to Sections 429.41(1)(a)3. and 429.41(1)(l), F.S.

(9)(8) OTHER STANDARDS. Additional care standards for residents residing in a facility holding a limited mental health, extended congregate care or limited nursing services license are provided in Rules 58A-5.029, 58A-5.030 and 58A-5.031, F.A.C., respectively.

Specific Authority 429.02, 429.41 FS. Law Implemented 429.02, 429.255, 429.256, 429.26, 429.28, 429.41 FS. History--New 9-17-84, Formerly 10A-5.182, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0182, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99,_____.

58A-5.0191 Staff Training Requirements and Competency Test.

- (1) No change.
- (2) STAFF IN-SERVICE TRAINING. Facility administrators or managers shall must provide or arrange for the following in-service training to facility staff:
 - (a) through (e) No change.
 - (f) All facility staff shall receive in-service training regarding the facility's resident elopement response policies and procedures within thirty (30) days of employment.
 1. All facility staff shall be provided with a copy of the facility's resident elopement response policies and procedures.
 2. All facility staff shall demonstrate an understanding and competency in the implementation of the elopement response policies and procedures.
 - (3) through (11) No change.

Specific Authority 429.07, 429.178, 429.41, 429.52 FS. Law Implemented 429.07, 429.075, 429.178, 429.41, 429.52 FS. History--New 9-30-92, Formerly 10A-5.0191, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, 7-5-05,_____.

58A-5.024 Records.

The facility shall maintain the following written records in a form, place and system ordinarily employed in good business practice and accessible to department and agency staff.

- (1) FACILITY RECORDS. Facility records shall include:
 - (a) through (p) No change.
 - (q) The facility's resident elopement response policies and procedures.
 - (r) The facility's documented resident elopement response drills.

(2) STAFF RECORDS.

(a) Personnel records for each staff member shall contain, at a minimum, a copy of the original employment application with references furnished and verification of freedom from communicable disease including tuberculosis. In addition, records shall contain the following, as applicable:

1. through 2. No change.
3. Documentation of compliance with level 1 background screening for all staff subject to screening requirements as required under Rule 58A-5.019, F.A.C.; ~~and~~
4. ~~For facilities with a licensed capacity of 17 or more residents, A~~ a copy of the job description given to each staff member pursuant to Rule 58A-5.019, F.A.C., for facilities with a licensed capacity of seventeen (17) or more residents; and
5. Documentation of facility direct care staff and administrator participation in resident elopement drills pursuant to paragraph 58A-5.0182(8)(c), F.A.C.
 - (b) through (c) No change.
 - (3) through (4) No change.

Specific Authority 429.41, 429.275 FS. Law Implemented 429.07, 429.075, 429.24, 429.27, 429.275, 429.28, 429.35, 429.41 FS. History--New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.24, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.024, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carole Green, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.082
RULE TITLE: Developmental Disabilities Waiver Services Procedure Codes

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, November 2003. The effect will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, November 2003.

SUMMARY: The purpose of this rule is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, November 2003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Tuesday, September 12, 2006, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Kyllonen, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-9756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.082 Developmental Disabilities Waiver Services Procedure Codes.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, November 2003, which is incorporated by reference. The Developmental Disabilities Home and Community-Based Services Waiver Procedure

Codes and Maximum Units of Service is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Kyllonen

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2006

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Purchasing

RULE NO.: 60A-1.041
RULE TITLE: Solicitation Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to update the rule identified to reflect current practices and procedures regarding certification of contract negotiators and utilization of project management professionals.

SUMMARY: The amendments amend the rule to reflect the current practices and procedures regarding certification of contract negotiators, utilization of project management professionals and clarify the duties of the Department as provided therein. Also, two related forms, referred to in the full text of the proposed rule, are created via this proposed rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 287.042(3), 287.042(12), 287.057(17)(b) FS.

LAW IMPLEMENTED: 287.042, 287.057 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 5, 2006, 1:00 p.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, garciaa@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.041 Solicitation Requirements.

(1) through (2) No change.

(3) Appointment of Contract Negotiators – Pursuant to Section 287.057(17)(b), F.S., if an agency elects to employ the Invitation to Negotiate (ITN) method to solicit competitive sealed replies, the following requirements shall govern the agency head’s appointment of the negotiation team.

(a) Regardless of the value of the contract, the negotiation team members shall collectively have knowledge and experience in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought.

(b) If the value of the prospective contract will exceed \$1 million in any fiscal year, at least one member of the negotiation team must be a Department-certified contract negotiator. To the extent practicable, the agency shall involve the certified negotiator in the development of the ITN, taking into account the certified negotiator’s familiarity with the subject matter and the complexity and value of the contract.

(4) Certification of Contract Negotiators – Persons seeking certification as a contract negotiator shall complete and submit to the Department Form PUR ##### (0#/06), “Application for Certification as Contract Negotiator.” Applicants shall either scan the completed form and submit it electronically to PURCertification@dms.state.fl.us or mail the completed form to State Purchasing, Department of Management Services, 4050 Esplanade Way, Ste. 360, Tallahassee, FL 32399-0950. The Department shall certify as a contract negotiator any state or political subdivision employee who satisfies the following criteria:

(a) Any person certified by the Department as a Florida Certified Negotiator prior to the effective date of this administrative rule shall retain their contract negotiator status. The Department will issue to each prior-certified negotiator a new certificate reflecting his or her status as a Certified Contract Negotiator. Submission of Form PUR ##### will not be required;

(b) Any person who has: 1) completed either the NIGP General Public Procurement seminar or the NIGP Sourcing in the Public Sector seminar or Department approved equivalent; (2) completed the NIGP Negotiation Strategies seminar or Department approved equivalent; (3) completed the Department’s Negotiation in Florida seminar; (4) worked a minimum of twelve (12) months as either a purchasing agent, contract manager or contract administrator for the State of Florida or one of its political subdivisions where the job description for the position required that at least half of the individual’s designated duties included procuring commodities or services or their participating in contract negotiation, or contract management or contract administration, or worked as a state or political subdivision agency attorney whose duties included providing legal counsel to an agency’s purchasing or contracting staff; and (5) led at least one federal, state or local

government negotiation team through a negotiated procurement or served on at least three federal, state or local government negotiation teams;

(c) Any person holding an M.B.A. (or similar graduate degree) who has: (1) led a federal, state or local government negotiation team through a negotiated procurement or served on at least three federal, state or local government negotiation teams; (2) completed either a semester-long business school or graduate level class on negotiation; and (3) completed the Department’s Negotiations in Florida class; or

(d) Any state or political subdivision agency attorney currently licensed by the Florida Bar who has: (1) led a federal, state or local government negotiation team through a procurement or served on at least three federal, state or local government negotiation teams; (2) completed a semester-long business school or graduate level class on negotiation; and (3) completed the Department’s Negotiations in Florida class or equivalent training by another agency of the State of Florida.

(5) Department-Approved Negotiation Training Equivalent is training in the form of classes or seminars taken to ensure that certified contract negotiators are: trained in effective negotiation strategies; are capable of successfully implementing those strategies during contract negotiations; and familiar with what is required of them in their role in the procurement process as a contract negotiator. In satisfying the equivalent training requirement, employees seeking certification may either select training classes from the state term contract or other Department listing that identifies pre-approved negotiation training courses or may, on a case-by-case basis, request that the Department separately approve a course or courses not listed on the contract or elsewhere by the Department, by completing and submitting to the Department Form PUR ##### (0#/06), “Request for Approval of Certified Negotiator Training Course.”

(a) Approval of the PUR ##### shall be granted by the Department only if the course(s) identified on the form offers training that meets or exceeds the training standards established in subsection (5).

(b) Approval of the PUR ##### may be granted by the Department either before or after the employee takes the class, so long as the course(s) meets or exceeds the training standards established in subsection (5).

(6) Certification of Contract Negotiators – Certification of contract negotiators by the Department shall be effective for a period of 5 years from the date of issuance of the certification.

(7) Recertification of Contract Negotiators – Recertification of contract negotiators by the Department shall be effective for five (5) years from the date the employee is recertified. The date of recertification shall be reflected on the certified contract negotiator certificate issued by the Department to the employee. If the certified contract negotiator

fails to recertify before the end of the 5 year certification time period, their certification will expire until they are recertified by the Department.

(a) To become recertified as a contract negotiator, the person seeking recertification must have originally been certified by the Department as provided in this rule and shall be required to complete 16 hours of recertification courses offered through the Department, or, on a case-by-case basis, may request that the Department approve a course or courses not offered by the Department by completing and submitting to the Department Form PUR ##### (0#/06), "Request for Approval of Certified Negotiator Training Course." The person seeking recertification shall indicate on the form that the course or courses are presented for purposes of recertification. Further, recertification applicants must have led or participated in three or more federal, state or local government negotiated procurements during their proceeding five (5) year certification period and must be currently employed in a state or local government position in which the job description for the position includes contract negotiation as part of the job description.

(b) Approval of the PUR ##### submitted for recertification shall be granted by the Department only if the course(s) identified on the form offers training that meets or exceeds the training standards established in subsection (5).

(c) Approval of the PUR ##### may be granted by the Department either before or after the employee takes the recertification class or classes, as long as the course(s) meets or exceeds the training standards established in subsection (5).

(8) Appointment of Project Management Professional – If the value of the prospective contract will exceed \$10 million in any fiscal year, at least one member of the negotiation team shall be a Project Management Professional, as certified by the Project Management Institute. The Department shall maintain a list of agency personnel so certified, and shall assist agencies in identifying and training employees who are suited for the certification.

Specific Authority 287.042(12), 287.057(17)(b) FS. Law Implemented 287.032, 287.042, 287.057 FS. History–New 8-19-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anthony W. Garcia, Department of Management Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Holley, Deputy Secretary, Department of Management Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.007
RULE TITLE: Re-examination

PURPOSE AND EFFECT: To establish the minimum passing score to demonstrate an applicant who has failed the licensing examination has acquired the knowledge necessary to demonstrate minimum competency.

SUMMARY: The minimum passing score to demonstrate an applicant who has failed the licensing examination has acquired the knowledge necessary to demonstrate minimum competency is established.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 471.011, 471.013, 471.015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.007 Re-examination.

If an applicant fails three times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours, with grades no lower than a "C" or its equivalent, of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(2)(a), (b), and (d), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(2)(d), F.A.C.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011, 471.013, 471.015 FS. History–New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 19, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 21, 2006

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 III Notices of Changes, Corrections and Withdrawals

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."

PUBLIC SERVICE COMMISSION
DOCKET NO. 060512-EU
RULE NO.: 25-6.0343
RULE TITLE: Municipal Electric Utilities and Rural Electric Cooperatives
NOTICE OF CHANGE OF HEARING DATE
The Public Service Commission notifies all interested persons that the date of the hearing on the above rule has been changed from August 31, 2006, to October 4, 2006, pursuant to Order No. PSC-06-0632-PCO-EU, issued July 27, 2006. The hearing will be held at the following date, time and place:
DATE AND TIME: Wednesday, October 4, 2006, 9:30 a.m.
PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL
The notice of rulemaking was published in the July 7, 2006, Florida Administrative Weekly, Vol. 32, No. 27.

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

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. 32, No. 20, (May 19, 2006), issue of the Florida Administrative Weekly:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.
The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

	Maximum Disciplinary Actions
SECTION 1 ASSAULT, BATTERY, THREATS, AND DISRESPECT	
1-1 through 1-5 No change.	
1-6 1-6 Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of <u>a staff member, contracted staff member or visitor</u> the victim that does not involve physical or sexual contact with the victim	60 DC + 90 GT
SECTION 2 through SECTION 11 – No change.	

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History--New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION
Division of Health Quality Assurance
RULE CHAPTER NO.: 59A-9
RULE CHAPTER TITLE: Abortion Clinics
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. 32, No. 21, May 26, 2006, Florida Administrative Weekly.
Changes in this rule are as follows:
59A-9.018 – The word "Repromulgated" has been removed from the rule history;