

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

DATE AND TIME: Monday, April 27, 2009, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. To arrange for participation by telephone, contact: John Milla, (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: 69A-42.003 69A-42.004 69A-42.0041 69A-42.005	RULE TITLES: Definitions Discretionary Powers of the Authority Having Jurisdiction Fire Separation Requirements Standards of the National Fire Protection Association Adopted
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PURPOSE AND EFFECT: The purpose of the proposed change is to preserve the separation distances that existed in prior editions of the National Fire Protection Standards.

SUBJECT AREA TO BE ADDRESSED: Separation distances between mobile homes and between mobile homes and community buildings in mobile home parks, and separation distances between recreational vehicles and between recreational vehicles and community buildings in recreational vehicle parks.

RULEMAKING AUTHORITY: 633.01(1), 633.022(1)(b) FS.
 LAW IMPLEMENTED: 633.01(4), 633.022(1)(b), 633.022(2)(b) 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: Wednesday, April 29, 2009, 10:00 a.m.
 PLACE: Conference Room at the Atrium, 325 John Knox Road, Tallahassee, Florida 32308
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lesley Mendelson; (850)413-3604, Lesley.Mendelson@myfloridacfo.com If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lesley Mendelson; (850)413-3604, Lesley.Mendelson@myfloridacfo.com THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
 Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.: 9B-3.0472 9B-3.0475 9B-3.0477	RULE TITLES: Carbon Monoxide Detection Mitigation Retrofits Required Electrical Bonding of Pools
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PURPOSE AND EFFECT: As anticipated by the statutory authority for these rules, the context has been integrated in the 2007 Florida Building Code.

SUMMARY: To repeal the above-referenced rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 553.844(3), 553.885(2) FS., s. 1, Chapter 2007-187, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.844(3), 553.885(2) FS., s. 1, Chapter 2007-187, Laws of Florida.

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

DATE AND TIME: June 10, 2009, 8:30 a.m. or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100; (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100; (850)921-2247

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-3.0472 Carbon Monoxide Protection.

Rulemaking Specific Authority 553.885(2) FS. Law Implemented 553.72, 553.73(2), (3), (7), (9), 553.885(2) FS. History–New 11-18-07, Repealed.

9B-3.0475 Mitigation Retrofits Required.

Rulemaking Specific Authority 553.844(3) FS. Law Implemented 553.72, 553.73(2), (3), (7), (9), 553.844(3) FS. History–New 11-14-07, Amended 4-6-08, Repealed.

9B-3.0477 Electrical Bonding of Pools.

Rulemaking Specific Authority s. 1, Chapter 2007-187, Laws of Florida Law Implemented 553.72 FS. 553.73(2), 553.73(3), 553.73(7), 553.73(9) FS., s. 1, Chapter 2007-187, Laws of Florida History–New 10-18-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100; (850)921-2247

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2009

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.”

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.003
 RULE TITLE: Participation Agreement

PURPOSE AND EFFECT: To update the Florida College Investment Plan Participation Agreement Form.

SUMMARY: This rule change is being made to update the Florida College Investment Plan Participation Agreement Form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.81(2) 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: May 4, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308; (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308; (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor’s completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB ~~2009-4~~ ~~2008-4~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History–New 11-27-02, Amended 12-28-04, 6-2-05, 7-17-06, 12-4-07, 5-29-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 1, 2009

DEPARTMENT OF CITRUS

RULE NO.: 20-13.011
 RULE TITLE: Ambersweet: Classification and Standards

PURPOSE AND EFFECT: Amending maturity standards for Ambersweet oranges, requested by the Florida Citrus Packers Association

SUMMARY: Amending maturity standards for Ambersweet oranges.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 601.10(1), (7), 601.11, 601.9910(3) FS.

LAW IMPLEMENTED: 601.11, 601.9910 FS.

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

DATE AND TIME: May 20, 2009, 10:30 a.m.

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.011 Ambersweet: Classification and Standards.

(1) Classification: The market classification of the citrus hybrid generally known as “Ambersweet” shall be “Orange,” a hybrid between orange (*C. sinensis*), mandarin (*C. reticulata*), and grapefruit (*C. paradisi*).

(2) Identification: The proper identification of this citrus fruit shall be “Ambersweet Orange” or “Orange” whenever this fruit is identified.

(3) Standards: All state laws and rules applicable to the maturity of oranges shall be applicable to this fruit, except as provided below:-

Orange Standards

Minimum Total Solids %	Solids to Acid Min. Ratio
<u>8.4 to (not including) 8.5</u>	<u>10.20 to 1</u>
<u>*8.5 to (not including) 8.6</u>	<u>10.25 to 1</u>
<u>8.6 to (not including) 8.7</u>	<u>10.20 to 1</u>
<u>**8.7 to (not including) 8.8</u>	<u>10.15 to 1</u>
<u>8.8 to (not including) 8.9</u>	<u>10.10 to 1</u>
<u>8.9 to (not including) 9.0</u>	<u>10.05 to 1</u>
<u>***9.0 to (not including) 9.1</u>	<u>10.00 to 1</u>
<u>9.1 to (not including) 9.2</u>	<u>9.95 to 1</u>
<u>9.2 to (not including) 9.3</u>	<u>9.90 to 1</u>

*Ambersweet oranges Oct 16 thru July 31

**Ambersweet oranges Oct 1 thru Oct 15

***Ambersweet oranges Aug 1 thru Sept 30

Rulemaking Specific Authority 601.10(1), (7), 601.11, 601.9910(3) FS. Law Implemented 601.11, 601.9910 FS. History--New 8-16-90, Amended 8-22-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 3, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.406
 RULE TITLE: Third Party Mailing Services

PURPOSE AND EFFECT: The purpose and effect is to repeal the rule.

SUMMARY: Rule 33-602.406, F.A.C., will be repealed, as the subject matter in the rule is being moved to Rule 33-210.101, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 944.09 FS.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.406 Third Party Mailing Services.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 3-2-99, Formerly 33-3.030, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Redd, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.107
RULE TITLE: Basins

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments to Rule 40D-1.107, F.A.C., is to adopt a revised legal description of the District’s Hillsborough River Basin. The Hillsborough River Basin will be re-defined to include the area formerly within the Northwest Hillsborough River Basin.

SUMMARY: The Southwest Florida Water Management District (District) is subdivided into hydrologic basins. On December 16, 2008, the District’s Governing Board adopted a resolution that merged the Northwest Hillsborough Basin and the Hillsborough River Basin pursuant to its authority as provided in Section 373.0693(1)(a), F.S. This action followed management studies of the District that concluded by combining the Northwest Hillsborough and the Hillsborough River Basins the District could reduce agency expenditures and eliminate unnecessary duplication of work. This rule amendment will revise the current legal description of the basin boundaries to reflect the Board’s action.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

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

LAW IMPLEMENTED: 373.0693 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: Barbara Martinez, Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899; (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.107 Basins.

Pursuant to Section 5 of Chapter 61-691, Laws of Florida, the area of the District is divided into watershed basins to include each major stream and its tributary streams and all lands draining therein except the area known as the Green Swamp Watershed Basin.

(1) through (3) No change.

(4) The area of the Hillsborough River Basin is located in parts of Hillsborough, Polk, Pasco, and Hernando Counties.

(a) That portion of the Hillsborough River Basin located within Hillsborough County is described as follows:

Begin at the point on the Hillsborough-Pinellas County line one mile south of Road 60 in Old Tampa Bay;

Thence continue east and south along Hillsborough-Polk County line to southeast corner of Section 24, Township 28 South, Range 22 East;

Thence west to northwest corner of Section 27, Township 28 South, Range 22 East;

Thence south to southeast corner of Section 33, Township 28 South, Range 22 East;

Thence west to southwest corner of Section 32, Township 28 South, Range 22 East;

Thence south to southeast corner of Section 6, Township 29 South, Range 22 East;

Thence west to southwest corner of Section 6, Township 29 South, Range 22 East;

Thence north to northeast corner of Section 1, Township 29 South, Range 21 East;

Thence west to northeast corner of Section 4, Township 29 South, Range 21 East;

Thence south to southeast corner of Section 9, Township 29 South, Range 21 East;

Thence west to northwest corner of Section 17, Township 29 South, Range 21 East;

Thence south to southwest corner of Section 17, Township 29 South, Range 21 East;

Thence west to southeast corner of Section 14, Township 29 South, Range 20 East;

Thence south to southwest corner of Section 24, Township 29 South, Range 20 East;

Thence west to McKay Bay and section line between Sections 21 and 28, Township 29 South, Range 19 East;

Thence southerly and westerly through McKay, Hillsborough and Tampa Bays, to the Hillsborough-Pinellas County line;thence northerly and westerly in Tampa Bay along the Hillsborough-Pinellas County line to Point of Beginning.

(b) That portion of the Hillsborough River Basin located within Polk County is described as follows:

Begin at southeast corner of Section 36, Township 26 South, Range 22 East;

Thence west along Polk-Hillsborough County line to intersection with Polk-Pasco County line;

Thence north and east along Polk-Pasco County line to northeast corner of Section 1, Township 26 South, Range 22 East;

Thence north along the range line between Ranges 22 and 23 East and the Polk-Pasco County line to the northwest corner of Section 31, Township 25 South, Range 23 East;

Thence east to the northeast corner of Section 31, Township 25 South, Range 23 East;

Thence south to the southeast corner of Section 31, Township 25 South, Range 23 East;

Thence east along the township line between Townships 25 and 26 South to the northeast corner of Section 5, Township 26 South, Range 23 East;

Thence south along the sections to the southeast corner of Section 8, Township 26 South, Range 23 East;

Thence east to the northeast corner of Section 16, Township 26 South, Range 23 East;

Thence south along the sections to the southeast corner of Section 28, Township 26 South, Range 23 East;

Thence east to the northeast corner of Section 34, Township 26 South, Range 23 East;

Thence south to the southeast corner of Section 34, Township 26 South, Range 23 East;

Thence east along the township line between Townships 26 and 27 South to the northeast corner of Section 2, Township 27 South, Range 23 East;

Thence south along the sections to the northeast corner of Section 14, Township 27 South, Range 23 East;

Thence east to the northeast corner of Section 13, Township 27 South, Range 23 East;

Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 13, Township 27 South, Range 23 East;

Thence west to the southwest corner of Section 13, Township 27 South, Range 23 East;

Thence south along the sections to the northwest corner of Section 13, Township 28 South, Range 23 East;

Thence east to the northeast corner of Section 13, Township 28 South, Range 23 East;

Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 36, Township 28 South, Range 23 East;

Thence west along the township line between Townships 28 and 29 south to the southwest corner of Section 35, Township 28 South, Range 23, East;

Thence north to the southwest corner of Section 26, Township 28 South, Range 23 East;

Thence west along the sections to the southwest corner of Section 29, Township 28 South, Range 23, East;

Thence north to the northwest corner of Section 29, Township 28, South, Range 23 East;

Thence west to the southwest corner of Section 19, Township 28 South, Range 23 East;

Thence north along the range line between Ranges 22 and 23 East to the southeast corner of Section 36, Township 26 South, Range 22 East to Point of Beginning.

(c) That portion of the Hillsborough River Basin Located within Pasco County is described as follows:

Begin at southwest corner of Section 36, Township 26 South, Range 18 East;

Thence north to northwest corner of Section 13, Township 25 South, Range 18 East;

Thence east to southeast corner of Section 12, Township 25 South, Range 18 East;

Thence north to northwest corner of Section 7, Township 25 South, Range 19 East;

Thence east to southeast corner of Section 6, Township 25 South, Range 19 East;

Thence north to northwest corner of Section 5, Township 25 South, Range 19 East;

Thence east to southeast corner of Section 33, Township 24 South, Range 19 East;

Thence north to northwest corner of Section 34, Township 24 South, Range 19 East;

Thence east to southeast corner of Section 27, Township 24 South, Range 19 East;

Thence north to northwest corner of Section 26, Township 24 South, Range 19 East;

Thence east to southeast corner of Section 23, Township 24 South, Range 19 East;

Thence north along the sections to Pasco-Hernando County line;

Thence east along the township line between Townships 23 and 24 South and the Pasco-Hernando County line to northeast corner of Section 2, Township 24 South, Range 20 East;

Thence south to southwest corner of Section 1, Township 25 South, Range 20 East;

Thence east to northeast corner of Section 7, Township 25 South, Range 21 East;

Thence north to northwest corner of Section 5, Township 25 South, Range 21 East;

Thence east to northeast corner of Section 5, Township 25 South, Range 21 East;

Thence south to southeast corner of Section 5, Township 25 South, Range 21 East;

Thence east to northeast corner of Section 10, Township 25 South, Range 21 East;

Thence south to southwest corner of Section 11, Township 25 South, Range 21 East;

Thence east to the northeast corner of Section 14, Township 25 South, Range 21 East;

Thence south to the northwest corner of Section 36, Township 25 South, Range 21 East;

Thence east to northeast corner of Section 36, Township 25 South, Range 21 East;

Thence south to southwest corner of Section 31, Township 25 South, Range 22 East;
Thence east to northeast corner of Section 4, Township 26 South, Range 22 East;
Thence south along the sections and the Pasco-Polk County line to intersection with Pasco-Hillsborough County line;
Thence west along the township line between Townships 26 and 27 South and the Pasco-Hillsborough County line to Point of Beginning.
 Begin at intersection of section line between Sections 33 and 34, Township 30 South, Range 18 East, with Tampa Bay;
 Thence north to northwest corner of Section 27, Township 28 South, Range 18 East;
 Thence east to southeast corner of Section 22, Township 28 South, Range 18 East;
 Thence north to northwest corner of Section 23, Township 28 South, Range 18 East;
 Thence east to southeast corner of SW 1/4 of Section 14, Township 28 South, Range 18 East;
 Thence north to northwest corner of NE 1/4 of Section 2, Township 28 South, Range 18 East;
 Thence east to southeast corner of SW 1/4 of Section 36, Township 27 South, Range 18 East;
 Thence north to northeast corner of NW 1/4 of Section 25, Township 27 South, Range 18 East;
 Thence west to southeast corner of SW 1/4 of SW 1/4 of Section 24, Township 27 South, Range 18 East;
 Thence north to northeast corner of NW 1/4 of NW 1/4 of Section 13, Township 27 South, Range 18 East;
 Thence east to southeast corner of SW 1/4 of Section 12, Township 27 South, Range 18 East;
 Thence north to Hillsborough Pasco County line;
 Thence east along Hillsborough Pasco County line to intersection with Pasco Polk County line;
 Thence continue east and south along Hillsborough Polk County line to southeast corner of Section 24, Township 28 South, Range 22 East;
 Thence west to northwest corner of Section 27, Township 28 South, Range 22 East;
 Thence south to southeast corner of Section 33, Township 28 South, Range 22 East;
 Thence west to southwest corner of Section 32, Township 28 South, Range 22 East;
 Thence south to southeast corner of Section 6, Township 29 South, Range 22 East;
 Thence west to southwest corner of Section 6, Township 29 South, Range 22 East;
 Thence north to northeast corner of Section 1, Township 29 South, Range 21 East;
 Thence west to northeast corner of Section 4, Township 29 South, Range 21 East;
 Thence south to southeast corner of Section 9, Township 29 South, Range 21 East;

Thence west to northwest corner of Section 17, Township 29 South, Range 21 East;
 Thence south to southwest corner of Section 17, Township 29 South, Range 21 East;
 Thence west to southeast corner of Section 14, Township 29 South, Range 20 East;
 Thence south to southwest corner of Section 24, Township 29 South, Range 20 East;
 Thence west to McKay Bay and section line between Sections 21 and 28, Township 29 South, Range 19 East;
 Thence southerly and westerly through McKay, Hillsborough and Tampa Bays to Point of Beginning.
 (b) That portion of the Hillsborough River Basin located within Polk County is described as follows:
 Begin at southeast corner of Section 36, Township 26 South, Range 22 East;
~~Thence west along Polk Hillsborough County line to intersection with Polk Pasco County line;~~
~~Thence north and east along Polk Pasco County line to northeast corner of Section 1, Township 26 South, Range 22 East;~~
~~Thence north along the range line between Ranges 22 and 23 East and the Polk Pasco County line to the northwest corner of Section 31, Township 25 South, Range 23 East;~~
~~Thence east to the northeast corner of Section 31, Township 25 South, Range 23 East;~~
~~Thence south to the southeast corner of Section 31, Township 25 South, Range 23 East;~~
~~Thence east along the township line between Townships 25 and 26 South to the northeast corner of Section 5, Township 26 South, Range 23 East;~~
~~Thence south along the sections to the southeast corner of Section 8, Township 26 South, Range 23 East;~~
~~Thence east to the northeast corner of Section 16, Township 26 South, Range 23 East;~~
~~Thence south along the sections to the southeast corner of Section 28, Township 26 South, Range 23 East;~~
~~Thence east to the northeast corner of Section 34, Township 26 South, Range 23 East;~~
~~Thence south to the southeast corner of Section 34, Township 26 South, Range 23 East;~~
~~Thence east along the township line between Townships 26 and 27 South to the northeast corner of Section 2, Township 27 South, Range 23 East;~~
~~Thence south along the sections to the northeast corner of Section 14, Township 27 South, Range 23 East;~~
~~Thence east to the northeast corner of Section 13, Township 27 South, Range 23 East;~~
~~Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 13, Township 27 South, Range 23, East;~~
~~Thence west to the southwest corner of Section 13, Township 27 South, Range 23 East;~~

Thence south along the sections to the northwest corner of Section 13, Township 28 South, Range 23 East;
 Thence east to the northeast corner of Section 13, Township 28 South, Range 23 East;
 Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 36, Township 28 South, Range 23 East;
 Thence west along the township line between Townships 28 and 29 south to the southwest corner of Section 35, Township 28 South, Range 23, East;
 Thence north to the southwest corner of Section 26, Township 28 South, Range 23 East;
 Thence west along the sections to the southwest corner of Section 29, Township 28 South, Range 23, East;
 Thence north to the northwest corner of Section 29, Township 28, South, Range 23 East;
 Thence west to the southwest corner of Section 19, Township 28 South, Range 23 East;
 Thence north along the range line between Ranges 22 and 23 East to the southeast corner of Section 36, Township 26 South, Range 22 East to Point of Beginning.

(c) That portion of the Hillsborough River Basin Located within Pasco County is described as follows:

Begin at southwest corner of Section 36, Township 26 South, Range 18 East;
 Thence north to northwest corner of Section 13, Township 25 South, Range 18 East;
 Thence east to southeast corner of Section 12, Township 25 South, Range 18 East;
 Thence north to northwest corner of Section 7, Township 25 South, Range 19 East;
 Thence east to southeast corner of Section 6, Township 25 South, Range 19 East;
 Thence north to northwest corner of Section 5, Township 25 South, Range 19 East;
 Thence east to southeast corner of Section 33, Township 24 South, Range 19 East;
 Thence north to northwest corner of Section 34, Township 24 South, Range 19 East;
 Thence east to southeast corner of Section 27, Township 24 South, Range 19 East;
 Thence north to northwest corner of Section 26, Township 24 South, Range 19 East;
 Thence east to southeast corner of Section 23, Township 24 South, Range 19 East;
 Thence north along the sections to Pasco-Hernando County line;
 Thence east along the township line between Townships 23 and 24 South and the Pasco-Hernando County line to northeast corner of Section 2, Township 24 South, Range 20 East;
 Thence south to southwest corner of Section 1, Township 25 South, Range 20 East;

Thence east to northeast corner of Section 7, Township 25 South, Range 21 East;
 Thence north to northwest corner of Section 5, Township 25 South, Range 21 East;
 Thence east to northeast corner of Section 5, Township 25 South, Range 21 East;
 Thence south to southeast corner of Section 5, Township 25 South, Range 21 East;
 Thence east to northeast corner of Section 10, Township 25 South, Range 21 East;
 Thence south to southwest corner of Section 11, Township 25 South, Range 21 East;
 Thence east to the northeast corner of Section 14, Township 25 South, Range 21 East;
 Thence south to the northwest corner of Section 36, Township 25 South, Range 21 East;
 Thence east to northeast corner of Section 36, Township 25 South, Range 21 East;
 Thence south to southwest corner of Section 31, Township 25 South, Range 22 East;
 Thence east to northeast corner of Section 4, Township 26 South, Range 22 East;
 Thence south along the sections and the Pasco-Polk County line to intersection with Pasco-Hillsborough County line;
 Thence west along the township line between Townships 26 and 27 South and the Pasco-Hillsborough County line to Point of Beginning.

(5) The area of the Northwest Hillsborough Basin is located entirely within Hillsborough County and is described as follows:

Begin at the point on the Hillsborough-Pinellas County line one mile south of Road 60 in Old-Tampa Bay;
 Thence north along Hillsborough-Pinellas County line to northwest corner of Section 6, Township 27 South, Range 17 East;
 Thence east along Hillsborough-Pasco County line to northeast corner of NW 1/4 of Section 1, Township 27 South, Range 18 East;
 Thence south to southeast corner of SW 1/4 of Section 12, Township 27 South, Range 18 East;
 Thence west to northwest corner of NE 1/4 of NW 1/4 of Section 13, Township 27 South, Range 18 East;
 Thence south to northeast corner of NW 1/4 of NW 1/4 of Section 25, Township 27 South, Range 18 East;
 Thence east to northwest corner of NE 1/4 of Section 25, Township 27 South, Range 18 East;
 Thence south to southeast corner of SW 1/4 of Section 36, Township 27 South, Range 18 East;
 Thence west to northeast corner of NW 1/4 of Section 2, Township 28 South, Range 18 East;
 Thence south to southeast corner of SW 1/4 of Section 14, Township 28 South, Range 18 East;

~~Thence west to northeast corner of Section 22, Township 28 South, Range 18 East;~~
~~Thence south to southeast corner of Section 22, Township 28 South, Range 18 East;~~
~~Thence west to northwest corner of Section 27, Township 28 South, Range 18 East;~~
~~Thence south to intersection of section line between Sections 33 and 34, Township 30 South, Range 18 East with Tampa Bay;~~
~~Thence westerly in Tampa Bay to Hillsborough-Pinellas County line;~~
~~Thence northerly and westerly in Tampa Bay along Hillsborough-Pinellas County line to Point of Beginning.~~

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.0693 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-5-77, 10-16-78, 4-27-80, 3-30-81, 1-10-83, 10-9-85, Formerly 16J-0.03, 40D-0.061, Amended 3-11-04, 6-16-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen West, Deputy General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 27, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-4.105	Freestanding Dialysis Center Services
59G-4.106	Freestanding Dialysis Center Fee Schedule

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Rule 59G-4.105, F.A.C., is to incorporate by reference in rule the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, May 2009. The revised handbook includes updated policy for billing for dialysis treatments and injectable medications and updated references to the new Medicaid fiscal agent’s Web Portal. The effect will be to incorporate by reference in rule the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, May 2009.

The purpose of Rule 59G-4.106, F.A.C., is to incorporate by reference in rule the Freestanding Dialysis Center Fee Schedule, May 2009. The effect will be to incorporate by reference in rule the Freestanding Dialysis Center Fee Schedule, May 2009.

In the Notice of Rule Development we stated the effective dates of the handbook and fee schedule were January 2009. We changed these dates to May 2009.

SUMMARY: The purpose of the rule amendment to Rule 59G-4.105, F.A.C., is to incorporate by reference in rule the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, May 2009. The purpose of Rule 59G-4.106, F.A.C., is to incorporate by reference in rule the Freestanding Dialysis Center Fee Schedule, May 2009.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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.

RULEMAKING 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: Wednesday, May 6, 2009, 2:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Simpson, Program Analyst, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. #20, Tallahassee, Florida 32308; (850)922-7308; simpsonj@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.105 Freestanding Dialysis Center Services.
 (1) No change.

(2) All freestanding dialysis center service providers enrolled in the Medicaid Program must comply with the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, May 2009 ~~November 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-04 92, which is incorporated by reference in Rule 59G-4.003 ~~59G-4.160~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-24-99, Amended _____.

59G-4.106 Freestanding Dialysis Center Fee Schedule.

(1) This rule applies to all freestanding dialysis center services providers enrolled in the Medicaid Program.

(2) All freestanding dialysis center services providers enrolled in the Medicaid Program must be in compliance with the Freestanding Dialysis Center Fee Schedule, May 2009, which is incorporated by reference. The Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jamie Simpson
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.300
 RULE TITLE: Medicaid Case Management
 PURPOSE AND EFFECT: The purpose is to repeal Rule 59G-8.300, F.A.C., Medicaid Case Management, because it is obsolete. Case management policy is in the Home and Community-Based Services Coverage and Limitations Handbooks, which are incorporated by reference in Rule Chapter 59G-13, F.A.C. Case Management policy is also in the general Home and Community-Based Services Waivers Rule, 59G-13.080, F.A.C. Case management is defined in the general Medicaid Definitions Rule, 59G-1.010, F.A.C. Mental Health Targeted Case Management is in Rule 59G-4.199, F.A.C. The effect will be to repeal Rule 59G-6.050, F.A.C.

SUMMARY: The purpose is to repeal Rule 59G-8.300, F.A.C., Medicaid Case Management, because it is obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(11), 409.912(7) 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: Wednesday, May 6, 2009, 3:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Medicaid Conference Room 2316, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407; (850)488-9711; girardk@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.300 Medicaid Case Management.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.906(11), 409.912(7) FS. History—New 9-20-88, Formerly 10C-7.0381, Amended 2-13-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen Girard
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.005
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of the proposed rule is to codify guidelines for determining penalties in disciplinary actions against the division's public food service and lodging licensees. The effect of the proposed rule will be to provide licensees with standardized penalties that will be imposed on public food service and lodging establishments licensed by the division for failing to comply with the law. The proposed rule implements the requirement in Section 455.2273, Florida Statutes, for the division to adopt rules addressing disciplinary guidelines.

SUMMARY: The proposed rule codifies guidelines and standard penalties assessed in disciplinary actions taken against the division's public food service and public lodging licensees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 455.2273, 509.032 FS.

LAW IMPLEMENTED: 386.207, 509.032, 509.261, 509.281, 509.292 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012; telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.005 Disciplinary Guidelines.

(1) This rule sets out the disciplinary guidelines for imposing penalties upon public lodging establishments and public food service establishments under the jurisdiction of the Division of Hotels and Restaurants (division) in administrative actions. The purpose of this rule is to notify licensees of the standard range of penalties routinely imposed unless the division finds it necessary to deviate from the standard penalties for the reasons stated within this rule.

(2) These disciplinary guidelines are descriptive in nature and do not use the language used to formally allege a violation in a specific case. This rule is not intended to specifically describe all possible violations of law that may be committed by a public lodging establishment or public food service establishment and that may be subject to penalty imposed by the division.

(3) The division may impose penalties against a public lodging establishment or public food service establishment for a specific violation not included in the language of this rule. If a specific violation is not included in the language of this rule, the division shall impose a penalty corresponding to the most similar violation listed in this rule.

(4) These disciplinary guidelines do not limit the division's authority to order a public lodging establishment or public food service establishment to cease and desist from any unlawful practice, or other action authorized by law.

(5) Definitions.

(a) "Critical violation" means a violation determined by the division to pose a significant threat to the public health, safety, or welfare and which is identified as a food borne illness risk factor, a public health intervention, or critical in DBPR Form HR-5022-014 Lodging Inspection Report or DBPR Form HR-5022-015 Food Service Inspection Report Lodging Inspection Report, incorporated by reference in subsection 61C-1.002(8), F.A.C., and not otherwise identified in this rule.

(b) "Non-critical violation" means a violation not meeting the definition of critical violation and not otherwise identified in this rule.

(c) "First offense" means a violation of any law subject to penalty under Chapter 509, F.S., when no disciplinary Final Orders involving the same licensee have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued.

(d) "Second offense," and "second and any subsequent offense" means a violation of any law subject to penalty under Chapter 509, F.S., after one disciplinary Final Order involving the same licensee has been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued, even if the current violation is not the same as the previous violation.

(e) "Third and any subsequent offense" means a violation of any law subject to penalty under Chapter 509, F.S., after two or more disciplinary Final Orders involving the same licensee have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued, even if the current violation is not the same as the previous violation.

(6) Standard penalties. This section specifies the penalties routinely imposed against licensees and applies to all violations of law subject to a penalty under Chapter 509, F.S. Any violation requiring an emergency suspension or closure, as authorized by Chapter 509, F.S., shall be assessed at the highest allowable fine amount.

(a) Non-critical violation. In addition to the penalties outlined below, the licensee may be required to attend an educational program sponsored by the Hospitality Education Program.

1. 1st offense – Administrative fine of \$150 to \$300.

2. 2nd offense – Administrative fine of \$250 to \$500.

3. 3rd and any subsequent offense – Administrative fine of \$350 to \$1000, license suspension, or both.

(b) Critical violation. In addition to the penalties outlined below, the licensee may be required to attend an educational program sponsored by the Hospitality Education Program. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$250 to \$500.

2. 2nd offense – Administrative fine of \$500 to \$1,000.

3. 3rd and any subsequent offense – Administrative fine of \$750 to \$1,000, license suspension, or both.

(c) Misrepresenting food or food product. In addition to the penalties outlined below, the licensee may be required to attend an educational program sponsored by the Hospitality Education Program. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$500 or license suspension.

2. 2nd offense – Administrative fine of \$1,000, license suspension, or both.

3. 3rd and any subsequent offense – Administrative fine of \$1,000, license suspension, or license revocation or any combination thereof.

(d) Obstruction of division personnel. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$500 or license suspension.

2. 2nd offense – Administrative fine of \$1,000, license suspension, or both.

3. 3rd and any subsequent offense – Administrative fine of \$1,000, license revocation, or both.

(e) Operating a public lodging establishment or public food service establishment without a license or with a license expired for more than 60 days. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$250 to \$500.

2. 2nd offense – Administrative fine of \$500 to \$1,000 or an order to close.

3. 3rd and any subsequent offense – Administrative fine of \$750 to \$1,000 or an administrative fine of \$750 to \$1,000 and an order to close.

(f) Operating a public lodging establishment or public food service establishment without a license after an order to close has been issued by the division. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.

1. 1st offense – Administrative fine of \$500 to \$1,000.

2. 2nd and any subsequent offense – Administrative fine of \$1,000.

(g) Operating a public lodging establishment or public food service establishment in violation of an Emergency Order of Suspension, Emergency Order of Closure, administrative suspension, order to close, or other administrative action which prohibits operation of the establishment. In addition to the penalties outlined below, the licensee may be required to attend an educational program sponsored by the Hospitality Education Program. Fines shall be imposed for each day or portion of a day that an establishment operates in violation of the order or administrative action.

1. 1st offense – Administrative fine of \$500 to \$1,000.

2. 2nd and any subsequent offense – Administrative fine of \$1,000.

(h) Failure to comply with the requirements of a Final Order.

1. 1st offense – Administrative fine of \$500 and license suspension.

2. 2nd offense – Administrative fine of \$1,000 and license suspension.

3. 3rd offense – License revocation.

(i) Violation of the Florida Clean Indoor Air Act, Chapter 386, F.S.

1. 1st offense – Administrative fine of \$250 to \$750.

2. 2nd and any subsequent offense – Administrative fine of \$500 to \$2,000.

(7) Aggravating or mitigating factors.

The division may deviate from the standard penalties in paragraphs (a) through (h) of subsection (6) above, based upon the consideration of aggravating or mitigating factors present in a specific case. The division shall consider the following aggravating and mitigating factors in determining the appropriate disciplinary action to be imposed and in deviating from the standard penalties:

(a) Aggravating factors.

1. Possible danger to the public.

2. Length of time since the violation occurred.

3. Number of violations in the current administrative complaint.

4. Severity of violations in the current administrative complaint.

5. Disciplinary history of the licensee within the 60 months preceding the date the current administrative complaint was issued.

6. Number of Emergency Orders of Suspension or Closure against the same licensee filed with the Agency Clerk by the division within the 12 months preceding the date the current administrative complaint was issued.

7. The current administrative complaint alleges a violation for obstruction of division personnel.

8. The licensee was prosecuted by another authority having jurisdiction resulting in a violation of Chapter 509, FS., including but not limited to cases based on discrimination, civil rights violations, and criminal violations.

9. Actual physical damage or bodily harm caused to persons or property by the violation.

10. Any other aggravating factors, as relevant under the circumstances.

(b) Mitigating factors.

1. Violation resulted from an act of God or nature.

2. Length of time since the violation occurred.

3. Length of time the licensee has been in operation.

4. Effect of the penalty upon the licensee's livelihood.

5. Attempts by the licensee to correct the violation.

6. Number of previous inspections without violations of Chapter 509, F.S., and the rules adopted pursuant thereto.

7. Disciplinary history of the licensee within the 60 months preceding the date the current administrative complaint was issued.

8. Any other mitigating factors, as relevant under the circumstances.

(8) The following critical violations are considered non-critical violations for the purpose of determining the administrative penalty:

(a) The license is current, but not properly posted.

(b) The waste receptacle in the restroom for women is lacking a cover.

(9) Absent any mitigating circumstances, a license may be suspended for no less than two days. Terms of license suspensions resulting from multiple violations or Final Orders shall be applied consecutively, not concurrently.

(10) Fines resulting from multiple violations or Final Orders shall be assessed cumulatively.

(11) License revocation may be recommended in any case or for any violation when the aggravating circumstances, licensee's compliance history, and conditions of the public lodging establishment or public food service establishment present a significant threat to the public health, safety, and welfare.

Rulemaking Authority 455.2273, 509.032 FS. Law Implemented 386.207, 509.032, 509.261, 509.281, 509.292 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill L. Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-15.004 RULE TITLE: Boarding and Disembarking

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule related to boarding and disembarking for Fort Pierce and Port St. Joe pilots.

SUMMARY: The existing language in this rule related to boarding and disembarking for Fort Pierce and Port St. Joe pilots is updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has determined that the proposed rule will not have an impact on small business. 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.

RULEMAKING AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.002, 310.141 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-15.004 Boarding and Disembarking.

(1) Except when subsection (2) applies, pilots shall board inbound vessels before or at the time they cross the Territorial Sea Line of Demarcation and disembark from outbound vessels at or after the time they cross such line; or, board and disembark vessels at the traditional pilot station, as approved by the Board and specifically listed below:

(a) through (c) No change.

(d) Fort Pierce: Pilots board and disembark off the sea buoy in the vicinity of 27° ~~28.6'~~ ^{28.5'} N 80° ~~15.4'~~ ^{16.2'} W.

(e) through (k) No change.

(l) Port St. Joe: Pilots board inbound vessels 2 miles offshore of Buoy 2, about 1 mile outside St. Joseph Bay Entrance Lighted Whistle Buoy "SJ" in the vicinity of 29° ~~51.5'~~ ^{52.0'} N 85° ~~30.7'~~ ^{29.5'} W. The pilot will leave outbound vessels in the vicinity of between lighted Buoy #2 ~~and St. Joseph Bay Entrance Buoy~~. At time the Port St. Joe Pilot may not be available and vessels will be required to proceed to the Panama City pilot station to embark or disembark the pilot.

(m) through (n) No change.

(2) No change.

Rulemaking Specific Authority 310.185 FS. Law Implemented 310.002, 310.141 FS. History--New 7-2-89, Amended 11-28-90, Formerly 21SS-8.012, 21SS-15.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-21.009 Endorsement

PURPOSE AND EFFECT: This rule is being repealed because it is duplicated by Rule 61G15-20.0015, F.A.C., and it is therefore redundant.

SUMMARY: The rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined the proposed rule will not have an impact on small business. 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.

RULEMAKING AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.015(3), (5) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.009 Endorsement.

Rulemaking Specific Authority 471.008 FS. Law Implemented 471.015(3), (5) FS. History–New 8-23-98, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-5.002 Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect is to raise all fines to maximum of \$5,000 in all disciplinary instances.

SUMMARY: All fines are raised to maximum of \$5,000 in all disciplinary instances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has determined that the proposed rule will not have an impact on small business. 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.

RULEMAKING AUTHORITY: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-5.002 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 455.2273, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XII, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given in Rule 61G19-5.003, F.A.C. The ranges of penalties provided below include the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.569, 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION

(a) Violating or failing to comply with any provision of this part, Chapter 455 or a valid rule or lawful order of the board or department, or subpoena of the department. (468.621(1)(a), F.S., 455.227(1)(b) and (q), F.S.)

(b) Obtaining certificate through fraud, deceit, or perjury. (468.621(1)(b), 455.227(1)(h), F.S.)

(c) Knowingly assisting any person to unlawfully practice building code administration, inspecting, or plans examination contrary to the provisions of this part or the building code adopted by the enforcement authority governing that person. (468.621(1)(c), 455.227(1)(j), F.S.)

(d) Having been convicted of a felony. (468.621(1)(d), F.S.)

(e) Guilt of or nolo plea entered to a crime directly related to building code administration or inspection. (468.621(1)(e), 455.227(1)(c), F.S.)

RECOMMENDED RANGE OF PENALTY

(a)1. Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$5,000 ~~4,500~~.

(a)2. After the first offense, a minimum of one year's probation to revocation or denial of licensure, and a fine of up to \$5,000 depending on the underlying offense and the magnitude of the violation.

The usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000 ~~4,500~~.

(c)1. In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to \$5,000 ~~4,500~~.

(c)2. After the first offense, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$5,000.

(d)1. In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$5,000 ~~4,500~~.

(d)2. For a second offense in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and suspension of at least 30 days followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation with conditions to revocation and a fine of up to \$5,000 ~~4,000~~.

(d)3. After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

(e)1. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$5,000 ~~4,500~~.

(f) Knowingly making or filing a false report or failing to file a report as required. (468.621(1)(f), 455.227(1)(l), F.S.)

(g) Committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property. (468.621(1)(g), F.S.)

1. Negligence

2. Gross or repeated negligence, or gross misconduct.

3. Willful misconduct.

(h) Making misleading, deceptive or fraudulent representations. (455.227(1)(a), and (m), F.S.)

(e)2. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(f)1. In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and 30-day suspension followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a period of suspension to be followed by probation and a fine of up to \$5,000 ~~4,500~~.

(f)2. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be revocation and a fine of up to \$5,000.

1.a. In the case of an applicant, the usual action of the Board shall be from licensure with probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to \$5,000 ~~4,500~~.

1.b. For a second offense in the case of an applicant, the usual action of the Board shall be from probation to denial and an administrative fine. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation and a fine of up to \$5,000 ~~4,000~~.

1.c. After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$5,000 ~~4,500~~.

2.b. After the first offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

3.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty of revocation and fine of up to \$5,000 ~~4,500~~.

3.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

1. Misleading or deceptive.

1.a. In the case of an applicant, the usual action of the Board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$5,000~~ 1,500.

1.b. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual penalty shall be suspension to revocation and a fine of up to \$5,000.

2. Fraudulent.

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation, a fine of up to ~~\$5,000~~ 1,500.

2.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(i) through (m) No change.

(n) Practicing as a building code administrator, plans examiner, or inspector without a valid active certificate. (468.607, 468.621(1)(a), F.S.)

(n)1. In the case of an applicant, the usual action of the Board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action by the Board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$5,000~~ 1,500.

(n)2. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. For a licensee, the penalty shall be revocation and a fine of up to \$5,000.

(o) Having the authority to practice revoked or acted against, including the denial of licensure. (455.227(1)(f), F.S.)

(o)1. Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension or licensure with an administrative fine and probation or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ~~up to \$5,000 ranging from \$250 to \$1,500~~.

(o)2. After the first offense, from imposition of discipline comparable to that which would have been imposed if a second or higher substantive violation had occurred in Florida to revocation or for an applicant from probation to denial of license and an administrative fine ~~up from \$1,000~~ to \$5,000.

(p) Failing to report to the department any person who the licensee knows is in violation of Chapter 468, Part XII, Chapter 455, or the rules of the Board or Department. (455.277(1)(I), F.S.)

(p)1. In case of an applicant, the usual action of the Board shall be denial or licensure with probation and an administrative fine. In case of the licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(q) Failing to perform any statutory or legal obligations.
(455.227(1)(k), F.S.)

(r) through (u) No change.

(3) through (5) No change.

Rulemaking Specific Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History—New 5-23-94, Amended 8-14-96, 8-3-97, 11-2-00, 4-10-06, 1-10-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.016
RULE TITLE: Voluntary Certification Categories

PURPOSE AND EFFECT: The purpose and effect is to require passage of pertinent exam as other certificate holder categories had to do.

SUMMARY: Passage of pertinent exam as other certificate holder categories had to do is made a requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

(p)2. After the first offense, in the case of an applicant the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation to revocation and a fine of up to \$5,000.

(q)1. Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$5,000~~ \$5,000.

(q)2. After the first offense unless otherwise specified in this rule, the usual action of the Board shall be denial in the case of an applicant; in the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to revocation and a fine of up to \$5,000.

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.

RULEMAKING AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created.

(1) through (3) No change.

(4) Modular Inspector. This license is required for inspection of all modular buildings constructed to the Florida Building Code and administered under Chapter 553, Part I, F.S., unless otherwise provided for in Florida Statutes.

(a) Modular Inspector means a person who is authorized to inspect any manufactured (modular) building and systems incorporated therein designed and built to comply with the Florida Building Code pursuant to Part I, Chapter 553, F.S.; In order to obtain this voluntary certification, the Board will require the applicant to pass the standardized modular inspectors' examination and the applicant must have and has three (3) years experience as an inspector with local government and/or state government or three years experience as an inspector with an independent inspection/plans review

agency under contract with a state agency or three (3) years experience as a registered or certified state general, building, or residential contractor or job superintendent, project manager or quality control manager, the latter as provided for in Chapter 9B-1, F.A.C., in a supervisory capacity that included operational control and direction of building, mechanical, electrical and plumbing personnel or subcontractors on residential or commercial projects.

(b) No change.

(5) Modular Plans Examiner. This license is required for plans reviews of all modular buildings constructed to the Florida Building Code and administered under Chapter 553, Part I, F.S., unless otherwise provided for in Florida Statutes.

(a) Modular Plans Examiner means a person who is authorized to review plans for any manufactured (modular) building and systems incorporated therein designed and built to comply with the Florida Building Code pursuant to Part 1, Chapter 553, F.S.; In order to obtain this voluntary certification, the Board will require the applicant to pass the standardized modular plans inspectors' examination and the applicant must have ~~and has~~ three (3) years experience as a plans examiner with local and/or state government. As an alternative, the applicant must have three (3) years experience as a plans examiner with an independent inspection/plans review agency under contract with a state department or three (3) years experience as a registered or certified state general, building, or residential contractor or job superintendent, project manager or quality control manager, the latter as provided for in Chapter 9B-1, F.A.C., in a supervisory capacity that included operational control and direction of building, mechanical, electrical and plumbing personnel or subcontractors on residential or commercial projects.

(b) No change.

(6) No change.

Rulemaking Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History—New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, 2-28-02, 4-7-03, 9-3-03, 3-7-06, 6-13-07, 11-21-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

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 ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

RULE NO.: 62D-2.015
RULE TITLE: Civil Penalties

PURPOSE AND EFFECT: The purpose of this new rule section is to implement the provisions of Senate Bill 192 (2008) which was effective July 1, 2008. Once signed into law, the Senate Bill became, in part, Section 258.008, Florida Statutes. Section 258.008, Florida Statutes, changed Florida law to allow for relatively minor violations of state park rules to be punishable by civil fines. Prior to this change, these offenses were punishable as second degree misdemeanors, thereby creating a criminal record for an individual violating a state park rule. This rulemaking is an effort to provide notice to the public of the change in law and to outline the civil fine schedule.

SUMMARY: The new proposed Rule 62D-2.015, Florida Administrative Code, provides a fine schedule broken out into three fine categories of noncriminal infractions for offenses committed within state park boundaries. Level One fines identify most minor rule violations. Level Two fines identify more serious rule violations. Level Three fines identify the most serious rule violations. The remainder of violations not specifically addressed by this rule section but enumerated in Section 258.008, Florida Statutes, will continue to be punishable as constituting criminal conduct either under the misdemeanor or felony criminal codes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and is available to the public upon request. Rule 62D-2.015, Florida Administrative Code, is being created to implement the statutory change enacted in the 2008 legislative session, effective July 1, 2008. As amended in Senate Bill 192, Section 258.007, Florida Statutes, now grants the division the authority to impose penalties for the violation of division rules; and, Section 258.008, Florida Statutes, was created to decriminalize violations of division rules and directs the Agency to create a civil fine schedule pursuant to the criteria set by the legislature. The former statutory language for the penalty for violation of a division rule stated: "the violation of any rule authorized by this section shall be a misdemeanor and punishable accordingly." The revised statutory language provides for "any person who violates or otherwise fails to comply with the rules adopted under this chapter commits a noncriminal infraction for which ejection from all property managed by the Division of Recreation and Parks and a fine of up to \$500 may be imposed by the Division." Impacts to small

businesses, counties, and cities are likely to be minimal. Any effects will stem from changes in use patterns associated from the incidence of financial penalty for rule violations. The net effect of these changes is unclear with currently available data; however, the department believes that this impact will be at least net neutral, if not net positive.

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.

RULEMAKING AUTHORITY: 258.007, 258.008 FS.

LAW IMPLEMENTED: 258.008 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: Wednesday, May 6, 2009, 6:30 p.m. – 8:30 p.m.

PLACE: Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mr. Robert Wilhelm at (850)245-3076. 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: Mr. Robert Wilhelm, Division of Recreation and Parks, Bureau of Operational Services, MS 535, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; (850)245-3076

THE FULL TEXT OF THE PROPOSED RULE IS:

62D-2.015 Civil Penalties.

(1) Intent. This section provides civil penalty schedules for violations of the provisions in Rules 62D-2.013 and 62D-2.014, F.A.C., as authorized by Sections 258.007, 258.008, 316.212, 316.2125 and 316.2126, F.S.

(2) Level One Violations.

(a) A person commits a Level One violation if he or she violates any of the provisions, rules, regulations, or orders relating to:

1. Feeding or petting wildlife;
2. Admission to state park property;
3. Traffic control and speed of vehicles;
4. Parking;
5. Swimming;
6. Launching or removal of watercraft from park waters;

7. Mooring, anchoring, or tying up watercraft in waters within or contiguous to park areas;

8. Fishing;

9. Alcoholic beverages;

10. Pets;

11. Merchandising;

12. Aircraft;

13. Operating Hours; and

14. Photography.

(b) A person who commits a Level One violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c) The civil penalty for a person who commits a Level One violation is \$75 per violation, unless paragraph (d) or (e) applies.

(d) The civil penalty for a person who commits a Level One violation is \$150 per violation if the person cited has previously committed the same Level One violation within the preceding 36 months.

(e) The civil penalty for a person who commits a Level One violation is \$500 per violation if the person cited has twice previously committed the same Level One violation within the preceding 60 months.

(3) Level Two Violations.

(a) A person commits a Level Two violation if he or she violates any of the provisions, rules, regulations, or orders relating to:

1. Damaging plant life, disturbing grass areas or impairing the natural condition of any area or placing debris or material of any kind on or about any plant.

2. The transplantation or removal of any plant life.

3. The introduction of any plant or animal species.

4. Unpermitted or uncontracted construction activities.

5. The failure or refusal to comply with any directions, instructions, or orders issued by park personnel.

6. The operation of watercraft in closed areas.

(b) A person who commits a Level Two violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c) The civil penalty for a person who commits a Level Two violation is \$100 per violation unless paragraph (d) or (e) applies.

(d) The civil penalty for a person who commits a Level Two violation is \$200 per violation if the person cited has previously committed the same Level Two violation within the preceding 36 months.

(e) The civil penalty for a person who commits a Level Two violation is \$500 per violation if the person cited has twice previously committed the same Level Two violation within the preceding 60 months.

(4) Level Three Violations.

(a) A person commits a Level Three violation if he or she violates any of the provisions, rules, regulations or orders relating to:

1. The removal or destruction of park property and resources.
2. Fires.
3. The rent or hire of watercraft in any park waters or permits needed pertaining to same.
4. Excursion boats for rent or hire carrying passengers for money.
5. Firearms or weapons.

(b) A person who commits a Level Three violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c) The civil penalty for a person who commits a Level Three violation is \$150 per violation, unless paragraph (d) or (e) applies.

(d) The civil penalty for a person who commits a Level Three violation is \$300 per violation if the person cited has previously committed the same Level Three violation within the preceding 36 months.

(e) The civil penalty for a person who commits a Level Three violation is \$500 per violation if the person cited has twice previously committed the same Level Three violation within the preceding 60 months.

(4) A person cited for a violation shall sign and accept a citation to appear before the county court. The issuing officer may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(5) A person cited for a violation may pay the civil penalty by mail or in person within 30 days after receipt of the citation. If the civil penalty is paid, the person shall be deemed to have admitted committing the violation and to have waived his or her right to a hearing before the county court. Such admission may not be used as evidence in any other proceedings except to determine the appropriate fine for any subsequent violations.

(6) A person who refuses to accept a citation, who fails to pay the civil penalty for a violation, or who fails to appear before the county court, as required, commits a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S.

(7) A person who elects to appear before the county court or who is required to appear before the county court shall be deemed to have waived the limitations of civil penalties under subsections (1), (2), (3) and (4). After a hearing, the county court shall determine if a violation has been committed, and if so, may impose a civil penalty of not less than \$75 for each first-time Level One violation, \$100 for each first-time Level Two violation or \$150 for each first-time Level Three violation and not more than \$500 for each subsequent Level One, Level Two or Level Three violation.

(8) The provisions set forth above for civil penalties are in addition to any action or actions brought to enforce the criminal penalty provisions of Section 258.008, F.S.

(9) Multiple cases, civil or criminal, may arise out of the same alleged facts or incident, and the pendency of result for one case shall not stay or control the result of the other or others.

Rulemaking Authority 258.007, 258.008 FS. Law Implemented 258.008 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Bullock, Director, Division of Recreation and Parks
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary, Department of Environmental Protection
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.013
 RULE TITLE: Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to include “Class III Composite” to the Practical or Clinical Examination.

SUMMARY: The rule amendment will add language to include “Class III Composite” to the Practical or Clinical Examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.017(1)(b), 466.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.013 Dental Examination Requirements and Grading.

(1) through (2) No change.

(3) PRACTICAL OR CLINICAL EXAMINATION:

(a) through (c) No change.

(d) The Practical or Clinical Examination shall include the following parts and procedures and be graded on criteria as described below each examination part or procedure. Listed criteria are to be accorded equal importance in grading. Equal importance does not mean that each criterion has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed part or procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the part or procedure.

1. Class II Amalgam and Class III Composite on Patients. This part of the Practical or Clinical Examination shall consist of a preparation procedure and a restoration procedure. The following areas will be assessed in determining a grade for each procedure:

1.a. through 4.(j) No change.

(4) No change.

Rulemaking Specific Authority 456.017(1)(b), 466.004(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0146
RULE TITLE: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to adopt new language setting forth new supplemental dental education requirements for dental licensure applicants that graduated from unaccredited dental schools or from dental schools not approved by the Board.

SUMMARY: The rule amendment will delete unnecessary language and to adopt new language setting forth new supplemental dental education requirements for dental licensure applicants that graduated from unaccredited dental schools or from dental schools not approved by the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small business would not be affected by this rule.

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.

RULEMAKING AUTHORITY: 466.004, 466.006(3) FS.

LAW IMPLEMENTED: 456.033(6), 466.006, 466.075 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

(1) No change.

(2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b), F.S., will be required to:

(a) Complete a full-time, matriculated, American Dental Association recognized dental specialty education program accredited by the Commission on Dental Accreditation of the American Dental Association or a Commission on Dental Accreditation of the American Dental Association accredited supplemental general dentistry programs, which provides didactic and clinical education to the level of an accredited D.D.S. or D.M.D. program, either of which have a duration of at least two consecutive resident program offered by an accredited dental school which provides remediation to the level of an accredited D.D.S. or D.M.D. program and which has a duration equivalent to at least 2 academic years at the sponsoring institution.

(b) through (c) No change.

(3) No change.

Rulemaking Specific Authority 466.004, 466.006(3) FS. Law Implemented 456.033(6); 466.006, ~~466.0075~~ FS. History—New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01, 6-7-05, 12-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 19, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.001
RULE TITLE: Definitions
PURPOSE AND EFFECT: The Board proposes the rule amendment to conform the Board’s continuing education standards to the national standards of the American Nurses Credentialing Center.
SUMMARY: To conform to the Board’s continuing education standards to the national standards of the American Nurses Credentialing Center.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.
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.
RULEMAKING AUTHORITY: 464.006 FS.
LAW IMPLEMENTED: 464.013(3) 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B9-5.001 Definitions.
- (1) through (3) No change.
- (4) Contact Hour. One (1) contact hour equals sixty (60) a minimum of fifty (50) minutes. One half (1/2 or .5) contact hour equals thirty (30) a minimum of twenty-five (25) minutes.
- (5) through (9) No change.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.013(3) FS. History–New 9-12-79, Amended 10-6-82, Formerly 21O-13.08, Amended 3-3-87, Formerly 21O-13.008, Amended 9-28-93, Formerly 61F7-5.001, Amended 5-2-95, 1-1-96, Formerly 59S-5.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 24, 2008

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NOS.: 65D-31.001
65D-31.002
65D-31.003
65D-31.004
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RULE TITLES:
Applicability
Definitions
Managing Entity Qualifications
Functions of Managing Entities
Managing Entity Policies Requiring Departmental Approval
Department’s Responsibilities
PURPOSE AND EFFECT: The purpose of this chapter is to implement the provisions of Section 394.9082, F.S., by setting forth uniform standards and procedures for the qualifications, essential functions and operation of behavioral managing entities with regard to the development of an integrated community-based system of care.
SUMMARY: This rule addresses the management of the delivery of behavioral health services to persons who have mental health or substance abuse disorders. Areas addressed include development and oversight of comprehensive provider networks, uniform behavioral health services standards, continuous quality improvement and cost effective treatment to prevent unnecessary expenditures.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 394.9082(10) FS.
LAW IMPLEMENTED: 394.9082 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: Gloria Henderson, Department of Children and Families, Mental Health Program, 1317 Winewood Boulevard, Building 6 Room 271, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65D-31.001 Applicability.

The purpose of this chapter is to implement the provisions of Section 394.9082, F.S., by setting forth uniform standards and procedures for the qualifications, essential functions and operation of behavioral managing entities with regard to the development of an integrated community-based system of care. This rule addresses the management of the delivery of behavioral health services to persons who have mental health, substance abuse or co-occurring disorders, the development and oversight of comprehensive provider networks, uniform behavioral health services standards, continuous quality improvement, best practices guidance and ensure quality, cost effective treatment, and prevent unnecessary expenditures.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History--New _____.

65D-31.002 Definitions.

(1) “Behavioral Health Services” means mental health services and substance abuse prevention and treatment services are provided using state and federal funds as defined by Chapters 394 and 397, F.S.

(2) “Evidence-Based Practice” means substance abuse and mental health treatment practices that have been validated and supported by scientific evidence.

(3) “Geographic Area” means a county, circuit, region, or multi-regional area in the state. The area designated by the Department to be covered by managing entities and its provider service network.

(4) “Managing Entity” means a corporation that is organized in this state, is designated or filed as a nonprofit organization under s. 501(c)(3) of the Internal Revenue Service, and is under contract to the Department to manage the day-to-day operational delivery of behavioral health services through an organized system of care.

(5) “Provider Networks” means direct service agencies that are under contract with a managing entity and that together constitute a comprehensive array of emergency, acute care, residential, outpatient, recovery support, and consumer support services.

(6) “Readiness Assessment” means a formal review by the Department to determine the capability of a contractor to meet the responsibilities and administrative requirements of managing a provider network and a system of behavioral health services.

(7) “Stakeholder” means individuals served, family members, community agencies, the courts, law enforcement health agencies, local government, and others who have a demonstrated interest in the community’s substance abuse and mental health services.

(8) “System of Care” means substance abuse and mental health services that are coordinated and developed into a comprehensive and community-based network of services accessible and responsive to persons in need of substance

abuse and mental health services, their families and to local stakeholders such as the courts, local government, law enforcement, health, and community agencies.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History--New _____.

65D-31.003 Managing Entity Qualifications.

(1) A managing entity must be a corporation organized in the state of Florida.

(2) Designated as a non-profit organization under s. 501(c)(3) of the Internal Revenue Service.

(3) Demonstrate the capability and administrative capacity to effectively develop and manage a comprehensive service delivery system.

(4) Have a Board of Directors which shall, at a minimum, include individuals served, family members, appropriate community stakeholders, and organizations. Board membership shall include providers of substance abuse and mental health services. The Board shall have one representative of a private receiving facility as an ex officio member so long as there is a private receiving facility within the managing entity’s geographic area.

(5) Board members must be residents of the geographic area in which the managing entity operates.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History--New _____.

65D-31.004 Functions of Managing Entities.

(1) System of care development and management.

(a) Must ensure that substance abuse and mental health services within their respective geographic areas are coordinated and developed into an integrated network of assessable services and is responsive to the needs of persons in need of service and their families.

(b) Must ensure that substance abuse and mental health services are responsive to the needs of the community and community stakeholders including the courts, community agencies, law enforcement, child welfare agencies and others who are reliant on mental health and substance abuse services as essential to their success.

(c) Must ensure the application of evidence-based practices by network providers through contracting requirements, program development and design, and the provision of training, technical assistance, and quality improvement activities.

(d) Develop effective and formal mechanisms for care management, continuity of care, and service coordination.

(e) Must develop Memorandum of Understanding or Interagency Agreement that address managing entity roles, relationship, and collaboration with the courts, law enforcement, health, and state and community agencies.

(2) Provider network management.

(a) The managing entity is responsible for the development of a provider service network composed of direct service agencies under contract with a managing entity and that together provide a comprehensive array of emergency, acute care, residential, outpatient, recovery, consumer support and prevention services.

(b) The managing entity when contracting with providers are to ensure that agencies are qualified and capable of providing quality client services. The managing entity will develop policies, procedures, and practices that assure that network providers are complying with applicable laws, rules, regulations, and contract requirements.

(c) The managing entity will ensure that, within available resources, a comprehensive system of care is available within their respective geographic area that is accessible, co-occurring competent, and consists of a range of services that is responsive to the needs of persons receiving services and is responsive to the needs of the community.

(3) Financial Management.

(a) The Managing Entity is responsible for the management, accountability, and efficient use of public funds by:

(b) Developing and negotiating rates with its network providers within the parameter established by the Department. Subject to approval by the Department, the managing entity may propose alternate payment methodologies such as case rates, capitation or other forms that demonstrate both accountability and efficiencies.

(c) Allocation of funds to providers consistent with departmentally approved allocation methodologies.

(d) Verifying the accuracy of provider invoices and ensuring timely payment of providers.

(e) Managing Department funding allocations to ensure that state and Federal requirements are met.

(f) Achieving efficiencies by the consolidation of provider operational functions including, but not limited to, data collection and analysis, administrative efficiencies, and group purchasing. Reinvesting funds gained by efficiencies into the system of care after achieving departmentally approved reserves and necessary infrastructure development.

(4) Planning.

(a) The managing entity will participate in the departmental planning process of the state, regional, and circuit levels.

(b) A transition plan is required prior to a managing entity assuming responsibility for behavioral health services within a geographic area. The transition plan guidance will be provided by the Department.

(c) A three (3) year managing entity strategic plan is required to be submitted on a schedule that corresponds to the departmental statutorily required Substance Abuse and Mental Health Plan.

1. The Department will establish both the content requirements and due date of the Managing Entity Strategic Plan.

2. The Strategic Plan will be submitted by each managing entity and will address the strategic direction, goals, objectives, and activities to be accomplished during the three (3) year strategic planning cycle.

a. An annual business or operational plan is required to delineate progress in meeting the managing entity's goals, objectives, and needs.

b. The Department will establish plan requirements and timeframes for the submission of the annual business plan.

c. All plans referenced in this section will be approved by the Managing Entity Board of Directors and include opportunities for public and stakeholder input.

d. All plans referenced in this section are subject to review and approval by the Department.

e. Approved managing entity plans will be provided to each of the County Commissioners of the counties served by the managing entity, as well as to any local government or agency that provides funding in support of behavioral health services within the managing entities geographic area.

(5) Data Collection, Analysis, and Reporting.

(a) The managing entity shall have the capability and capacity to submit all the required data electronically into the Substance Abuse and Mental Health Information System (SAMHIS). The contractor shall submit these data based on policies and procedures outlined in the most current version of the pamphlet for Mental Health and Substance Abuse Measurement and Data – DCF Pamphlet 155-2, effective date September 1, 2008, 9th version (available on the department's website, www.dcf.state.fl.us/mentalhealth/publications/index.shtml).

(b) The managing entity shall have the capability to ensure that all the data submitted into the SAMHIS database by the contractor or by the network providers under contract with the managing entity not only are complete, accurate, and timely as specified in the *Mental Health and Substance Abuse Measurement and Data – DCF Pamphlet 155-2* (available on the department's website, www.dcf.state.fl.us/mentalhealth/publications/index.shtml) but also are consistent with the data maintained locally by the contractor or by the network providers in their client's files.

(c) The managing entity shall establish procedures for documenting and reporting service events in such manner as to provide a clear and distinguishable audit trail of each service event submitted into the SAMHIS database. At a minimum, the audit trail documentation shall include the following: the HIPAA procedure code description; service data and duration; the recipient names and identification number; and the staff names and identification number. Such procedures shall ensure that the Department is not billed for unallowable or more service event units than are eligible for payment.

(d) To be paid by the Department, the managing entity shall use the service event data submitted into the SAMHIS database as the main source for verifying and justifying the service units provided by the contractor and the amount billed to or paid by the Department. The Department may deny all or part of the payment if the managing entity fails to comply with this data submission requirement.

(6) Continuous Quality Improvement.

(a) The managing entity will establish a clearly delineated continuous improvement program that provides for the meaningful involvement of managing entity personnel, provider organizations, consumers, and stakeholders. The program will:

1. Establish measurable goals and objectives.
2. Develop valid and reliable performance measures and client outcome measures.
3. Measure the overall performance of the managing entity, the system of care, and the performance of participating provider agencies.
4. Measure the managing entities performance in relation to measures established by Federal and state funders.
5. Insure that there are mechanisms that identify performance issues, conduct analysis of performance issues, develop appropriate interventions, and measure the effects of those interventions.
6. Review the results of quality assurance reviews, external monitoring, critical incidents, consumer complaints and grievances, and take steps to initiate improvement.
7. Identify service delivery problems and opportunities for improvement.
8. Measure consumer, community, and provider satisfaction.

(b) The managing entity will establish a Quality Assurance Program that, at a minimum, addresses the following area:

1. Monitor contracted agencies to insure that the managing entity contract requirements are met.
2. Monitor provider invoices for accuracy and allowability of the services billed.
3. Monitor data submitted by contracted providers to insure completeness and accuracy.
4. Establish an Incident Reporting and notification system that provides timely reporting of adverse incidents.
5. The Quality Assurance Program will include specifications for the monitoring of each contractor to insure quality of client services.

(7) Peer Review.

(a) The managing entity continuous quality improvement program will include a peer review process that involves the review of staff member's professional work by comparing trained and qualified individuals who perform similar tasks.

(b) The managing entity will insure that all participating agencies has a peer review process in place.

(c) The managing entity may establish a peer review process that reviews agency clinical practices and provides technical assistance to individuals and agencies in the adoption and use of evidence-based practices.

(8) Utilization Management.

(a) The managing entity will develop a utilization management program that at a minimum:

1. Measures the cost effectiveness and appropriateness of treatment services.
2. Establishes agency procedures for the elimination of waiting lists, maximizing the utilization and appropriateness of treatment services.
3. Utilization management practices may include preauthorization of service, retrospective reviews of service utilization, as well as, specialized provider reviews of service utilization.

(9) Technical Assistance and Training.

(a) The managing entity will provide technical assistance and training in a minimum of two areas:

1. Provide technical assistance and training to network providers in network functions such as contract management and invoice submission; data reporting and analysis, and quality improvement functions.
2. Provide training and technical assistance in the adoption and implementation of evidence-based practices.

3. The managing entity may either provide training and technical assistance directly or arrange for the provision of technical assistance and training.

(10) Board Development and Governance.

(a) The managing entity will provide board development activities:

1. Orient Board members to their respective obligations as Board members.
2. Orient Board members to the activities of the managing entity and its provider agencies.
3. Insure that the Board is fully informed on policies which they will be voting.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History—New _____.

65D-31.005 Managing Entity Policies Requiring Departmental Approval.

(1) The managing entity will ensure provider compliance with all applicable Federal and state statues, rules, and Departmental procedures. Managing entities will submit critical policies and procedures to the Department for review and approval. At a minimum, the policies addressing the following will be submitted to the Department for approval:

- (a) Contract administration, management, and monitoring.
- (b) Standards for client records.

(c) Continuity of care and case management of persons civilly committed to state mental health treatment facilities and for those persons on involuntary outpatient status.

(d) The assessment of service and treatment needs of individuals in state mental health treatment facilities who are ready to return to the community. The procedure will address the identification of services individuals will need upon return to the community, procedures for obtaining identified services and ensuring an array of services is provided to meet individual needs.

(e) Forensic services – continuity of care, case management, community-based competence, restoration, and coordination of conditional release for individuals committed pursuant to Chapter 916, F.S.

(f) A policy that delineates the managing entities activities in monitoring emergency and acute care services and the effective utilization of those services. The policy must also address relationships with public and private receiving facilities, any local transportation plans or protocols required to ensure timely client access to services.

(g) Incident reporting.

(h) Quality assurance – provider monitoring to insure compliance with client care requirements, contacting and financial specifications of statute, rule, and policies and contract requirements.

(i) Data collection, reporting, and analysis.

(j) Provider selection, retention, and provider relation.

(k) Utilization management.

(l) Continuous quality improvement.

(m) Financial management, accountability, and allocation of funds.

(n) Consumer and family involvement and consumer relations.

(o) Cultural competency.

(p) Client rights.

(q) Board member recruitment, activities, and retention.

(r) Disaster planning and response.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

65D-31.006 Department’s Responsibilities.

(1) Notwithstanding the Department’s responsibilities as authorized in Chapters 394 and 397, F.S.; upon contracting with a comprehensive managing entity, the Department will:

(a) Conduct on-site readiness reviews of the managing entity to assess its operational capacity and capabilities and determine its ability to satisfactorily perform the duties to be contracted.

(b) The Department in collaboration with community stakeholders, including providers and managing entities will develop objective standards to measure the competence of managing entities to assume the responsibilities described in Section 394.9082, F.S.

(c) Monitor the performance of managing entities to ensure compliance with applicable statutes, rules, policies, and contract requirements.

(d) The Department will retain the responsibilities for licensing of Substance Abuse Prevention and Treatment Providers, the designation of both private and public Baker Act receiving facilities, and the designation of Addictions Receiving Facilities.

(e) The Department will negotiate annually with the managing entity to determine performance measures, quality improvement goals, and the quality assurance activities of the managing entity.

(f) The Department will provide guidelines for both the managing entity’s strategic and annual business or operational plan.

1. Plan guidelines will reflect the Department’s strategic goals, objectives, and initiatives established by the Legislature and Department.

2. The Department is responsible for the timely review of the managing entity and for identifying needed amendments or modifications to the plan.

(g) The Department will provide minimum specifications for those managing entity policies requiring departmental approval.

1. The Department is responsible for the timely review of the required policies and for identifying required amendments or modifications necessary to gain departmental approval.

(h) The Department is responsible for providing the specifications to the managing entity for a disaster continuity of operation plan and disaster response requirements.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John N. Bryant, Substance Abuse Program Office, 1317 Winewood Boulevard, Building 6, Suite 300, Tallahassee, Florida 32399-0700

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephenie W. Colston, Director, 1317 Winewood Boulevard, Building 6 Suite 300, Tallahassee, Florida 32399-0700

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008, Vol. 34, No. 49

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-149.205
 RULE TITLE: Indemnity Standard Risk Rate

PURPOSE AND EFFECT: To comply with the statutory mandates of Section 627.6675(3), F.S., relating to the creation of standard risk rates.

SUMMARY: The Office is required by Section 627.6675(3)(c), F.S., to conduct an annual survey of the individual market (as contrasted with the group market) and determine “standard risk rates”. These standard risk rates are the average rates charged in the individual market for health insurance. The standard risk rates are used by the health insurers in setting their conversion rates, because pursuant to Section 627.6675(3)(a), F.S., the maximum a health insurer can charge for a conversion policy is 200% of the standard risk rate. The annual survey is conducted for PPO/EPO, Indemnity and HMO separately.

The rates for indemnity benefit plans set out in the existing rule have been determined by the Office to be unreasonably high, due to the inclusion in the survey of an out of state company that is no longer writing insurance in this state. The Office does not regulate the rates of out of state companies. Because inclusion of this company’s rates have skewed the results of the survey, the rates in this rule amendment have been recalculated without this company’s rates. The standard risk rates for indemnity plans in this amended rule are more reasonable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 624.308, 627.6675(3)(c) FS.
 LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) 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: May 13, 2009, 9:30 a.m.
 PLACE: 143 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dan Keating, Office of Insurance Regulation; E-mail: Dan.Keating@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dan Keating, Office of Insurance Regulation, E-mail: Dan.Keating@flor.com

THE FULL TEXT OF THE PROPOSED RULES IS:

- 69O-149.205 Indemnity Standard Risk Rate.
- (1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN					
Age	Male	Female	County	Area Factor	
0-17	\$1,407.85	\$1,407.85	Alachua	0.70	
18	\$1,796.44	\$2,599.81	Baker	0.78	
19	\$1,796.44	\$2,599.81	Bay	0.80	
20	\$1,796.44	\$2,599.81	Bradford	0.82	
21	\$1,796.44	\$2,599.81	Brevard	0.93	
22	\$1,796.44	\$2,599.81	Broward	1.41	
23	\$1,796.44	\$2,599.81	Calhoun	0.75	
24	\$1,796.44	\$2,599.81	Charlotte	0.95	
25	\$1,796.44	\$2,599.81	Citrus	0.72	
26	\$1,965.21	\$2,760.44	Clay	0.80	
27	\$2,105.71	\$2,915.99	Collier	0.93	
28	\$2,219.57	\$3,067.27	Columbia	0.80	
29	\$2,311.89	\$3,214.48	Dade	1.30	
30	\$2,385.29	\$3,358.84	De Soto	0.74	
31	\$2,443.44	\$3,499.75	Dixie	0.69	
32	\$2,490.21	\$3,639.65	Duval	0.94	

<u>33</u>	<u>\$2,528.84</u>	<u>\$3,777.51</u>
<u>34</u>	<u>\$2,562.39</u>	<u>\$3,914.75</u>
<u>35</u>	<u>\$2,581.30</u>	<u>\$4,072.95</u>
<u>36</u>	<u>\$2,600.42</u>	<u>\$4,173.39</u>
<u>37</u>	<u>\$2,619.33</u>	<u>\$4,291.12</u>
<u>38</u>	<u>\$2,637.02</u>	<u>\$4,423.90</u>
<u>39</u>	<u>\$2,707.98</u>	<u>\$4,571.31</u>
<u>40</u>	<u>\$2,809.03</u>	<u>\$4,759.80</u>
<u>41</u>	<u>\$2,940.59</u>	<u>\$4,927.55</u>
<u>42</u>	<u>\$3,101.43</u>	<u>\$5,100.79</u>
<u>43</u>	<u>\$3,297.44</u>	<u>\$5,260.81</u>
<u>44</u>	<u>\$3,516.83</u>	<u>\$5,434.66</u>
<u>45</u>	<u>\$3,749.65</u>	<u>\$5,605.46</u>
<u>46</u>	<u>\$3,985.51</u>	<u>\$5,774.43</u>
<u>47</u>	<u>\$4,217.72</u>	<u>\$5,925.51</u>
<u>48</u>	<u>\$4,327.72</u>	<u>\$5,976.75</u>
<u>49</u>	<u>\$4,484.69</u>	<u>\$6,040.80</u>
<u>50</u>	<u>\$4,687.01</u>	<u>\$6,149.58</u>
<u>51</u>	<u>\$4,933.86</u>	<u>\$6,225.42</u>
<u>52</u>	<u>\$5,219.74</u>	<u>\$6,299.43</u>
<u>53</u>	<u>\$5,426.53</u>	<u>\$6,311.43</u>
<u>54</u>	<u>\$5,720.55</u>	<u>\$6,336.64</u>
<u>55</u>	<u>\$6,090.61</u>	<u>\$6,370.19</u>
<u>56</u>	<u>\$6,517.61</u>	<u>\$6,440.55</u>
<u>57</u>	<u>\$6,973.07</u>	<u>\$6,541.60</u>
<u>58</u>	<u>\$7,420.81</u>	<u>\$6,678.85</u>
<u>59</u>	<u>\$7,820.77</u>	<u>\$6,853.51</u>
<u>60</u>	<u>\$8,133.69</u>	<u>\$7,038.14</u>
<u>61</u>	<u>\$8,327.27</u>	<u>\$7,276.65</u>
<u>62</u>	<u>\$8,372.81</u>	<u>\$7,528.98</u>
<u>63</u>	<u>\$8,372.81</u>	<u>\$7,769.53</u>
<u>64</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>65</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>66</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>67</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>68</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>69</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>70</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>71</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>72</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>73</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>74</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>
<u>75</u>	<u>\$8,372.81</u>	<u>\$7,960.46</u>

<u>Escambia</u>	<u>0.77</u>
<u>Flagler</u>	<u>0.86</u>
<u>Franklin</u>	<u>0.75</u>
<u>Gadsden</u>	<u>0.75</u>
<u>Gilchrist</u>	<u>0.75</u>
<u>Glades</u>	<u>0.98</u>
<u>Gulf</u>	<u>0.76</u>
<u>Hamilton</u>	<u>0.77</u>
<u>Hardee</u>	<u>0.80</u>
<u>Hendry</u>	<u>0.97</u>
<u>Hernando</u>	<u>0.85</u>
<u>Highlands</u>	<u>0.71</u>
<u>Hillsborough</u>	<u>0.82</u>
<u>Holmes</u>	<u>0.75</u>
<u>Indian River</u>	<u>0.92</u>
<u>Jackson</u>	<u>0.77</u>
<u>Jefferson</u>	<u>0.75</u>
<u>Lafayette</u>	<u>0.78</u>
<u>Lake</u>	<u>0.90</u>
<u>Lee</u>	<u>0.97</u>
<u>Leon</u>	<u>0.79</u>
<u>Levy</u>	<u>0.80</u>
<u>Liberty</u>	<u>0.75</u>
<u>Madison</u>	<u>0.79</u>
<u>Manatee</u>	<u>0.91</u>
<u>Marion</u>	<u>0.77</u>
<u>Martin</u>	<u>0.94</u>
<u>Monroe</u>	<u>1.30</u>
<u>Nassau</u>	<u>0.85</u>
<u>Okaloosa</u>	<u>0.76</u>
<u>Okeechobee</u>	<u>0.97</u>
<u>Orange</u>	<u>0.90</u>
<u>Osceola</u>	<u>0.91</u>
<u>Palm Beach</u>	<u>1.00</u>
<u>Pasco</u>	<u>0.90</u>
<u>Pinellas</u>	<u>0.87</u>
<u>Polk</u>	<u>0.84</u>
<u>Putnam</u>	<u>0.81</u>
<u>St. Johns</u>	<u>0.77</u>
<u>St. Lucie</u>	<u>0.99</u>
<u>Santa Rosa</u>	<u>0.77</u>
<u>Sarasota</u>	<u>0.76</u>
<u>Seminole</u>	<u>0.92</u>

76	\$8,372.81	\$7,960.46
77	\$8,372.81	\$7,960.46
78	\$8,372.81	\$7,960.46
79	\$8,372.81	\$7,960.46
0-17	\$1,382.09	\$1,382.09
18	\$2,321.95	\$2,825.51
19	\$2,321.95	\$2,825.51
20	\$2,321.95	\$2,825.51
21	\$2,321.95	\$2,825.51
22	\$2,321.95	\$2,825.51
23	\$2,321.95	\$2,825.51
24	\$2,321.95	\$2,825.51
25	\$2,321.95	\$2,825.51
26	\$2,402.43	\$2,939.73
27	\$2,485.69	\$3,058.57
28	\$2,571.85	\$3,182.21
29	\$2,660.98	\$3,310.85
30	\$2,753.21	\$3,444.68
31	\$2,848.63	\$3,583.93
32	\$2,947.37	\$3,728.81
33	\$3,049.52	\$3,879.55
34	\$3,155.21	\$4,036.38
35	\$3,264.57	\$4,199.55
36	\$3,384.66	\$4,340.95
37	\$3,509.17	\$4,487.12
38	\$3,638.25	\$4,638.21
39	\$3,772.09	\$4,794.39
40	\$3,910.85	\$4,955.83
41	\$4,054.71	\$5,122.70
42	\$4,203.87	\$5,295.20
43	\$4,358.51	\$5,473.50
44	\$4,518.84	\$5,657.80
45	\$4,685.07	\$5,848.31
46	\$4,902.63	\$5,999.73

Sumter	0.81
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.92
Wakulla	0.75
Walton	0.76
Washington	0.76
Alachua	0.70
Baker	0.78
Bay	0.80
Bradford	0.82
Brevard	0.93
Broward	1.41
Calhoun	0.75
Charlotte	0.95
Citrus	0.72
Clay	0.80
Collier	0.93
Columbia	0.80
Dade	1.30
DeSoto	0.74
Dixie	0.69
Duval	0.94
Escambia	0.77
Flagler	0.86
Franklin	0.75
Gadsden	0.75
Gilchrist	0.75
Glades	0.98
Gulf	0.76
Hamilton	0.77
Hardee	0.80
Hendry	0.97
Hernando	0.85
Highlands	0.71
Hillsborough	0.82
Holmes	0.75

47	\$5,130.30	\$6,155.08
48	\$5,368.54	\$6,314.45
49	\$5,617.84	\$6,477.94
50	\$5,878.72	\$6,645.67
51	\$6,151.72	\$6,817.74
52	\$6,437.39	\$6,994.26
53	\$6,736.33	\$7,175.36
54	\$7,049.15	\$7,361.14
55	\$7,376.49	\$7,551.74
56	\$7,579.54	\$7,720.48
57	\$7,788.18	\$7,893.00
58	\$8,002.56	\$8,069.37
59	\$8,222.84	\$8,249.69
60	\$8,449.19	\$8,434.03
61	\$8,681.76	\$8,622.49
62	\$8,920.74	\$8,815.16
63	\$9,166.29	\$9,012.14
64	\$9,418.61	\$9,213.52
65	\$9,677.87	\$9,419.40
66	\$9,677.87	\$9,419.40
67	\$9,677.87	\$9,419.40
68	\$9,677.87	\$9,419.40
69	\$9,677.87	\$9,419.40
70	\$9,677.87	\$9,419.40
71	\$9,677.87	\$9,419.40
72	\$9,677.87	\$9,419.40
73	\$9,677.87	\$9,419.40
74	\$9,677.87	\$9,419.40
75	\$9,677.87	\$9,419.40
76	\$9,677.87	\$9,419.40
77	\$9,677.87	\$9,419.40
78	\$9,677.87	\$9,419.40
79	\$9,677.87	\$9,419.40

Indian River	0.92
Jackson	0.77
Jefferson	0.75
Lafayette	0.78
Lake	0.90
Lee	0.97
Leon	0.79
Levy	0.80
Liberty	0.75
Madison	0.79
Manatee	0.91
Marion	0.77
Martin	0.94
Monroe	1.30
Nassau	0.85
Okaloosa	0.76
Okeechobee	0.97
Orange	0.90
Osceola	0.91
Palm Beach	1.00
Pasco	0.90
Pinellas	0.87
Polk	0.84
Putnam	0.81
St. Johns	0.77
St. Lucie	0.99
Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.81
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.92
Wakulla	0.75
Walton	0.76
Washington	0.76

Rulemaking Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, 5-22-05, 6-1-06, 8-23-07, 10-29-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dan Keating, Office of Insurance Regulation, e-mail
 Dan.Keating@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: March 10, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 19, 2008

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

RULE NO.: 71-1.001
 RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose of the proposed new Rule 71-1.001, F.A.C., is to grant delegation of authority to the Executive Director of the Agency for Enterprise Information Technology (AEIT) from the Governor and Cabinet for the general day-to-day administrative duties of the Agency, for those duties and responsibilities relating to enterprise IT services and information security, and for those duties and responsibilities relating to the state data center system. The effect of this rule is a decrease in the day-to-day responsibilities of the Governor and Cabinet in regards to the statutory obligations of the AEIT, and an increase in the efficiency and ease of administration of the AEIT to perform its statutory obligations.

SUMMARY: Proposed Rule 71-1.001, F.A.C., enumerates the duties delegated from the head of the Agency, the Governor and Cabinet, to the Executive Director of the AEIT. Chapter 14.204, F.S. establishes the AEIT and outlines the responsibilities of the Agency in regards to enterprise IT services in the State of Florida; Section 282.201, F.S., outlines the duties and responsibilities of the AEIT concerning the State Data Center System; and Section 282.318, F.S., outlines the duties and responsibilities relating to enterprise information security. Duties which cannot be delegated, and which require approval of the Governor and Cabinet by statute, include (1) final approval of the Agency's Annual Operational Work Plan (Section 282.0056, F.S.); (2) Initiation of the rule-making process; and (3) Final approval of rules created by the Agency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 14.204(6) FS.

LAW IMPLEMENTED: 14.204, 282.201, 282.318 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dawn Creamer, (850)922-7502. 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: Dawn Creamer, Assistant to the Executive Director, Agency for Enterprise Information Technology, 4030 Esplanade Way, Suite 135, Tallahassee, FL 32399-0950; telephone (850)922-7502; e-mail: Dawn.Creamer@aeit.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

DELEGATION OF AUTHORITY71-1.001 Delegation of Authority.

In accordance with Section 20.05(1)(b), F.S., the Executive Director or the Executive Director's designee are authorized to take the following actions:

(1) To perform all administrative activities required to supervise, direct, conduct, and administer the day-to-day duties of the Agency as authorized by law, or by rules or in directives issued by the Governor and Cabinet acting as the head of the Agency.

(2) To take any action concerning planning and budgeting for the Agency, as authorized pursuant to Chapter 216, F.S., or other laws or rules adopted by the Governor and Cabinet, or in directives issued by the Governor and Cabinet acting as the head of the Agency.

(3)(a) To negotiate, enter into and execute purchases, contracts, leases, lease-purchases, licenses and agreements relating to real, personal and mixed property, services, commodities and capital outlay items with government agencies and persons as defined in Section 1.01(3), F.S., and carry out on a day-to-day basis, the operations of the Agency. The foregoing authority shall be within current appropriations and shall be in accordance with pertinent statutes and rules of the Department of Management Services and the Department of Financial Services. The Executive Director shall report all contracts, leases, lease-purchases, licenses, agreements and purchases involving the expenditure of more than \$100,000 to the Governor and Cabinet on a quarterly basis.

(b) To contract for consultant and professional services up to \$100,000. However, selection of consultant and professional services, other than sole sources, shall be by procedures set forth in the Consultants Competitive Negotiations Act (Section 287.055, F.S.) or other competitive selection process established by rule.

(4) To designate appropriate officials or employees to act as custodian of the records of the Agency, and to accept service of process on behalf of the Agency and Executive Director in accordance with the law.

(5) To bring suit in the name of the Agency and in consultation with the Attorney General, or to defend suit in the name of the Agency.

(6) To compromise and settle in the best interest of the Agency, subject to Section 45.062, F.S., all claims, actions, causes of action and legal proceedings that are brought against

the Agency or any of its employees acting within the scope of their employment. Such compromises and settlements shall be limited to cases where the total amount paid is less than \$100,000 and shall be reported to the Governor and Cabinet on at least a quarterly basis.

(7) To accept donations and gifts of property or grants of money on behalf of the Agency in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the state. Any such donations shall be reported to the Governor and Cabinet on a quarterly basis.

(8) To act on behalf of the Agency in carrying out the provisions of Chapter 120, F.S., unless prohibited by law or by directives issued by the Governor and Cabinet acting as the head of the Agency. This delegation specifically includes, but is not limited to the following:

(a) To publish a notice of intended rulemaking, after approval of such proposed notice by the Governor and Cabinet pursuant to Section 120.54(1)(k), F.S.

(b) To certify that a proposed rule has been approved by the Governor and Cabinet pursuant to Section 120.54(3)(e)1., F.S.

(c) To file with the Department of State the approved rule pursuant to Section 120.54 (3)(e)1., F.S.

(d) To explain in writing when appropriate why a rule development workshop is unnecessary.

(e) To issue declaratory statements pursuant to Section 120.565, F.S.

(f) To provide methods for making available a description of the Agency's organization and general course of its operations, pursuant to Section 120.54(5)(b)7., F.S.

(g) To issue a written statement pursuant to Section 120.57(3)(c), F.S., explaining why a bid solicitation process or contract award process must be continued without delay due to an immediate and serious danger to the public health, safety or welfare.

(9) To perform all administrative activities required to supervise, direct, conduct, and administer the duties relating to enterprise information technology services set forth in Section 14.204(4), F.S., or in rules adopted thereunder relating to enterprise information technology issues.

(10) To perform all administrative activities required to supervise, direct, conduct and administer the duties set forth in Section 282.318, F.S., or in rules adopted thereunder relating to information security issues.

(11) To perform all administrative activities required to supervise, direct, conduct and administer the duties set forth in Section 282.201, F.S., or in rules adopted thereunder relating to the State Data System.

Rulemaking Authority 14.204(6) FS. Law Implemented 14.204, 282.201, 282.318 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David W. Taylor, Executive Director, Agency for Enterprise Information Technology, 4030 Esplanade Way, Suite 135, Tallahassee, Florida, 32399-0950; telephone (850)922-7502

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet, The Capitol, Tallahassee, Florida 32399-0001

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2009. The notice of rule development for this rule stated that a workshop would not be held unless one was requested in writing. The Agency did not receive a written request to hold a workshop. Throughout this rulemaking process, copies have been made available upon request.

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.039	Supplemental Educational Services in Title I Schools

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. 6, February 13, 2009 issue of the Florida Administrative Weekly.

Form SES 100 as incorporated by reference was amended as shown below:

I. APPLICATION INSTRUCTIONS AND REQUIREMENTS

A. Submission Deadline Requirements

The submission deadline for the 2009-2010 academic school year is 11:59 p.m. Eastern Standard Time (EST) on May 25, 2009. For subsequent academic school years, the submission deadline is 11:59 p.m. EST on the first Friday in March. Applications submitted by means other than those set forth in the Request for Applications (RFA), and applications received after the deadline for submission, regardless of the cause or nature of the delay, will not be accepted or considered for approval by the Department.

Submission Deadline Requirements

~~This application process is for Supplemental Educational Services providers to become approved for the 2008-2009 academic school year and is for services provided to students by October 15, 2008. By March 3, 2008, each applicant must:~~

- ~~• Submit the on-line application~~