

SUBJECT AREA TO BE ADDRESSED: Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.501 RULE TITLE: Institutional Permit – Consultant Pharmacist of Record

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form into the rule and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Institutional Permit – Consultant Pharmacist of Record.

RULEMAKING AUTHORITY: 465.005, 465.0125, 465.022 FS.

LAW IMPLEMENTED: 465.0125, 465.019, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.840 RULE TITLE: Special – Non Resident (Mail Service)

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate provision of Section 465.0156, F.S., and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Special – Non Resident (Mail Service).

RULEMAKING AUTHORITY: 465.005, 465.022, 465.0156 FS.

LAW IMPLEMENTED: 465.0156 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.021 RULE TITLE: Revocation of Registration of Political Committees

PURPOSE AND EFFECT: The primary purpose of the proposed amendments is to update the rule to reflect additional ways in which political committees may be dissolved and have their registrations canceled. The proposed rule also amends a current basis for revocation (failing to file campaign treasurers’ report) by reducing the time for failure to file from more than 12 months to more than 6 months. The amendments also modify the notification and appeal procedures involving the revocations of political committees’ registrations.

SUMMARY: The rule provides the conditions under which a political committee’s registration can be revoked. It further provides the procedures for notifying the political committee of the intended revocation action and how the committee may appeal the decision to revoke its registration.

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: 20.10(3), 97.012(1), 106.03(7), 106.22(9) FS.

LAW IMPLEMENTED: 106.03 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, September 9, 2009, 1:00 p.m.
PLACE: Department of State, R. A. Gray Building, Room 307, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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: Nolah Shotwell, Department of State, Office of General Counsel, (850)245-6536, email: nlshotwell@dos.state.fl.us. 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: Gary J. Holland, Department of State, Office of General Counsel, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6536; email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.021 Revocation of Registration of Political Committees.

(1) The filing officer shall revoke the registration of a political committee (hereinafter committee) when on the basis of the following factors:

(a) The committee fails to maintain a registered office and a registered agent as required by Section 106.022, F.S.;

(b) The committee fails to appoint a successor after the death, resignation or removal of the campaign treasurer pursuant to Section 106.021(2), F.S.;

(c) The committee fails to appoint a successor after the death, resignation or removal of the committee chairperson;

(d)(a) The committee fails has failed to file campaign treasurers' reports for more than 6 12 months; or

(e)(b) The committee's aggregate reported financial activity during the calendar year is less than \$500; unless the However, any committee is only required to registered and required to report as the sponsor of a proposed constitutional amendment by initiative who intended to seek the signatures of registered voters under a provision unrelated to financial activity shall not have its registration revoked if the committee can show that it is actively pursuing the activity for which it was required to register.

(2) The filing officer shall send notification to the committee's chairperson treasurer of the filing officer's intent to revoke the committee's registration of the committee. If the

notification is returned undeliverable after being sent to address for the chairperson on file with the filing officer, the filing officer shall send the notification to the committee's registered agent. Within 30 days of receipt of the filing officer's preliminary notice of intent to revoke, the committee may provide additional documentation to the filing officer showing that the committee's registration should not be revoked. Upon review of such documentation, if the filing officer determines that the committee's registration should not be revoked, the committee will be notified that it is in compliance. If after review of the additional documentation provided, the filing officer determines that the committee's registration should be revoked, a final notice of intent to revoke ~~the registration of the committee~~ shall be issued by the filing officer. If no additional documentation is provided by the committee within 30 days of receipt of the preliminary notice, the filing officer shall issue a final notice of intent to revoke ~~the registration of the committee.~~

(3) If the committee objects to such revocation, it must file an appeal within 30 days of receipt of the final notice of intent to revoke. The appeal may be accompanied by any documentation or evidence supporting the claim. The appeal must be filed with the filing officer Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399 0250. The filing officer Division will forward the appeal to the Florida Elections Commission.

(4) Failure to timely file an appeal as described herein shall constitute a waiver of any such entitlement.

(5) A committee desiring a hearing before the commission must include in the appeal a separate request for hearing.

(6) Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Rulemaking Specific Authority 20.10(3), 97.012(1), 106.03(7), 106.22(9) FS. Law Implemented 106.03 FS. History--New 2-28-90, Amended 10-29-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Donald L. Palmer, Director, Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09412
 RULE TITLE: Course Requirements – Grades K-12 Basic and Adult Secondary Programs

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt revised Course Descriptions for the 2009-2010 school-year. Specifically courses for science, physical education, and health education are revised to align to the Next Generation Sunshine State Standards approved by the State Board of Education for these content areas.

SUMMARY: The rule is amended to adopt revised Florida Course Descriptions for Science, Physical Education, and Health Education to align with the Next Generation Sunshine State Standards.

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: 1001.03(1), 1011.62(1)(s) FS.
LAW IMPLEMENTED: 1001.42(9), 1003.42, 1011.62(1)(r) FS.

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

DATE AND TIME: September 15, 2009, 9:00 a.m.
PLACE: Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Miami, FL 33132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Todd Clark, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines Street, Room 432, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09412 Course Requirements – Grades K6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades K 6-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publications “2009-2010 ~~2007-2008~~ Florida Course Descriptions for Grades K 6-12/Adult, Basic Education,” and ~~“2008 Supplement to the 2007-2008 Florida Course Descriptions for Grades 6-12/Adult, Basic Education”~~ which is ~~are~~ hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course

requirements of each course description. Copies of approved course descriptions may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or online at <http://www.floridastandards.org>.

Rulemaking Specific Authority 1001.03(1), 1011.62(1)(r) FS. Law Implemented 1001.42(7), 1003.42, 1011.62(1)(r) FS. History–New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, 10-15-01, 12-17-02, 7-26-05, 11-21-05, 7-27-06, 1-18-07, 3-24-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
 RULE TITLE: Implementation of Florida’s System of School Improvement and Accountability

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate steps for calculating and reporting the new components for Next Generation high school grading, define procedures to include students with disabilities alternate assessment results in learning gains, explain new procedures, remove obsolete language referencing the discontinued FCAT norm-referenced test, and to clarify measures that may be subject to misinterpretation. The effect will be a rule that is more explicate and statutorily correct.

SUMMARY: The rule is amended to implement the statutory requirements of Section 1008.34, Florida Statutes, governing Florida’s school grading system. Recent changes to the statute, along with long-standing statutory requirements that become effective in Chapter 2009-10, Laws of Florida, require the rule to be updated.

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: 1008.34(8) FS.
LAW IMPLEMENTED: 1008.34 FS.

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

DATE AND TIME: September 15, 2009, 9:00 a.m.

PLACE: Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Miami, FL 33132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juan Copa, Bureau of Research and Evaluation, Department of Education, 325 West Gaines Street, Room 844, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.

(1) No change.

(2) School Accountability for Student Performance. All schools shall be accountable for performance relative to the Student Performance Goal stated in Section 1008.345, F.S. Each school is accountable for the performance of its entire student population. Student achievement data from the FCAT shall be used to measure a school’s student performance for the subject areas of reading, mathematics, and writing. The FCAT levels in the performance criteria in subsection (5) of this rule are those specified in Rule 6A-1.09422, F.A.C., for the year in which achievement data are used for accountability. ~~In addition, the FCAT assessment shall include a norm-referenced subtest that shall be used to report student achievement as compared to national norms. Schools shall report student achievement scores on these subtests to parents. Student achievement data on norm-referenced subtests shall not represent progress toward the Sunshine State Standards and shall not be used in designating school performance grades, but may be used to validate the reasonableness of the improvements demonstrated for the purpose of designating a school performance grade as described in this rule.~~

(3) through (a) No change.

(b) All students, regardless of disability or limited English proficiency classification, with valid FCAT assessment scores in reading and math in both the current year and the previous year are included in paragraphs (6)(d), (e), and (f) of this rule, regarding the determination of student learning gains. In addition, the inclusion of these students ~~shall will~~ be applied to subparagraph (1)(a)4. of this rule, regarding the percent tested. Beginning in 2009-10, current and prior-year reading and math scores for students with disabilities assessed on the Florida Alternate Assessment shall be included in the determination of learning gains components addressed in paragraphs (6)(d) and (e) of this rule.

(c) through (e) No change.

(4) School Performance Grades. The measure of school accountability shall be the school performance grade. The Commissioner is authorized to designate a school performance grade for each school that:

(a) Has at least thirty (30) eligible students with valid FCAT assessment scores in reading in both the current and the previous years, and

(b) Has at least thirty (30) eligible students with valid FCAT assessment scores in math in the current and previous years.

~~School performance grade designations shall be made in the summer of each school year.~~ Performance designations shall be made using School Performance Grades A, B, C, D, and F, as specified in Section 1008.34(2), F.S. School performance grades shall be based on the assessments and criteria as specified in subsection (5) of this rule. The Commissioner is authorized to establish appropriate achievement level criteria in newly assessed grade levels for submission to the State Board for final approval.

(5) Criteria for Designating School Performance Grades. School performance grades ~~shall be designated in the summer of each year and~~ shall be based on a combination of the following three components, as specified in Section 1008.34(3), F.S.:

(a) No change.

(b) Annual learning gains, aggregated for each school, which indicate the percent of eligible students who have:

1. Improved their FCAT Achievement Level or Florida Alternate Assessment Performance Level, as applicable, from one (1) year to the next, or

2. Maintained their proficient Achievement Level on FCAT or the Florida Alternate Assessment, as applicable, Levels within levels 3, 4, or 5 from one (1) year to the next, or

3. Remained within FCAT Achievement Levels 1 or 2, but who demonstrated more than one (1) year’s growth on the FCAT developmental scale. This method of determining gains is not applicable to students who are tested in FCAT at the same grade level as in the previous year, at a lower grade level than in the previous year, or at a grade level more than one grade higher than in the previous year. However, these students may still demonstrate gains as indicated in subparagraphs (5)(b)1. and 2. of this rule. The Department of Education has identified the scores in the following table as representing one (1) year’s growth.

	Grade 3-4	Grade 4-5	Grade 5-6	Grade 6-7	Grade 7-8	Grade 8-9	Grade 9-10
Reading	230	166	133	110	92	77	77
Math	162	119	95	78	64	54	48

Students whose FCAT Achievement Level declines from one (1) year to the next shall not be deemed to have made annual learning gains. ~~The annual learning gains calculation shall be based on students who have a valid FCAT reading and/or math score in both the current and previous year, and who take a higher grade level test in the current year than in the previous year.~~

(c) through (6)(b) No change.

(c) One (1) point for each percent of students who score “3.5” or higher on the FCAT writing assessment. Beginning in 2009-10, in order to accommodate changes in scoring procedures for grades 4 and 8, this percentage shall be determined for schools serving grades 4 and 8 by averaging the percentage of students scoring “3.0” or higher and the percentage of students scoring “4.0” or higher;

(d) through (e) No change.

(f) One (1) point for each percent of students in the lowest twenty-five (25) percent in reading in the school as defined in paragraph (5)(c) of this rule who make learning gains as defined in paragraph (5)(b) of this rule.

The percent of students reflected in each of the six (6) school grade point elements defined in paragraphs (6)(a) through (f) of this rule shall be expressed to the nearest whole number. The corresponding points assigned for each grade point element shall also be expressed to the nearest whole number. In the event that a school does not have at least ~~ten (10)~~ thirty (30) eligible students tested in writing, the district average in writing as defined in paragraph (6)(c) of this rule shall be substituted. In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in reading as defined in paragraph (5)(c) of this rule, the lowest performing thirty (30) students at or below proficiency, defined as FCAT Achievement Levels 1, 2, and 3, ~~shall will~~ be used. In the event there are still not thirty (30) qualified students in the lowest achieving group, the grade point element defined in paragraph (6)(d) of this rule shall be substituted for the grade point element defined in paragraph (6)(f) of this rule.

(7) No change.

(8) Planned System Enhancements. As indicated in this subsection, planned enhancements will occur in Florida’s System of School Improvement and Accountability. The Commissioner of Education will periodically recommend additional changes to the system to the State Board of Education as necessary to ensure that continuous improvements are made in the educational programs of the state.

~~(a) Science will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students who score at or above Achievement Level 3, proficient, as established as will be recommended by committees of educators and approved by the State Board of Education during 2005-06. In the event that a school does not have at least ten (10) eligible students tested in science, the district average for percent proficient in science shall be substituted.~~

(b) Math lowest twenty-five (25) percent will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students in the lowest twenty-five (25) percent in mathematics in the school who make learning

gains as defined in paragraph (5)(b) of this rule. Improvement of the lowest twenty-five (25) percent of students in mathematics in each grade, as defined in paragraph (5)(b) of this rule, shall be aggregated for each school, unless the students so designated are performing above proficiency, defined as FCAT Achievement Levels 4 and 5.

1. Schools designated as Performance Grade “C” or above shall be required to demonstrate that adequate progress in mathematics, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year’s FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the percent of such students making learning gains is below fifty (50) percent in the current year, adequate progress can be met if:

a. Schools demonstrate a one (1) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is at least forty (40) percent in the current year; or

b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year.

If the minimum requirement for adequate progress in mathematics among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade “B” or “C” does not meet the minimum requirement for ~~make~~ adequate progress by having at least fifty (50) percent of its lowest performing students making learning gains in reading and in math, as defined above, in at least one (1) of two (2) consecutive years, or demonstrate improvement as defined in sub-subparagraphs (8)(b)1.a. and b. of this rule, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the adequate progress criterion in mathematics is met each year.

2. In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in mathematics as defined in paragraph (8)(b) of this rule, the lowest performing thirty (30) students at or below proficiency, defined as FCAT Achievement Levels 1, 2, and 3, will be used. In the event there are still not thirty (30) qualified students in the lowest achieving group, the grade point element defined in paragraph (6)(e) of this rule shall be substituted for the grade point element defined in paragraph (8)(b) of this rule.

(c) through (d) No change.

(e) School performance grades for high schools (schools that include grades 9 through 12 among grades taught) shall be evaluated on a revised scale beginning with school grading for the 2009-10 school year. Beginning in 2009-10, fifty (50) percent of the performance grade for high schools shall be based on the following components in addition to the components previously described in paragraphs (6)(a) through (f) and (8)(a) through (b) of this rule:

1. Four-year high school graduation rate. For the 2009-10 and 2010-11 School Years, the graduation rate will be calculated using criteria for modified No Child Left Behind (NCLB) graduation rate. The procedures used to calculate this rate can be found in the 2008-09 Guide to Calculations for the NCLB School Public Accountability Reports, April 2009, <http://www.fldoe.org/eias/eiaspubs/word/nclbguide.doc>. For this component, two (2) grade points shall be awarded for each percent of students counted as on-time graduates in the graduation rate. The total possible points awarded for this component is 200 points.

2. Four-year high school graduation rate for academically at-risk students. For purposes of this component, students shall be identified as academically at risk if they have scored at FCAT Achievement Level 2 or lower on both the mathematics and reading subtests of the FCAT in grade 8. The cohort of academically at-risk students is a sub-population of the adjusted cohort for the graduation rate described in subparagraph (8)(e)1. of this rule. The method of rate calculation and the criteria for inclusion in the numerator and denominator are the same as for the graduation rate described in subparagraph (8)(e)1. of this rule. For this component, one (1) grade point shall be awarded for each percent of students counted as on-time graduates in the graduation rate. The total possible points awarded for this component is 100 points.

3. Participation in accelerated coursework, defined as Advanced Placement (AP), International Baccalaureate (IB), dual enrollment, Advanced International Certificate of Education (AICE), and industry certification courses. Participation shall be calculated for the school year by dividing a weighted count of accelerated coursework participants in grades 9 through 12 (numerator) by the count of all students enrolled in grades 11 and 12 (denominator). For AP, IB, and AICE participation, a student shall be counted in the numerator if he or she has taken the applicable subject area examination (i.e., the AP, IB, or AICE subject area examination). For dual enrollment courses, a student must earn a grade in the course in order to be counted as a participant. For industry certification, a student must be enrolled in a career and technical education course and have taken an industry certification examination on the Industry Certification Funding List approved by the State Board of Education in Rule 6A-6.0573, F.A.C., in order to be counted as a participant.

a. Weighting of counts for individual participants. For each student counted as a participant in accelerated coursework, the weighted count that is credited to the student is established at 1.0 for a student who has taken one course/examination in accelerated coursework and is increased incrementally by 0.1 for each additional course/examination taken. The weighted counts for all participants are summed to produce the numerator described in subparagraph (8)(e)3. of this rule.

b. Grade points assigned. For this component, in 2009-10, two (2) grade points shall be awarded for each percentage point produced by the weighted calculation of participation in accelerated coursework described in subparagraph (8)(e)3. and sub-subparagraph (8)(e)3.a. of this rule. The total possible points awarded for this component is 200 points.

4. Performance in accelerated coursework, defined as Advanced Placement (AP), International Baccalaureate (IB), dual enrollment, Advanced International Certificate of Education (AICE), and industry certification courses. Performance shall be calculated for the school by dividing the weighted number of grade 9-12 students with successful completions in accelerated coursework (numerator) by the count of all students in grades 9 through 12 who took an accelerated course or subject area examination during the academic year (denominator). For AP, IB, and AICE successful completion is defined as earning a passing score and being awarded credit for specific postsecondary course(s) as determined by the 2008 Articulation Coordinating Committee's Credit by Exam Equivalencies list. Schools can earn additional successful completions for students who achieve industry certifications that result in credit for more than one (1) college course through statewide articulation agreements. Those agreements can be accessed at <http://www.fldoe.org/workforce/dwdframe/articframe.asp>.

a. Weighting of counts for students with successful completions. For each student identified as having successfully completed accelerated coursework, the weighted count that is assigned to the student is established at 1.0 for a student with one successful completion in accelerated coursework and is increased incrementally by 0.1 for each additional successful completion credited to the student. The weighted counts for all successful completers are summed to produce the numerator described in subparagraph (8)(e)4. of this rule.

b. Grade points assigned. For this component, one (1) grade point shall be awarded for each percentage point produced by the weighted calculation of performance in accelerated coursework described in subparagraph (8)(e)4. and sub-subparagraph (8)(e)4.a. of this rule. The total possible points awarded for this component is 100 points.

5. Postsecondary readiness. This measure consists of two separate components, one for reading and one for mathematics. For each subject area component, postsecondary readiness shall be calculated by dividing the count of on-time high

school graduates scoring “ready” on the SAT, ACT, and/or the Common Placement Test (CPT) at any time during their high school careers by the count of on-time high school graduates who scored at Level 3 or higher on the grade 10 FCAT in the applicable subject. Readiness cutoff scores by subject area on the ACT, SAT, and CPT are established in Rule 6A-10.0315, F.A.C. For students who have taken multiple tests among the ACT, SAT, and CPT, the student’s highest score by subtest shall be used to determine postsecondary readiness for the applicable subject area component. For each of the subject area components, one (1) grade point is awarded for each percentage point outcome of the postsecondary readiness calculation. The total possible points that may be awarded to a school for each component is 100 points.

6. Annual growth or decline in the components described in subparagraphs (8)(e)1. through 5. of this rule. For each component described in subparagraphs (8)(e)1. through 5., additional points are awarded based on the percentage point improvement over the prior year. Schools shall earn one additional point for each percentage point improved over the prior year. Schools shall earn no more than twenty (20) additional points on each component described in subparagraphs (8)(e)1. through 5. of this rule. Schools that show no improvement in results, or show declining results, shall receive no additional points.

7. Adequate progress requirement for at-risk students as criterion for a school grade of “A.” A high school that would otherwise earn a grade of “A” based on earned grading points must meet an additional requirement for adequate progress of at-risk students in order to be assigned a grade of “A” rather than one letter grade lower (“B”). For such schools, the graduation rate for academically at-risk students, as described in subparagraph (8)(e)2. of this rule, must meet one or more of the following criteria to satisfy this requirement:

- a. be no lower than seventy-five (75) percent; or
- b. show improvement of at least one (1) percentage point over the prior year’s rate, if the current year rate is at least sixty-five (65) percent; or
- c. show improvement of at least five (5) percentage points over the prior year’s rate, if the current year rate is below sixty-five (65) percent.

8. The school grading measures and requirements described in subparagraphs (8)(e)1. through 7. of this rule, shall be applied to high schools for which there are at least ten (10) students included in the denominator of each component described in subparagraphs (8)(e)1. and 3. through 5. of this rule. For high schools in which there are fewer than ten (10) students in the denominator of any one of these components, the school grade shall be determined using the same FCAT-based components that are applied in determining the grades of schools serving grades 8 and lower, and shall not include any of the components described in subparagraphs (8)(e)1. through 7. of this rule. For high schools in which their

are fewer than ten (10) students in the denominator of the four-year high school graduation rate for academically at-risk students component (subparagraph (8)(e)2.), the grade point component defined in subparagraph (8)(e)1. of this rule shall be substituted for the grade point component defined in subparagraph (8)(e)2. of this rule.

9. Grading scale for high schools. Beginning in 2009-10, the following school grading scale shall be applied to high schools:

- a. At least 1,050 school grade points shall be required for a School Performance Grade of A.
- b. At least 990 school grade points shall be required for a School Performance Grade of B.
- c. At least 870 school grade points shall be required for a School Performance Grade of C.
- d. At least 780 school grade points shall be required for a School Performance Grade of D.
- e. If a high school accumulates fewer than 790 school grade points, it shall be assigned a School Performance Grade of F.

10. Adjusted weighting of FCAT-based components and non-FCAT-based components for combination high schools’ grades. For schools in which grades 9 through 12 are taught in addition to other grades below grade 9, the school grade shall be based on a weighting of FCAT-based components and non-FCAT-based components, as described in subparagraphs (8)(e)1. through 8. of this rule, that is proportional to the number and level of non-high-school grades taught at the school at tested grade levels. Whereas the point totals for regular high schools (serving only grades 9 through 12) weight the FCAT-based components at fifty (50) percent of the grade and the non-FCAT-based components at fifty (50) percent of the grade, the following weightings for FCAT-based and non-FCAT-based components shall be applied to combination high schools:

- a. A combination high school serving more than three (3) tested grade levels below grade 9 shall have a school grade point total that weights the FCAT-based components as eighty (80) percent of the grade and the non-FCAT-based components as twenty (20) percent of the grade.
- b. A combination high school serving three (3) or fewer tested grade levels below grade 9 shall have a school grade point total that weights the FCAT-based components as seventy (70) percent of the grade and the non-FCAT-based components as thirty (30) percent of the grade.

(9) Accuracy and Representativeness of Performance Data. The Commissioner shall ~~will~~ review all information submitted by school districts to represent the performance of schools receiving a school performance grade.

- (a) No change.
- (b) The Commissioner shall withhold the designation of a school’s performance grade if he or she determines that the performance data does not accurately represent the progress of

~~the school. Circumstances under which a school's performance data may be considered to not accurately represent the progress of the school include: Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school's performance grade or designate the school in a lower performance grade. If less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade were assessed, the school's performance grade shall be designated incomplete (I) for at least thirty (30) days or until the data are determined by the Commissioner to accurately represent the performance of the school. In the event that the percent tested remains less than ninety (90) percent, the final performance grade will be one letter grade lower than indicated by the points described in subsection (7) of this rule or will be a grade determined by the Commissioner of Education to accurately represent the performance of the school.~~

1. Less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade was assessed;

2. Circumstances identified before, during, or following the administration of any state assessment where the validity or integrity of the test results are called into question and are subject to an investigation or review as determined by the Department. The school's performance grade shall be designated incomplete (I) until the state, district, and/or local investigation(s) are complete. If, following the completion of investigations, data are determined to accurately represent the performance of the school, a school's performance grade reflecting the data shall be reported.

(c) After the initial issuance of school performance grades, the school district shall have at least thirty (30) days to review the data on which the performance grade was based. If the school district determines that a different performance grade should be assigned because of the omission of student data, a data miscalculation, or special circumstances that might have affected the grade assigned, a request for a state review of the data can be submitted. Changes to the criteria or process described in paragraph (9)(a) ~~shall~~ ~~will~~ not be considered as part of this review and must be addressed as described therein. Appropriate documentation of all elements and data to be reviewed by the Department must be submitted within the time limits specified by the Commissioner.

The Commissioner's determination of a school's performance grade shall be final.

(10) through (11)(a) No change.

(b) The Commissioner is authorized to give preference to schools designated School Performance Grade F and School Performance Grade D in awarding federal and state grants designed to improve student achievement. The Department shall give priority to School Performance Grade F and School Performance Grade D schools in providing school

improvement assistance and resources. The Department ~~shall~~ ~~will~~ identify demographically similar, but higher performing, schools in the state for possible assistance.

(c) through (14) No change.

(15) Measures of Student Performance. The Department shall develop statewide assessments designed to measure student performance based on the following four standards to achieve the goal set forth in Section 1001.03(1), F.S., with special emphasis on reading, writing, and mathematics as defined in Rule 6A-1.09401, F.A.C., in the "Sunshine State Standards 1996" as incorporated by reference. ~~Beginning in school year 2002-2003, science will be added as a subject area for special emphasis.~~

(a) through (d) No change.

Rulemaking Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History--New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06, 6-19-08, 11-26-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Sellers, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0012 RULE TITLE: Application Information

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the updated certification application forms CG-10 and CG-10R. The effect will be the adoption of the most current applications forms.

SUMMARY: The certification application forms have been revised to include the new federal reporting requirements for ethnicity and race. The three sections of the application relating to the reporting of sealed/expunged records, criminal history records, and professional certificate sanctions have been revised to include an expanded series of relevant questions for each section that must be answered by a yes/no response. The questions have been identified by legal counsel and the Bureau of Professional Practices Services as necessary for full disclosure of information.

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: 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, 1012.789 FS.

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

DATE AND TIME: September 15, 2009, 9:00 a.m.

PLACE: Wolfson Campus, Miami-Dade College, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education 325 West Gaines Street, Room 201, Tallahassee, FL 32399-0400; (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0012 Application Information.

(1) Application process. To apply for a Florida Educator’s Certificate, an individual shall submit to the Bureau of Educator Certification the following:

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator’s Certificate, effective ~~October 2008~~ ~~January 1, 2008~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is prescribed below:

1. Request for a professional certificate – \$75.00,
2. Request for a temporary certificate – \$75.00,
3. Request for an addition of a coverage or endorsement to a valid certificate – \$75.00,
4. Request for a name change only – \$20.00,
5. Request for a duplicate certificate/subject deletion – \$20.00; or

(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator’s Certificate effective ~~October 2008~~ ~~January 1, 2008~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is \$75.00. An application for renewal of a professional certificate that is

received by the Bureau of Educator Certification or by a district school board office after the expiration of the professional certificate as specified in Rule 6A-4.0051, F.A.C., shall be submitted with a \$30.00 late fee in addition to the nonrefundable application fee.

(2) through (5) No change.

~~Rulemaking Specific~~ Authority 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS. Law Implemented 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, 1012.798 FS. History—New 7-6-82, Amended 9-27-83, Formerly 6A-4.012, Amended 12-25-86, 10-26-88, 5-2-90, 4-24-91, 7-7-92, 5-3-94, 7-18-95, 9-17-01, 11-25-03, 12-27-04, 1-1-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE
6A-6.0970	John M. McKay Scholarship for Students with Disabilities Program

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify and establish specific participation adherence for parents and private schools as related to the John M. McKay Scholarship program by requiring a signed parent affidavit affirming parental compliance with the program. Additionally, this rule amendment will clarify private school requirements as related to the return of scholarship funds and allow the Department the authority to conduct private school on-site inspections, as appropriate, in conjunction with a formal complaint. The effect will be a rule that will further strengthen the Department’s administration and implementation of the program.

SUMMARY: The proposed rule amendment outlines administrative requirements for parental participation, return of scholarship funds received erroneously, allows Departmental authority to conduct private school on-site inspections at the Department’s discretion, and requires a signed notarized parent affidavit asserting knowledge and compliance with the McKay Scholarship Program.

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: 1002.39 FS.

LAW IMPLEMENTED: 1002.39 FS.

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

DATE AND TIME: September 15, 2009, 9:00 a.m.

PLACE: Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Miami, FL 33132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael D. Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program.

The John M. McKay Scholarship for Students with Disabilities Program will be implemented as required by Section 1002.39, F.S., in an effective and equitable manner that will maintain the integrity of the program.

(1) through (4) No change.

(5) Scholarship payments. The following provisions detail information related to scholarship payments including timeframes, eligibility, and Departmental procedures.

(a) Scholarship payments will be made on or before September 1, November 1, February 1, and April 1 of each year. For purposes of statutory deadlines associated with payment dates, the above listed dates shall be considered the official payment dates.

(b) The following payment periods are established for administration of the scholarship payments:

Payment	Payment Period
September 1	July 1 – September 30
November 1	October 1 – December 31
February 1	January 1 – February 28
April 1	March 1 – June 30

(c) The following requirements must be met to qualify for a scholarship payment:

1. The notice of intent, described in subsection (1) of this rule, must be filed sixty (60) days before the first scholarship payment. This is a one-time requirement that applies to scholarship students entering the program for the first time, and no payment can be earned until such time as the notice requirement has been met.

2. A student must have an enrollment date thirty (30) days before the first scholarship payment is made. The submission of the school and student fee schedules are required to establish the enrollment date and are completed using the Department's

website. A student that changes private schools after meeting the enrollment date requirement may still qualify for payment for that payment period.

3. Prior to receiving a scholarship payment, all parents of participating students must have on file with the Department Form IEPC-AFF1, Affidavit, signed and notarized affirming that the parent understands and agrees to uphold the responsibilities of the parent and the student as outlined in Section 1002.39(9), F.S., including restrictive endorsement of the scholarship warrants. Form IEPC-AFF1 is hereby incorporated by reference in this rule to become effective with the effective date of this rule and may be obtained from the Department's website at <http://www.floridaschoolchoice.org/>.

~~4.3.~~ A student must not be enrolled in a public school or violate any of the prohibitions found in Section 1002.39(3), F.S.

~~5.4.~~ The private school must verify each student's continued enrollment and attendance using the Department's website three (3) times per year before the November, February, and April scholarship payments. Failure to verify a student's continued enrollment and attendance will result in a delayed payment until the next payment period. To receive payment at that time, the private school must verify student attendance for the delayed payment's payment period and, if the student is still enrolled in the program, for the current payment period.

(d) Private schools are responsible for the return of all scholarship funds to the Department that were received in error, including: for students that were not in attendance, or for services listed on a student's fee schedule that were not provided. If the Department identifies scholarship funds that should be returned, it shall send a letter via both regular and certified mail requesting the return of the funds. The letter shall state the reason the funds are being requested, the student or students involved, instructions on returning the funds, and the procedure to be followed if the private school believes that return of the funds is being requested in error or wishes to provide additional information related to the requested funds. The Department's letter may also require the school to provide an explanation for how the private school claimed funds that were erroneously obtained.

1. Private school shall respond to such letter within thirty (30) days by either returning the funds or detailing in writing why its retention of the funds is proper.

2. If the Department receives a letter detailing why the funds were properly retained, it shall determine whether the explanation is sufficient and thereafter alert the private school to any funds still due and a timeframe for the return of those funds. The response shall give the private school or parent at least twenty (20) additional days to repay the funds.

3. Failure to return the funds due back to the Department, or failure to provide a sufficient explanation for how the school claimed funds that were erroneously obtained, within the time

period allotted in subparagraphs (5)(d)1. and 2. of this rule, shall result in the initiation of noncompliance procedures pursuant to the Commissioner's authority described in Section 1002.39(7), F.S., and this rule. If the Commissioner has suspended a private school's participation in the program pursuant to Section 1002.39(7), F.S., in order to ensure that scholarship payments are received on the scheduled payment date, any funds requested by the Department must be received at least twenty (20) days prior to the scheduled quarterly payment date. Otherwise scholarship payments will be delayed until the subsequent scholarship payment date.

(e) through (7) No change.

(8) Complaint process. The following process is established to allow individuals to notify the Department of any violation by parents, private schools, or school districts of laws or rules related to scholarship program participation.

(a) Persons interested in filing a complaint should contact the Department through the toll-free hotline, established pursuant to Section 1002.39, F.S., or through the Department's website.

(b) An initial complaint shall include, at a minimum, the complainant's name, phone number, and address, and details of the situation.

(c) After receipt of the initial complaint, the Department shall offer to provide a formal complaint form to the complainant.

(d) To register a formal complaint, the complainant must complete the formal complaint form, sign it, and mail or fax it to the Department within thirty (30) days of making the initial complaint.

(e) Upon receipt of a formal complaint, the Department shall review the complaint for legal sufficiency. If the complaint is legally sufficient, the Department shall conduct an inquiry, as described in subsection (9) of this rule, or refer the matter to the appropriate agency for investigation. If the complaint is not legally sufficient, the Department may close the complaint.

(f) The Department shall notify the complainant of the final result of all legally sufficient formal complaints.

(9) Inquiry process. If an inquiry is made as to the conduct of an individual or entity participating in the program:

(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the Department.

(b) Failure to respond to a letter of inquiry in a timely manner by:

1. A parent, then the Department shall determine the effect on ~~notify the parent that the parent's failure to respond to the letter of inquiry is deemed to be an acceptance of the allegations made in the formal complaint and may affect student eligibility.~~

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), F.S., and this rule.

3. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, the student, or private school as appropriate ~~a formal notice will be sent from the Commissioner to the district's Superintendent stating that failure to respond within five (5) working days shall be deemed to be an admission of the stated violation or allegation.~~

(c) The Department shall review the response to the letter of inquiry and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the parent, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, ~~or~~ school district, or conduct a site audit/inspection as appropriate.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the parent of any violation of laws or rules committed and any effect it will have on student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), F.S., and this rule.

c. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, student, or private school as appropriate.

(d) The Department may at any point in the process set forth in this rule, refer an inquiry to the Department's Office of Inspector General or another appropriate agency for full investigation.

(e) Notwithstanding any other provision of this rule, the Commissioner may at any point before or during the inquiry process exercise the authority given under Section 1002.39(7), F.S., and this rule ~~to immediately suspend payments to a private school if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of students or suspected fraudulent activity on the part of the private school.~~

Rulemaking Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History—New 1-18-07, Amended 4-21-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael D. Kooi, Executive Director, Office of Independent Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 10, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0981 RULE TITLE: School District Virtual Instruction Program

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify procedures relating to the application process to become a virtual instruction program provider and to adopt a new application form. The effect of the amendment is a rule which better outlines the process for applicants to follow.

SUMMARY: The rule is amended to clarify procedures relating to the application process and to delete unnecessary language relating to grade levels.

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: 1002.45 FS.

LAW IMPLEMENTED: 1002.45 FS.

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

DATE AND TIME: September 15, 2009, 9:00 a.m.

PLACE: Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Miami, FL 33132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sally Roberts, Educational Policy Consultant, Division of Public Schools, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-9617

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0981 School District Virtual Instruction Program.

(1) Purpose. Section 1002.45, F.S., requires each school ~~district~~ districts, beginning with the 2009-2010 school year, to provide eligible students within its boundaries the option to

participate in a virtual instruction program. The Department of Education will provide school districts annually with a list of providers approved to offer virtual instruction programs under this section of law. The program must be full-time for K-8 students and may be full-time or part-time for students in grades 9-12 in Department of Juvenile Justice Education Programs, dropout prevention programs, vocational programs, or career education programs. Each school district's virtual instruction program may be operated by the district or by virtual instruction program contracted providers. Virtual instruction program providers must be approved by the Department of Education.

(2) Application Form. Form VSP-02, School District Virtual Instruction Program Provider Approval Application for becoming an approved provider for the School District Virtual Instruction Program, will be used for those virtual education providers applying for approved status from the Department of Education. Form VSP-02 is hereby incorporated by reference and made a part of this rule to become effective with the effective date of this rule. Form VSP-02 will be published electronically at www.fldoe.org/Schools/virtual-schools/DistrictVIP.asp. ~~www.floridaschoolchoice.org~~, or A hard copy may be obtained by contacting the Division of Public Schools, Office of the Chancellor Independent Education and Parental Choice, Florida Department of Education, 325 West Gaines Street, Room 514 522, Tallahassee, Florida 32399.

(3) Application. The application to become an approved provider ~~For the 2009-10 school year, Form VSP-02 will be available beginning October 1 of each year for the following school year. The deadline for filing the application is October 31~~ on-line at www.floridaschoolchoice.org; the application date for providers to begin submission shall be published at www.floridaschoolchoice.org and the application shall remain open for thirty (30) calendar days. Each year thereafter, Form VSP-02 will be available online beginning September 1 for providers intending to contract with school districts in the subsequent school year. Applications will be due on or before November 1.

(4) The Department of Education will review each application and provide the applicant with a written decision regarding the approval or denial of the application no later than forty-five (45) calendar days after the deadline ~~November 1~~. Approved providers will be posted to the website: www.fldoe.org/Schools/virtual-schools/DistrictVIP.asp ~~www.floridaschoolchoice.org~~, no later than March 1 each year. The approval is valid for the following three (3) years.

(5) Notice of Denial. If the application is denied, the applicant will receive written notification identifying the specific areas of deficiency. The applicant shall have forty-five (45) calendar days after receipt of the notice of denial to resolve any outstanding issues, and resubmit its ~~their~~ application for reconsideration. The applicant will receive a final notice of approval or denial ~~no later than February 28 of~~

~~each year.~~ If an application is denied a second time, the Department of Education will provide a final written notice to the provider indicating that the application has been administratively closed and that the provider may apply during the next application phase in accordance with subsection (3) of this rule.

(6) Revocation. The Department shall revoke the approval of a provider who fails to comply with all the requirements of Section 1002.45, F.S.

Rulemaking Specific Authority 1002.45(12) FS. Law Implemented 1002.45 FS. History–New 11-26-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-54.0012	Definitions
14-54.00121	Route Evaluation Standards
14-54.00131	Signing of Posted Roads
14-54.00161	Florida Turnpike
14-54.005	Other Regulations
14-54.006	Tractor Requirements
14-54.0061	Tire Requirements
14-54.007	Brake Regulations
14-54.0071	Axle Requirements
14-54.008	Emergency Equipment
14-54.0081	Lead Trailer Requirements
14-54.010	Converter Dolly Requirements
14-54.011	Lamps, Etc.
14-54.012	Inspection by Driver
14-54.013	Coupling Devices/Hitch Connections
14-54.014	Staging
14-54.015	Speed Limits, Minimum Distances, Passing, and Operations under Hazardous Conditions

PURPOSE AND EFFECT: Rule Chapter 14-54, F.A.C., is being repealed and its language adopted by the new amendments to Rule Chapter 14-61, F.A.C. The language of Rule Chapter 14-54, F.A.C., is being adopted by Rule Chapter 14-61, F.A.C., in order to update and organize all turnpike rules into one rule chapter.

SUMMARY: Rule Chapter 14-54, F.A.C., is being repealed.

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: 316.515, 316.555, 316.611, 334.044(2), 338.239(1) FS.

LAW IMPLEMENTED: 316.252, 316.515, 316.555, 316.611, 338.22-338.244 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-54.0012 Definitions.

Rulemaking Specific Authority 334.044(2), 316.515, 316.611 FS. Law Implemented 316.515 FS. History–New 12-12-83, Formerly 14-54.012, Amended 9-29-91, 5-14-96, Repealed _____.

14-54.00121 Route Evaluation Standards.

Rulemaking Specific Authority 334.044(2), 316.515, 316.611 FS. Law Implemented 316.515, 316.611 FS. History–New 9-29-91, Amended 5-14-96, Repealed _____.

14-54.00131 Signing of Posted Roads.

Rulemaking Specific Authority 334.044(2), 316.515, 316.555, 316.611 FS. Law Implemented 316.515, 316.611 FS. History–New 9-29-91, Amended 5-14-96, Repealed _____.

14-54.00161 Florida Turnpike.

Rulemaking Specific Authority 334.044(2), 316.515, 316.611, 338.239(1) FS. Law Implemented 316.515, 338.239(1), 338.22-.244 FS. History–New 9-29-91, Amended 5-14-96, Repealed _____.

14-54.005 Other Regulations.

Rulemaking Specific Authority 334.044(2), 316.515, 316.611 FS. Law Implemented 316.515, 316.555 FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.05, Amended 9-29-91, Amended 5-14-96, Repealed _____.

14-54.006 Tractor Requirements.

Rulemaking Specific Authority 334.044(2), 316.515, 316.611, 338.239(1) FS. Law Implemented 316.515, 316.555 FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.06, Repromulgated 9-29-91, Amended 5-14-96, Repealed _____.

14-54.0061 Tire Requirements.

Rulemaking Specific Authority 316.611, 334.044(2), 338.239(1) FS. Law Implemented 316.611, 338.222, 338.239(1) FS. History–New 5-14-96, Repealed.

14-54.007 Brake Regulations.

Rulemaking Specific Authority 334.044(2), 316.611, 338.239(1) FS. Law Implemented 316.261-.263, 316.611, 338.222, 338.239(1) FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.07, Amended 9-29-91, 5-14-96, Repealed.

14-54.0071 Axle Requirements.

Rulemaking Specific Authority 316.611, 334.044(2), 338.239(1) FS. Law Implemented 316.611, 338.222, 338.239(1) FS. History–New 5-14-96, Repealed.

14-54.008 Emergency Equipment.

Rulemaking Specific Authority 334.044(2), 316.611, 338.239(1) FS. Law Implemented 316.611, 338.222, 338.239(1) FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.08, Amended 9-29-91, 5-14-96, Repealed.

14-54.0081 Lead Trailer Requirements.

Rulemaking Specific Authority 316.611, 334.044(2), 338.239(1) FS. Law Implemented 316.611, 338.222, 338.239(1) FS. History–New 5-14-96, Repealed.

14-54.010 Converter Dolly Requirements.

Rulemaking Specific Authority 334.044(2), 316.611, 338.239(1) FS. Law Implemented 316.611, 338.222, 338.239(1) FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.10, Amended 9-29-91, 5-14-96, Repealed.

14-54.011 Lamps, Etc.

Rulemaking Specific Authority 334.044(2), 316.252, 316.611, 338.239(1) FS. Law Implemented 316.252, 316.611, 338.222, 338.239(1) FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.11, Amended 9-29-91, 5-14-96, Repealed.

14-54.012 Inspection by Driver.

Rulemaking Specific Authority 334.044(2), 316.611, 338.239(1) FS. Law Implemented 316.611, 338.222, 338.239(1) FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.12, Amended 9-29-91, 5-14-96, Repealed.

14-54.013 Coupling Devices/Hitch Connections.

Rulemaking Specific Authority 334.044(2), 316.611, 338.239 FS. Law Implemented 316.611, 338.222, 338.239(1) FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.13, Amended 9-29-91, 5-14-96, Repealed.

14-54.014 Staging.

Rulemaking Specific Authority 334.044(2), 316.611, 338.239(1) FS. Law Implemented 316.611, 338.222, 338.239(1) FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.14, Amended 9-29-91, 5-14-96, Repealed.

14-54.015 Speed Limits, Minimum Distances, Passing, and Operations under Hazardous Conditions.

Rulemaking Specific Authority 334.044(2), 316.611, 338.239(1) FS. Law Implemented 316.611, 338.239 FS. History–New 10-29-79, Amended 12-12-83, Formerly 14-54.15, Repromulgated 9-29-91, Amended 5-14-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Lattner

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 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."

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Commission on Community Service

RULE NOS.:	RULE TITLES:
27O-1.001	Direct Support Organization Function, Bylaws and Services Contract
27O-1.002	Governance
27O-1.003	Disposition of Funds
27O-1.004	Budget
27O-1.005	Use of Commission Property and Facilities
27O-1.006	Use of Personal Services

PURPOSE AND EFFECT: The purpose of this rule is to comply with Section 14.29(13), F.S. The statute requires the commission to adopt rules.

SUMMARY: Procedures by which the direct-support organization is governed and any conditions with which the direct-support organization must comply to use property, facilities, or personal services of the commission.

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: 14.29(10), 14.29(13) FS.

LAW IMPLEMENTED: 14.29 FS.

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

DATE AND TIME: September 9, 2009, 1:30 p.m. – 3:00 p.m. EDT.

PLACE: Elliot Building, 401 South Monroe Street, Conference Room 212A, Tallahassee, Florida 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Tom Linley, Governor’s Commission on Volunteerism and Community Service, 401 South Monroe Street, Tallahassee, Florida 32301. Telephone number: (850)922-2101. Email address: tom@volunteerflorida.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(850)921-5172.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Linley, 401 South Monroe Street, Tallahassee, FL 32301, e-mail: tom@volunteerflorida.org

THE FULL TEXT OF THE PROPOSED RULES IS:

27O-1.001 Direct Support Organization Functions, Bylaws and Services Contract.

(1) An organization may request approval of the Commission to become a DSO. The requesting organization must fulfill the requirements of Section 14.29, F.S.

(2) In order to be considered for certification as a DSO, an organization must fulfill the requirements of Section 14.29, F.S., and must have Articles of Incorporation and Bylaws that together provide that the:

(a) DSO is organized and operated exclusively to support or benefit the Commission.

(b) Bylaws shall describe the operating procedures and specific individual responsibilities of the DSO’s governing board, committees, and officers of the organization.

(c) DSO governing board shall consist of not less than nine members and not more than fifteen members each serving a term of three years.

(d) members of the DSO’s governing board shall be appointed by the Commission; a minimum of two members of the Commission, appointed by the Commission Chairman, shall serve on the DSO’s governing board as voting members; a minimum of one Commission member shall serve on the executive board of the DSO governing board.

(e) director of the DSO shall be selected by the DSO’s governing board subject to approval of the Commission; the director of the DSO shall be a direct report to the Commission or a designee reporting directly to the Commission.

(f) DSO shall conduct its business in full compliance with Florida statutes and regulations including the Florida Sunshine Law, Public Records Law, and applicable Florida Administrative Code (FAC) Administrative Rules.

(3) The DSO shall operate under written services contract with the Commission as outlined in Section 14.29(10), F.S.; the contract period shall not exceed three years.

(4) The organization shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, age, or national origin.

(5) The DSO shall have personnel policies consistent with Commission personnel policies.

Rulemaking Authority 14.29(10), 14.29(13) FS. Law Implemented 14.29 FS. History–New _____.

27O-1.002 Governance.

(1) The Commission shall annually review and approve all programs administered by the DSO. The Commission shall evaluate and approve all new programs prior to any informal commitment, formal contract or other legal commitment.

(2) The DSO governing board shall meet quarterly which may include telephonically.

(3) The DSO shall provide to the Commission minutes and supporting documents from all governing board meetings, executive board meetings, committee meetings and advisory board meetings within 30 days of the meetings.

Rulemaking Authority 14.29(10), 14.29(13) FS. Law Implemented 14.29 FS. History–New _____.

27O-1.003 Disposition of Funds.

If the Commission determines that the DSO is no longer complying with the Services Contract and in a manner consistent with the goals and purposes of the Commission and in the best interest of the state, the Commission may decertify the DSO and thereafter the organization may not use the name of or any trademarked names of the Commission. Decertification shall include a plan for disposition of the DSO’s assets and liabilities in accordance with Section 14.29 (10)(d), F.S.

Rulemaking Authority 14.29(10), 14.29(13) FS. Law Implemented 14.29 FS. History–New _____.

27O-1.004 Budget.

(1) The DSO shall have the authority to amend its budget. Budget amendment requests for more than 10% of the total amount of the annual budget or more than \$50,000 shall require the approval of the DSO’s governing board and the Commission.

(2) The DSO shall provide for an annual audit in accordance with Section 215.981, F.S., which shall be submitted to the Commission for review and approval.

(3) The DSO shall provide for compliance and/or operational audits when directed by the Commission; the scope of audit shall be approved by the Commission or designee.

(4) The DSO shall prepare and submit to the Commission monthly expense reports.

(5) The DSO shall prepare and submit to the Commission quarterly expenditure plans that separately delineate planned actions which represent a significant commitment of the resources of the DSO, including:

(a) Major fund raising events, grants, and campaigns and their purpose.

(b) Other major commitments of the resources of the organization.

Rulemaking Authority 14.29(10), 14.29(13) FS. Law Implemented 14.29 FS. History–New _____.

27O-1.005 Use of Commission Property and Facilities

(1) The DSO may lease office space from the Florida Department of Management Services or another entity. The lease agreement shall be between the DSO and the lessor. Payment for leased space is the responsibility of the DSO.

(2) The Commission and the DSO may share facilities. The DSO’s use of the Commission’s facilities and vice versa shall be with the approval of the organization holding the lease on said space.

Rulemaking Authority 14.29(10), 14.29(13) FS. Law Implemented 14.29 FS. History–New _____.

27O-1.006 Use of Personal Services.

The Commission and the DSO may share personal services. Personnel sharing costs shall be in compliance with funding sources and a written personnel sharing agreement.

Rulemaking Authority 14.29(10), 14.29(13) FS. Law Implemented 14.29 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Linley

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor’s Commission on Volunteerism and Community Service

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.019 RULE TITLE: Inmate Grievances – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-236, Inmate Request, to move language regarding use of the form as an informal grievance to the first page of the form and to clarify the procedure by which copies of the form are maintained and distributed to the inmate and responding official.

SUMMARY: Proposed rule amends Form DC6-236, Inmate Request, by moving language regarding use of the form as an informal grievance to the first page and by clarifying the procedure by which copies of the form are maintained and distributed to the inmate and responding official.

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

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:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) No change.

(2) Form DC6-236, Inmate Request, effective 8-27-07.

(3) through (5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06, 6-18-07, 8-27-07, _____.

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: June 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

COMMISSION ON ETHICS

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

PURPOSE AND EFFECT: The purpose of the proposed amendment is to make revisions to various forms that are required to be filed by the Code of Ethics, and that are adopted

by reference in Rule 34-7.010, Florida Administrative Code. The filing year on all of the forms will be changed to 2009. Additionally, the instructions in the Form 6 series will be amended regarding the valuation of real property, and members of all expressway authorities will be added to the list of who is required to file. The changes to the Form 1 series includes directing the filer to put "none" or "n/a" if there is nothing to report; amending the instructions regarding the reporting of liabilities and for reporting primary sources of income; and deleting references to expressway authorities as all are now required to file the CE Form 6. Also, the instructions on the CE Form 20 (Executive Branch Lobbyist Registration Form) are being amended to delete the requirement that the principal's original signature be provided in order to be consistent with the Legislative Lobbying provisions.

SUMMARY: CE Form 1 (Statement of Financial Interests), CE Form 1F (Final Statement of Financial Interests), CE Form 1X (Amendment to Form 1 Statement of Financial Interests), CE Form 6 (Full and Public Disclosure of Financial Interests), CE Form 6F (Final Full and Public Disclosure of Financial Interests), CE Form 6X (Amendment to Full and Public Disclosure of Financial Interests), and CE Form 20 (Executive Branch Lobbyist Registration Form) will be affected by this rulemaking.

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

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

RULEMAKING AUTHORITY: Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(14), 112.322(9) FS., Ch. 2009-85, LOF.

LAW IMPLEMENTED: 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a), (f), (h), Fla. Const., Ch. 2009-85, LOF.

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

DATE AND TIME: September 11, 2009, 8:30 a.m.
 PLACE: Senate Office Building, Room 37S, 404 South Monroe Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 34-7.010 List of Forms and Instructions.
- (1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2010 ~~1/2007~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2010 ~~1/2007~~.

(d) through (h) No change.

(i) Form 20, Executive Branch Lobbyist Registration. To be utilized by lobbyists for compliance with Section 112.3215(3), Florida Statutes. Effective 1/2010 ~~6/2006~~.

(j) though (n) No change.

(o) Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2010 ~~1/2007~~.

(p) Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2010 ~~1/2007~~.

(q) Form 1X, Amendment to Form 1 Statement of Financial Interests. To be used to amend a previously filed CE Form 1. Effective 1/2010 ~~10/2004~~.

(r) Form 6X, Amendment to Full and Public Disclosure of Financial Interests. To be used to amend a previously filed CE Form 6. Effective 1/2010 ~~1/2004~~.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2010

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(14), 112.322(9) FS., Chapter 2009-85 ~~2005-359~~, LOF. Law Implemented 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a), (f), (h), Fla. Const., Chapter 2009-85 ~~2005-359~~, LOF. History-New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04, 1-1-05, 1-1-06, 6-15-06, 1-1-2007, 1-1-10.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Assistant General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.600	Permit Applications – General and Noticed General Permits
40D-1.604	Bonds
40D-1.6105	Limiting Conditions
40D-1.1003	Time for Consideration of a Petition for an Emergency Variance or Waiver
40D-1.1010	Point of Entry into Proceedings

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to make District permit application processing rules more consistent with respect to use of the term, “District,” and to conform such rules to recent statutory amendments relating to the processing of permit applications.

SUMMARY: Rule 40D-1.600, F.A.C., which required general environmental resource permits concurrently reviewed with an application for a proprietary authorization deemed to be of heightened public concern to be issued by the Governing Board, is repealed. Rules 40D-1.604 and 40D-1.1003, F.A.C., are amended to replace the word “Board” with the word “District.” Rule 40D-1.6105, F.A.C., is amended to replace the word “Board” with the word “District” and to correct a citation to a District permitting form. Paragraph 40D-1.1010(2)(a), F.A.C., is amended to apply to all final agency action taken by the District, whether by staff or the Governing Board.

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: 120.54(5), 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 253.115, 373.079(4)(a), 373.083(5), 373.085, 373.216, 373.219, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.421, 373.426, 373.427 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.600 Permit Applications – General and Noticed General Permits.

~~(1) General Permits issued pursuant to Sections 373.118 and 373.414, F.S., under Chapters 40D 2, 40D 4, and 40D 40, F.A.C., are issued by staff except when the application is concurrently reviewed with an application for a proprietary authorization that is deemed to be of heightened public concern pursuant to 18 21.0051(4), F.A.C., or denied in which case final action is taken by the Governing Board.~~

~~(2) Noticed General Permits are issued or denied by staff.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.118 FS. History–New 10-1-84, Amended 12-22-94, 7-2-98, 9-26-02, 9-25-07, Repealed _____.

40D-1.604 Bonds.

(1) The ~~District Board~~ may require the applicant for a permit to furnish a bond made payable to the District and its successors, with a reputable bonding corporation authorized to do business in this State as surety, conditioned upon full compliance with the terms of the permit. The amount of the bond shall be in such amount as the ~~District Board~~ shall determine to be adequate.

(2) In the alternative to subsection (1), the ~~District Board~~ may require liability insurance in such amount as the ~~District Board~~ shall determine endorsed in favor of the District or a hold harmless agreement satisfactory to the ~~District Board~~.

(3) The ~~District Board~~ may require that such bond or liability insurance be maintained as a condition of the continued validity of the permit.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.085, 373.413, 373.416 FS. History–Readopted 10-5-74, Formerly 16J-0.13, 40D-1.391, 40D-1.1900, Amended 6-5-05, _____.

40D-1.6105 Limiting Conditions.

(1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the ~~District Board~~ of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit a subsequent owner must submit a Notification and Request for Transfer of Environmental Resource Permit Form No. LEG-R.043.00 (4/09) 04-10R-022 (7/04) or an Application to Transfer a Water Use Permit, Form No. LEG-R.002.03 (09/07), as appropriate, that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Copies of these forms may be obtained from the District.

(3) If only a part of such lands is so conveyed, or if the ownership, lease, or other legal control is divided, such permit shall immediately terminate unless the terms of the permit are modified by the ~~District Board~~ or the permit is transferred pursuant to District rules.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.219, 373.413, 373.416 FS. History—Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-93, Formerly 40D-0.381, Amended 12-16-97, 8-25-02, 10-19-05, 11-25-07,_____.

40D-1.1003 Time for Consideration of a Petition for an Emergency Variance or Waiver.

The ~~District Governing Board~~ shall grant or deny a petition for a variance or waiver within 45 days of its receipt by the District.

Rulemaking Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 373.079(4)(a), 373.083(5), 120.54(5) FS. History—New 7-2-98,_____.

40D-1.1010 Point of Entry into Proceedings.

(1) No change.

(2)(a) "Written notice" as set forth in Rule 28-106.111, F.A.C., means either receipt of actual written notice that the District has taken or intends to take final agency action, or publication of notice that the District has taken or intends to take final agency action. If final agency ~~the District's Governing Board takes~~ action which materially differs from a written notice of the District's intended action, persons who may be substantially affected shall have an additional 21 days, or for a notice of consolidated intent an additional 14 days, from the date of receipt or publication of notice of such action to request an administrative hearing. Such requests for an administrative hearing shall only address those aspects of the agency action which differ from the proposed agency action.

(b) No change.

(3) through (6) No change.

Rulemaking Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 120.60, 253.115, 373.079(4)(a), 373.083(5), 373.216, 373.219, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.421, 373.426, 373.427 FS. History—New 7-2-98, Amended 11-2-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.311	Competing Applications
40D-2.331	Modification of Permits
40D-2.381	Standard Permit Conditions

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to make District rules for water use permit application processing consistent with recent statutory amendments relating to the processing of permit applications.

SUMMARY: Rule 40D-2.041, F.A.C., is amended to delete the requirement that individual water use permits be approved by the Governing Board. Rule 40D-2.091, F.A.C., is amended to incorporate by reference a revised Water Use Permit Information Manual Part B, "Basis of Review," which now contains a revised description of the permitting process. Rules 40D-2.311, 2.331 and 2.381, F.A.C., are amended to replace "Governing Board" with "District."

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, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.079(4)(a), 373.083(5), 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.233, 373.239, 373.243, 373.244 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.041 Permits Required.

(1) No change.

(2) Water Use Permit categories are based on the combined annual average daily water demand, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during one year from ground water, surface water, alternative water supply, imported

water or any other water source, divided by 365 days and expressed in gallons per day (gpd). The District issues the following categories of Water Use Permits:

(a) Individual. Water Use Permits for a combined annual average daily water demand of 500,000 gpd or greater are issued as Individual Water Use Permits. ~~Individual Water Use Permits must receive approval from the Governing Board.~~

(b) through (c) No change.

(3) through (4) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented ~~373.079(4)(a), 373.083(5), 373.219, 373.223, 373.224, 373.226~~ FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-4-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07, 12-30-08, 5-17-09, _____.

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Water Use Permit Information Manual Part B, "Basis of Review" (_____) (~~03-26-09~~);

(2) through (3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, ~~373.079(4)(a), 373.083(5), 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243~~ FS. History-New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, _____.

40D-2.311 Competing Applications.

(1) If two or more applications for permits, which otherwise comply with these Rules and with Governing Board orders, are pending for a quantity of water that is inadequate for both or all, or which for any other reason are in conflict, the ~~District Governing Board~~ shall have the right to approve or modify the applications in a manner which best serves the public interest as determined by the District Governing Board.

(2) In the event that two or more competing applications qualify equally under the provisions of subsection (1), the ~~District Governing Board~~ will give preference to a renewal application over an initial application.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented ~~373.079(4)(a), 373.083(5), 373.233~~ FS. History-Readopted 10-5-74, Formerly 16J-2.12, Amended 10-1-89, _____.

40D-2.331 Modification of Permits.

(1) through (2) No change.

(3) The ~~District Governing Board~~ shall order the modification of any permit if it is shown that the use or disposition of water is detrimental to other water users or to the water resources or no longer meets the conditions for issuance identified in Rule 40D-2.301, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented ~~373.079(4)(a), 373.083(5), 373.171, 373.239~~ FS. History-Readopted 10-5-74, Formerly 16J-2.14(1), Amended 10-1-89, 2-10-93, 7-29-93, 1-1-07, 8-23-07, 7-1-09, _____.

40D-2.381 Standard Permit Conditions.

(1) The ~~District Governing Board~~ shall impose on any permit granted under this Chapter such reasonable conditions as are necessary to assure that the permitted operation will be consistent with the overall objectives of the District and will not be harmful to the water resources of the District or existing legal users.

(2) No change.

(3) Every permit acquired under this Chapter shall include the following standard conditions which impose certain limitations on the permitted water withdrawal:

(a) through (q) No change.

(r) Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the District Board, upon reasonable notice to the permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact, but only after an opportunity for the permittee to resolve or mitigate the change or impact or to request a hearing.

(4) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~373.079(4)(a), 373.083(5), 373.219, 373.223, 373.244~~ FS. History-New 6-7-78, Amended 9-9-80, 10-21-80, Formerly 16J-2.112, Amended 10-1-89, 2-10-93, 5-2-93, 4-14-02, 1-1-03, 10-19-05, 7-20-08, _____.

WUP BOR

~~1.6 APPLICATION REVIEW PROCESS~~ [Section Deleted]

Amended 1-1-07, 12-24-07, 12-30-08, _____.

4.3 MINIMUM FLOWS AND LEVELS

A. Withdrawals That Affect Water Bodies for Which Minimum Flows and Levels Have Been Adopted Within Those Portions of Hillsborough County north of State Road 60, and Pasco and Pinellas Counties (hereinafter the "Area").

1. For New Withdrawals Proposed After August 3, 2000.

a. No change.

ii. No change.

(1) through (3) No change.

(4) If supplemental hydration is proposed to rehydrate lakes or wetlands, in order for a water use permit authorizing the Requested Quantity to be issued, the ~~District Governing Board~~ must determine whether:

(A) through (F) [list of factors – No change.]

iii. through v. No change.

vi. The procedures described below are those applicable to the determination of an aquifer regulatory level relating to 40D-2.301(1)(d), F.A.C., where the ~~District Governing Board~~ authorizes a quantity of Upper Floridan aquifer ground water pursuant to 4.3 A.1.a.i. where an applicant proposes prevention measures, and shall be determined for, and specified in, any permit issued as follows: [No further changes]

B. No change.

New 1-1-07, Revised _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.091	Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to make District rules for individual environmental resource permit application processing consistent with recent statutory amendments relating to the processing of permit applications.

SUMMARY: Subsection 40D-4.021(9), F.A.C., is amended to delete the phrase, “that may be issued by District staff,” from the definition of a general permit. Subsection 40D-4.021(10), F.A.C., is amended to delete the phrase, “issued by the District Governing Board,” from the definition of an individual permit. Rule 40D-4.091, F.A.C., is amended to incorporate by reference a revised Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR). Section 1.2 of the BOR now contains a revised description of the application review process.

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, 373.046, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.021 Definitions.

(1) through (8) No change.

(9) “General Permit” means a General Environmental Resource Permit, as described in Chapters 40D-4 and 40D-40, F.A.C., ~~that may be issued by District staff.~~

(10) “Individual Permit” means an Individual Environmental Resource Permit, as described in Chapter 40D-4, F.A.C., ~~issued by the District Governing Board.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented ~~373.079(4)(a), 373.083(5),~~ 373.403, 373.413 FS. History–Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, 2-6-07, 1-8-08, 9-29-08, _____.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____, ~~May 17, 2009.~~ This document is available from the District upon request.

(2) through (5) No change.

Rulemaking Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, ~~373.079(4)(a), 373.083(5),~~ 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-22-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08, 5-12-09, 5-17-09, _____.

Environmental Resource Permitting Manual Part B
Basis of Review

Chapter One – Introduction

1.2 Application Review Process – The District issues three types of environmental resource permits as authorized by Part IV, Chapter 373, F.S.: individual including conceptual, general and noticed general permits.

~~Noticed general permits and general permits are issued by staff, while Governing Board action is required for individual permits.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-40.302	Conditions for Issuance of General Permits

40D-40.381	General Conditions
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PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to make District rules for general environmental resource permit application processing consistent with recent statutory amendments relating to the processing of permit applications.

SUMMARY: Paragraph 40D-40.302(6)(a), F.A.C., is amended to delete the provision defining how District staff demonstrates that it is recommending approval of the individual permit that is associated with the incidental site activities general permit to be issued under this rule. Paragraph 40D-40.381(3)(b), F.A.C., is amended to substitute the word “District” for “Governing Board.”

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, 373.118 FS.

LAW IMPLEMENTED: 373.079(4)(a), 373.083(5), 373.117, 373.413, 373.414, 373.416, 373.419 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: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-40.302 Conditions for Issuance of General Permits.

(1) through (5) No change.

(6) Additional Conditions for an Incidental Site Activities Permit

(a)1. through 5. No change.

6. District staff has reviewed the individual environmental resource permit application and is recommending approval of the individual permit. ~~For the purpose of this section, District staff is recommending approval of the individual permit when the Regulation Department Director has issued a letter informing the applicant that the application is complete and the staff will be recommending approval of the application to the Governing Board;~~

7. through 10. No change.

~~Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.413, 373.414, 373.416, 373.419 FS. History–New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, 7-16-02, 9-26-02, 8-3-03, 2-19-04, 2-1-05, _____.~~

40D-40.381 General Conditions.

(1) through (2) No change.

(3) For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:

(a) No change.

(b) The incidental site activities are commenced at the permittee’s own risk. ~~The District Governing Board~~ ll not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as a commitment to issue the associated individual environmental resource permit.

(4) through (5) No change.

~~Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.117, 373.413, 373.414, 373.416, 373.419 FS. History–New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 9-26-02, 8-3-03, 2-19-04, 5-4-05, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 31, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NOS.:	RULE TITLES:
61G10-18.002	Board Approval of Continuing Education Providers
61G10-18.003	Obligations of Continuing Education Providers
61G10-18.006	Approval of Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes to amend the rules for consideration of additional language regarding distanced learning.

SUMMARY: The rule amendment includes additional language regarding distanced learning.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules 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: 455.219, 455.2124, 455.2179, 481.306, 481.313, 481.325(2) FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G10-18.002 Board Approval of Continuing Education Providers.

(1) No change.

(2) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following on Provider Approval Application form Number DBPR-LA-001 effective 3-23-05; adopted and incorporated herein by reference and copy of which can be obtained from the Board office:

(a) The name, address and telephone number and if available email address and fax number of the prospective provider;

(b) Type of organization applying: Accredited University,

College or Community College, Vocational/Technical School, Private School, Professional Organization, Association or Independent Entity;

(c) A sample copy certificate of completion which the provider shall supply to all licensees who successfully complete courses given by the provider. The certificate of completion shall indicate on its face area, the provider name, the provider number, course title, course number, licensee name, licensee license number, date course was completed, total number of hours successfully completed in each subject covered during the continuing education course; and

(d) A non refundable application fee of \$250.

(e) A summary of qualifications to demonstrate compliance with subsection 61G10-18.002(1), F.A.C., including:

1. Whether applicant is an individual seeking provider status, a business entity seeking provider status, a professional organization seeking provider status, a governmental entity seeking provider status or an educational facility seeking provider status.

2. The scope of applicant's business.

3. The length of time the applicant has been in the business of offering continuing education courses.

4. The geographical size of business or professional organization e.g., an international company or organization, a national company or organization, a regional company or organization, or a local company or organization.

5. Whether the applicant is directly or indirectly affiliated with the profession of Landscape Architecture. (i.e., An irrigation firm is directly affiliated; an insurance company is indirectly affiliated.)

6. Whether the applicant provides continuing education services to any other Boards, or to other professions.

7. If applicant is not a business, but an individual, please attach a curriculum vitae or resume listing applicant's education and work experience.

A list of the above requested information is available for your convenience from the Board Office or may be printed from the Board Web Site at MyFlorida.com/dbpr.

8. If applicant is providing a course by distanced learning: please outline the means by which the course promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.

(3) No change.

Rulemaking Specific Authority 455.2124, 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313, 553.841 FS. History--New 9-19-01, Amended 6-6-02, 4-13-03, 7-6-05,_____.

61G10-18.003 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) through (7) No change.

(8) Allow only one hour of continuing education credit for each fifty minutes of in-person instruction time. Allow one hour for each monitored and verified 50 minutes of instruction via the internet to the licensee.

(9) through (11) No change.

Rulemaking Specific Authority 455.219, 481.306, 481.313 FS. Law Implemented 481.313 FS. History—New 9-19-01, Amended _____.

61G10-18.006 Approval of Continuing Education Courses.

(1) through (2) No change.

(3) The application shall be submitted no later than 60 days prior to the next scheduled Board meeting at which the application is to be considered for approval. It shall include:

- (a) A description of the subject or subjects to be covered;
- (b) An outline of the course which includes the subjects, topics, and subtopics to be presented;
- (c) A current bibliography;
- (d) The names of each proposed instructor and alternate instructor with the education, experience, publication lists and other information relative to his or her qualifications to teach the particular course; and
- (e) The total hours of instruction which will be given.

(f) If the course is to be delivered by distanced learning: the means by which the course will demonstrate student involvement, and addresses comprehension of content at regular intervals. Laws and rules related to the practice of Landscape Architecture.

(4) through (10) No change.

Rulemaking Specific Authority 455.2179, 481.306, 481.325(2) FS. Law Implemented 455.2179 FS. History—New 9-19-01, Amended 6-6-02, 5-8-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 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

RULE NOS.:	RULE TITLES:
62-731.030	Small Quantity Generator Assessment, Notification and Verification Program
62-731.050	Grants; General Specifications
62-731.060	Small Quantity Generator Assessment, Notification and Verification Program Grant Eligibility and Standards

PURPOSE AND EFFECT: The purpose of this rulemaking is to update the guidance document, clarify procedures, and eliminate outdated references.

SUMMARY: The "Guidelines to Conduct the County Small Quantity Generator Assessment, Notification and Verification Program" was revised and adopted by reference, outdated references were deleted, and procedures were clarified.

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: 403.061, 403.721 FS.
LAW IMPLEMENTED: 403.704, 403.7225, 403.7226, 403.7234, 403.7236, 403.7238, 403.7265, 403.74 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: Susan Horlick, Environmental Specialist, Department of Environmental Protection, 2600 Blair Stone Road, MS 4560, Tallahassee, FL 32399-2400, (850)245-8778, susan.horlick@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-731.030 Small Quantity Generator Assessment, Notification and Verification Program.

- (1) No change.
- (2) Each county small quantity generator assessment, notification and verification program shall be conducted as specified in the "Guidelines to Conduct the County Small Quantity Generator Assessment, Notification and Verification Program" – July, 2009; which is here by adopted and incorporated by reference February, 1994. This manual is hereby adopted and incorporated as part of this rule by reference.
- (3) If a county declines to perform the small quantity generator assessment, notification and verification program, the county shall make arrangements with its regional planning

council or other regional or state government agency to perform the program pursuant to the guidelines established in subsection 62-731.030(2), F.A.C. "Guidelines to Conduct the County Small Quantity Generator Assessment, Notification and Verification Program - February, 1994."

Rulemaking Specific Authority 403.061, 403.721, 403.7225, 403.7226, 403.7234 FS. Law Implemented 403.704, 403.7225, 403.7226, 403.7234, 403.7236, 403.74 FS. History-New 2-9-84, Amended 1-27-85, Formerly 17-31.03, 17-31.030, Amended 8-8-94, Formerly 17-731.030, Amended.

62-731.050 Grants; General Specifications.

(1) through (2) No change.

(3) The ~~total one-time~~ grant amount available for the small quantity generator assessment, notification and verification program shall not exceed \$30,000 per eligible county.

(4) The ~~total one-time~~ grant amount for a county establishing an expanded local hazardous waste management program shall not exceed \$50,000 per eligible county.

Rulemaking Specific Authority 403.061, 403.721, 403.7225, 403.7226, 403.7234, 403.7238, 403.7265 FS. Law Implemented 403.704, 403.7225, 403.7234, 403.7238, 403.7265, 403.74 FS. History-New 2-9-84, Amended 1-27-85, Formerly 17-31.05, 17-31.050, Amended 8-8-94, Formerly 17-731.050, Amended 3-15-95, _____.

62-731.060 Small Quantity Generator Assessment, Notification and Verification Program Grant Eligibility and Standards.

(1) through (2)(a) No change.

(b) A legally binding agreement between the County and the Department that certifies the county will implement its small quantity generator assessment, notification and verification program as specified in the guidelines established in subsection 62-731.030(2), F.A.C. "Guidelines to Conduct the County Small Quantity Generator Assessment, Notification and Verification Program February, 1994" for a five-year cycle.

(c) No change.

Rulemaking Specific Authority 403.061, 403.721, 403.7225, 403.7226, 403.7234 FS. Law Implemented 403.704, 403.7225, 403.7234, 403.7265, 403.74 FS. History-New 2-9-84, Amended 1-27-85, Formerly 17-31.06, 17-31.060, Amended 8-8-94, Formerly 17-731.060, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim J. Bahr

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2009

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.018
RULE TITLE: Special Assessment Fee

PURPOSE AND EFFECT: The purpose of this repeal is to eliminate the \$200.00 special assessment fee.

SUMMARY: The rule is being repealed.

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: 456.073(1), 468.1685 FS.

LAW IMPLEMENTED: 456.073 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.018 Special Assessment Fee.

Rulemaking Specific Authority 456.025(5), 468.1685(1) FS. Law Implemented 456.025(5) FS. History-New 8-7-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.420
RULE TITLE: Registered Pharmacy Technician Responsibilities

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide clarification of registered pharmacy technician responsibilities.

SUMMARY: Registered pharmacy technician responsibilities will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule 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: 465.005, 465.014 FS.

LAW IMPLEMENTED: 465.014 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B16-27.420 follows. See Florida Administrative Code for present text.)

64B16-27.420 Registered Pharmacy Technician Responsibilities Pharmacy Technician 2:1 or 3:1 Ratio.

(1) Registered pharmacy technicians may assist the pharmacist in performing the following tasks:

(a) Retrieval of prescription files, patient files and profiles and other such records pertaining to the practice of pharmacy;

(b) Data Entry;

(c) Label preparation;

(d) The counting, weighing, measuring, pouring and compounding of prescription medication or stock legend drugs and controlled substances, including the filling of an automated medication system;

(e) Initiate communication to a prescribing practitioner or their medical staffs (or agents) regarding patient prescription refill authorization requests. For the purposes of this section "prescription refill" means the dispensing of medications pursuant to a prescriber's authorization provided on the original prescription;

(f) Initiate communication to confirm the patient's name, medication, strength, quantity, directions and date of last refill;

(g) Initiate communication to a prescribing practitioner or their medical staff (or agents) to obtain clarification on missing or illegible dates, prescriber name, brand/generic preference, quantity, DEA registration number or license numbers; and

(h) May accept authorization for a prescription renewal. For the purposes of this section, "prescription renewal" means the dispensing of medications pursuant to a practitioner's authorization to fill an existing prescription that has no refill remaining.

(2) Pharmacy technicians shall not:

(a) Receive new verbal prescriptions or any change in the medication, strength or directions.

(b) Interpret a prescription or medication order for therapeutic acceptability and appropriateness;

(c) Conduct a final verification of dosage and directions;

(d) Engage in prospective drug review;

(e) Provide patient counseling;

(f) Monitor prescription usage;

(g) Override clinical alerts without first notifying the pharmacist.

(3) Nuclear pharmacy permits allow the pharmacy technician to receive diagnostic orders only. The pharmacist must receive therapy or blood product procedure orders.

(4)(a) All registered pharmacy technicians shall identify themselves as registered pharmacy technicians by wearing a type of identification badge that is clearly visible which specifically identifies the employee by name and by status as a "registered pharmacy technician" and

(b) All registered pharmacy technicians shall state their names and verbally identify themselves as registered pharmacy technicians in the context of telephone or other forms of communication.

Rulemaking Specific Authority 465.005, 465.014 FS. Law Implemented 465.014 FS. History—New 8-31-87, Formerly 21S-4.0025, Amended 7-30-91, Formerly 21S-27.420, 61F10-27.420, 59X-27.420, Amended 2-23-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-10.001 RULE TITLE: Governmental Efficiency Program

PURPOSE AND EFFECT: Section 17.325(1), F.S., requires the Chief Financial Officer ("CFO") to establish a "Get Lean" telephone hotline to receive information or suggestions from citizens of the state on how to improve the operation of government, increase government efficiency, and eliminate waste in government. Section 17.325(3), F.S., requires the affected agency to conduct a preliminary evaluation of any suggestion and provide a response to the CFO. Section 17.30, F.S., allows the CFO to disseminate, in any form or manner she considers appropriate, information regarding the CFO's official duties. The Division of Consumer Services has set up a "Get Lean Florida" website where citizens can also submit their suggestions.

SUMMARY: The proposed rule will allow citizens to submit suggestions either through the "Get Lean" telephone hotline or the "Get Lean Florida" website. The proposed rule will allow the CFO to email the suggestions to an agency contact person

together with the secured website address where the agency can provide the CFO with a response. The proposed rule will require each suggestion to be evaluated by the agency to determine whether: (a) it was properly assigned; (b) it has merit; (c) it is practical to implement; (d) it will be implemented; and (e) there are any cost savings.

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: 17.29, 17.325(5) FS.

LAW IMPLEMENTED: 17.001, 17.30, 17.325 FS.

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

DATE AND TIME: September 9, 2009, 2:00 p.m.

PLACE: Room 142, Larson Building, 200 E. 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: Tom Terfinko (850)413-5802 or Tom.Terfinko@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 IS: Tom Terfinko, Assistant Director, Division of Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320; (850)413-5802 or Tom.Terfinko@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-10.001 Governmental Efficiency Program.

(1) The following definitions are applicable to this rule:

(a) "Agency" means each department, agency, board, and commission in the executive branch, the judicial branch and the legislative branch of Florida government and includes the State University System.

(b) "Suggestion" means the information received on the Get Lean hotline or Get Lean Florida website that relates to a specific government agency.

(c) "Suggestion Criteria" means those suggestions that improve the operation of government, increase government efficiency, or eliminate waste in government.

1. "Improve the operation of government" means to suggest a change that would reduce the cost or time it takes for an agency to provide a service pertaining to a new or existing contract and issues relating to the purchase of goods and services.

2. "Increase government efficiency" means to suggest a change that would increase productivity and improve the quality of services by identifying the misuse of state property and government resources.

3. "Eliminate waste in government" means to suggest a change that would reduce the cost or time it takes for an agency to provide a service by identifying wasteful practices or behavior resulting in savings to the State of Florida.

(d) "Get Lean Florida Website" means the Chief Financial Officer's secured website to provide citizens with information about the Get Lean hotline and to provide an alternative contact method for initiating a Get Lean hotline suggestion.

(e) "Get Lean Data Base" means the information that is captured to establish a Get Lean suggestion. Such data shall be used by the Chief Financial Officer to prepare reports and track suggestions.

(f) "Agency Contact" means the agency contact person that is designated to receive the Get Lean suggestions for evaluation and response.

(g) "Get Lean Agency Response Program" means the Chief Financial Officer's secured internet website that shall be used to send Get Lean suggestions to an agency and to allow reporting by the affected agency back to the Chief Financial Officer.

(2) The statewide toll-free Get Lean hotline and Get Lean Florida website shall receive information or suggestions on improving the operation of government, increasing governmental efficiency, and eliminating waste in government.

(3) The Chief Financial Officer shall advertise the availability of the hotline and website in at least one newspaper of general circulation or newspaper on-line service in each of the major media markets throughout the State and shall provide for posting of notices in other places used by the public.

(4) The Get Lean hotline number shall be 1(800)Get-Lean 1(800)438-5326. The phone line shall operate during the regular business hours of 8:00 A.M. to 5:00 P.M. on Monday through Friday. After hours, citizens may leave a message on the Get Lean hotline confidential call recording system or be directed to the Get Lean Florida website at www.GetLeanFlorida.com. Pursuant to Section 17.325(3), F.S., a caller on the Get Lean hotline may remain anonymous, and if the caller provides his or her name, the name shall be confidential. If a state employee voluntarily discloses his or her name on the Get Lean hotline for referral to a state award program, the name of the state employee shall not be considered confidential. Suggestions submitted on the Get Lean Florida website can be anonymous and are subject to the public records law pursuant to Chapter 119, Florida Statutes.

(5) Each suggestion or item of information shall be evaluated by the Chief Financial Officer to determine if it meets the criteria in paragraph (1)(c) and shall be logged into the Get Lean data base. If the suggestion or item of information does not meet the criteria in paragraph (1)(c), the logged item shall be marked as closed.

(6) Each agency shall designate and maintain a contact person to receive Get Lean suggestions that are submitted to the Chief Financial Officer.

(7) If the suggestion or item of information meets the criteria in paragraph (1)(c), the Chief Financial Officer shall forward it in an email to the proper agency contact person together with the secured website address to the Get Lean Agency Response Program where the agency can provide the Chief Financial Officer with a response. Each suggestion shall be evaluated by the agency to determine whether: (a) it was properly assigned; (b) it has merit; (c) it is practical to implement; (d) it will be implemented; and (e) there are any cost savings. Upon completion of the evaluation, the agency shall email it back to the Chief Financial Officer through the Get Lean Agency Response Program.

(8) If the agency fails to respond to the email for a period of 60 days, the Chief Financial Officer shall send an email reminder notice to the agency contact person.

(9) Each month, the Chief Financial Officer shall submit a written report to the appropriations committee of the Senate and the House of Representatives that contains:

(a) The information or suggestions received through the "Get Lean" hotline and website; and

(b) The evaluations and determinations provided to the Chief Financial Officer by the affected agency with respect to such information or suggestions.

Rulemaking Authority 17.29, 17.325(5) FS. Law Implemented 17.001, 17.30, 17.325 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.005 RULE TITLE: Licensure Application Procedures

PURPOSE AND EFFECT: Section 497.103(2), F.S., gives the Department the authority to prescribe the forms and procedures to be used by applicants in submitting applications for licensure pursuant to Chapter 497, F.S.

SUMMARY: The proposed rule sets forth the Department's procedure for processing applications of persons and entities who apply for the following licenses under Chapter 497, Florida Statutes: burial rights broker; centralized embalming facility; cinerator facility; concurrent intern (funeral director & embalmer); direct disposal establishment; direct disposer; embalmer apprentice; embalmer intern; embalmer; funeral director and embalmer; funeral director intern; funeral director; funeral establishment; monument establishment; refrigeration facility; and removal service.

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: 497.103(2), (5)(b), 497.141(12)(g) FS.

LAW IMPLEMENTED: 120.60, 497.103(2), 497.141, 497.167(9), (13) FS.

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

DATE AND TIME: September 8, 2009, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: Doug Shropshire at (850)413-3039 or Doug.Shropshire@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 IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-1.005 Licensure Application Procedures.

(1)(a) This rule sets forth the Department's procedure for processing applications of persons and entities who apply for the following licenses under Chapter 497, Florida Statutes.

1. Broker of burial rights;
2. Centralized embalming facility;
3. Cinerator facility;
4. Concurrent intern (funeral director & embalmer);
5. Direct disposal establishment;

- 6. Direct disposer;
- 7. Embalmer apprentice;
- 8. Embalmer intern;
- 9. Embalmer;
- 10. Funeral director and embalmer;
- 11. Funeral director intern;
- 12. Funeral director;
- 13. Funeral establishment;
- 14. Monument establishment;
- 15. Refrigeration facility;
- 16. Removal service.

(b) The provisions of this rule do not apply to persons or entities submitting applications for the following licenses under Chapter 497, F.S.

- 1. Cemetery;
- 2. Monument establishment sales agent;
- 3. Preneed sales agent;
- 4. Preneed sales business (main and branch office).

(2) For purposes of this rule, the following definitions shall apply.

(a) “Application form” means the Department form adopted by Rule 69K-1.001, F.A.C., to be used for applying for a particular license under Chapter 497, F.S. Forms can be obtained on the Department's website (www.myfloridacfo.com/FuneralCemetery) or by mail from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

(b) “Complete application” means an application form which the applicant submits to the Department, upon which the applicant has furnished all correct information, including any additional or accompanying documentation, required by Chapter 497, F.S., or Chapter 69K, F.A.C. An application which contains errors, omissions, or which requires additional or clarifying information is not considered a complete application and shall be referred to in this rule as an “incomplete application”.

(c) “Deficiency notice” means a notice by the Department to an applicant that the applicant’s application is incomplete and which informs the applicant of what is required to cure the deficiency.

(3) Within thirty (30) days of receipt of an application, the Department shall review the application to determine if it is a complete or an incomplete application.

(4) Pursuant to Section 497.167(9), F.S., any application which must be reviewed and acted upon by the Board shall be acted upon by the Board at a regularly scheduled Board meeting. Such application must be complete at least 25 days in advance of a regularly scheduled Board meeting to be considered by the Board at such Board meeting. The time for approval of completed applications under Section 120.60, F.S.,

shall be deemed tolled between the date the application is complete and the next regularly scheduled Board meeting at which the application may be considered by the Board.

(5) If the Department determines that the application is complete, the application shall be presented to the Board at the next regularly scheduled Board meeting subject to the requirements in subsection (4) of this rule.

(6) If the Department determines that the application is incomplete, it shall send a deficiency notice to the applicant within thirty (30) days of receipt of the application.

(7) The applicant shall have forty-five (45) days from the date of the deficiency notice, unless that time is extended pursuant to an agreement with the Department, to:

- (a) Furnish the requested information; or
- (b) Show cause in writing why such information cannot be supplied.

(8) If the information requested in the deficiency notice is not timely submitted or if the applicant does not show why the requested information cannot be supplied, the application shall be considered an incomplete application. No additional deficiency notice shall be sent by the Department. Since the Department is not required to approve or deny an incomplete application, the Department’s file on the incomplete application shall be closed. Any applicant whose application file has been closed by the Department pursuant to this rule shall submit a new complete application, with the appropriate fees, if the applicant wishes to apply again for licensure with the Department.

(9) If the applicant submits a timely response indicating that the information or corrections requested in the deficiency notice cannot be supplied, the Department shall present the application to the Board based on the information currently contained in the application file.

(10) If all of the requested information in the deficiency notice is timely submitted, the application shall be presented to the Board at the next regularly scheduled Board meeting subject to the requirements in subsection (4) of this rule.

Rulemaking Authority 497.103(2), (5)(b), 497.141(12)(g) FS. Law Implemented 120.60, 497.103(2), 497.141, 497.167(9), (13) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 12, 2009

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-137.001
 RULE TITLE: Annual and Quarterly Reporting Requirements

PURPOSE AND EFFECT: This rule is being amended to adopt the 2009 NAIC Quarterly Statement Instructions and also adopts the 2009 NAIC accounting practices and procedures manual.

SUMMARY: Section 624.424, Florida Statutes, requires insurers to file quarterly and annual financial reports with the Office of Insurance Regulation and allows the Office to enact rules setting the standards for those reports. By establishing up-to-date, uniform standards for annual and quarterly reports, this rule enhances the Office’s position under the statute. This rule ensures that all reports are in a standard format which provides the information needed to evaluate the insurer’s financial condition. In addition, by adopting the 2009 versions of the manuals, the Office is preventing any potential challenges from insurers who may protest the Office using manuals which have not been formally adopted.

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(1), 624.424(1) FS.

LAW IMPLEMENTED: 624.424(1) FS.

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

DATE AND TIME: September 15, 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: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.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 IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) No change.

(b) Quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC’s Quarterly Statement Instructions, Property and Casualty, 2009 ~~2008~~;

2. The NAIC’s Quarterly Statement Instructions, Life, Accident and Health, 2009 ~~2008~~;

3. The NAIC’s Quarterly Statement Instructions, Health, 2009 ~~2008~~;

4. The NAIC’s Quarterly Statement Instructions, Title, 2009 ~~2008~~; and

5. The NAIC’s Accounting Practices and Procedures Manual, as of March 2009 ~~2008~~.

(c) No change.

Rulemaking Specific Authority 624.308(1), 624.424(1) FS. Law Implemented 624.424(1) FS. History–New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-138.001
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: This rule is being amended to adopt the 2009 NAIC Financial Condition Examiners Handbook. The current rule adopted the 2008 version.

SUMMARY: Section 624.316, Florida Statutes, requires the Office to examine insurer’s financial condition, using generally accepted accounting procedures. This statute also allows the Office to adopt the NAIC Financial Condition Examiners Handbook to facilitate these exams. By adopting the newest version of the handbook, this rule improves the Offices’ position by ensuring that the procedures used to examine insurers are the current generally accepted accounting practices.

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(1), 624.316(1)(c) FS.

LAW IMPLEMENTED: 624.316(1)(c) FS.

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

DATE AND TIME: September 15, 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: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.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 IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) No change.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook ~~2009~~ ~~2008~~ is hereby adopted and incorporated by reference.

(2) through (3) No change.

Rulemaking Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History–New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE NOS.:	RULE TITLES:
5G-6.007	Annual Food Permit Requirements of Tomato Packers and Repackers
5G-6.009	Tomato Best Practices Manual

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. 3, January 23, 2009 issue of the Florida Administrative Weekly.

5G-6.007 Annual Food Permit Requirements of Tomato Packers and Repackers.

(1) An annual food permit is required for all packers and repackers of tomatoes in Florida. A permit number will be assigned by the Department following receipt of the Annual Tomato Packer/Repacker Permit Application, DACS-07151 (Rev. ~~06/09~~ ~~08/08~~), herein incorporated by reference. A copy of the permit application can be obtained by contacting the Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables, P. O. Box 1072, Winter Haven, Florida 32881-3403 or on the internet at <http://www.doacs.state.fl.us/onestop/forms/07151.pdf>.

(2) The annual permit fee shall be \$100.00 per applicant and must accompany the Annual Tomato_Packer/Repacker Permit Application. No establishment shall be issued a food permit until all applicable fees are received by the Department.

(3) All fees and fines collected by the Department to cover the cost of providing the inspection service for tomato packinghouses and repackers shall be deposited into the General Inspection Trust Fund.

Rulemaking Authority 500.09(3), 500.12(1)(b), (f), ~~570.07(6)~~, 570.07(23) FS. Law Implemented 500.03(1)(n), 500.12(1)(a), (b), 570.48(2)(e), 570.481(1)(a), (b) FS. History–New 4-16-08, Amended_____.

5G-6.009 Tomato Best Practices Manual.

(1) The Tomato Best Practices Manual (DACs-P-01580, Rev.10/08) is hereby incorporated by reference and contains the specifications of the T-GAP and the T-BMP. Copies of the manual may be obtained by contacting the Florida Department