

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-23.011
RULE TITLE: Program Performance Standards
PURPOSE AND EFFECT: The purpose of this rule development is to provide program performance standards pursuant to Title 29 Code of Federal Regulations, Part 29 and 30.

SUBJECT AREA TO BE ADDRESSED: Apprenticeship Programs.

RULEMAKING AUTHORITY: 446.032, 446.041, 446.75 FS.

LAW IMPLEMENTED: 446.041, 446.075 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: Elsie J. Rogers, Coordinator, Legislation and Professional Development, Division Workforce Education, 325 West Gaines Street, Suite 720, Tallahassee, FL 32399; (850)245-9029 or e-mail elsie.rogers@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-24.001	Name, Authority and Responsibilities
6A-24.002	Composition of Membership and Length of Service on the Council
6A-24.003	Officers and Their Functions
6A-24.004	Meetings
6A-24.005	Amendments
6A-24.006	Council Responsibilities
6A-24.007	Registration Agency Responsibilities to the Council

PURPOSE AND EFFECT: The purpose of this rule development is to: identify federal and state rules and regulations that govern apprenticeship; provide the purpose and scope of the State Apprenticeship Council; provide

definitions for the State Apprenticeship Council; provide the composition of the Council membership and terms; establish requirements for noticing and conducting meetings; establish the process for amending the rules/procedures; provide Council responsibilities; and establish registration agency responsibilities to the Council; pursuant to Section 446.032, Florida Statutes; and Title 29 Code of Federal Regulations, Part 29 and 30.

SUBJECT AREA TO BE ADDRESSED: State Apprenticeship Council.

RULEMAKING AUTHORITY: 446.032 FS.

LAW IMPLEMENTED: 446.045 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: Elsie J. Rogers, Coordinator, Legislation and Professional Development, Division Workforce Education, 325 West Gaines Street, Suite 720, Tallahassee, FL 32399; (850)245-9029 or e-mail elsie.rogers@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-43.003
RULE TITLE: Definitions
PURPOSE AND EFFECT: Notice of Proposed Rule Development.

SUBJECT AREA TO BE ADDRESSED: To seek input, exchange ideas and gather information that can be utilized in the development of a program rule and application for Federal Fiscal Year 2009. At the workgroup meeting, staff from the CDBG program will provide an overview of the program and answer questions.

RULEMAKING AUTHORITY: 290.044, 290.048 FS.

LAW IMPLEMENTED: 290.042, 290.043, 290.044, 290.0455, 290.046, , 290.048 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 16, 2009, 1:30 p.m. – 5:00 p.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard (Room 305), 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: pat.harvey@dca.state.fl.us or (850)487-3644. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jacquelyn Dupree, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; phone: (850)487-3644; e-mail: jackie.dupree@dca.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: 12E-1.030
RULE TITLE: Administrative Establishment of Child Support Obligations

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule Development is to give notice that the Department is developing a rule for the creation of an administrative support order as mandated by Section 409.2563(7)(e), Florida Statutes.

The effect of this action is to ensure the Department’s rules conform to statute.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the Department’s establishment of administrative support orders that detail an obligation to provide support for his or her children as allowed by Section 409.2563, Florida Statutes. The Department is accepting written comments to assist in creating the administrative support establishment rule.
RULEMAKING AUTHORITY: 409.2557(3) FS.

LAW IMPLEMENTED: 409.2563 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: Steve Robinson, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9716, e-mail address: robinsos@dor.state.fl.us

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-204.002	Food Services – Definitions
33-204.003	Food Services – Standards of Operation

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend Rule 33-204.002, F.A.C., to clarify the definitions of “vegan meal pattern” and “alternate entrée” and to amend Rule 33-204.003, F.A.C., to clarify the circumstances under which an inmate may be removed from the vegan meal pattern.

SUBJECT AREA TO BE ADDRESSED: Food Services.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu ~~that which~~ is designed to be served at all facilities to provide uniformity in items served to each inmate. The master menu shall be planned under the direction of the department’s master menu committee, and certified nutritionally adequate as determined by a licensed registered dietitian employed by the department.

(2) No change.

(3) “Alternate entree” means the substitute non-meat entree offered at meals ~~and the vegan (total vegetarian) meal pattern. Inmates shall be given a choice of the regular or non-meat entree. Inmates may choose one or the other, but not both. Inmates committed to the vegan meal pattern exclude themselves from this choice.~~

(4) No change.

(5) “Vegan meal pattern” refers to a meal pattern that excludes all animal byproducts. Inmates who wish to be on the vegan meal pattern must submit Form DC6-236. Inmate

Request, to the food service director at the facility where the inmate is housed. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates who choose the vegan meal pattern shall not be permitted to eat from the regular menu or choose the alternate entrée and are subject to removal from the pattern pursuant to Rule 33-204.002, F.A.C.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04,

33-204.003 Food Services – Standards of Operation.

- (1) No change.
- (2) Confinement.

(a) All inmates in confinement shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu or any food utensil might create a security problem in the confinement area, then another item of comparable quality or other appropriate utensils shall be substituted. Substitutions shall be documented on Form DC6-209, the Housing Unit Log, DC6-209 and Form DC6-210, Incident Report, DC6-210. Form DC6-209 is incorporated by reference in Rule 33-601.800. Form DC6-210 is have been previously incorporated by reference in Rule 33- 602.210 33-602.220, F.A.C.

- (b) through (3) No change.

(4) Vegan meal pattern. Inmates may choose the vegan (strict vegetarian) meal pattern by submitting Form DC6-236, Inmate Request, to the food service director at the facility where the inmate is housed. An inmate who is transferred to another facility shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his request is approved by the new food service director. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Inmates on the vegan meal pattern who are observed eating from the regular menu shall be immediately removed from the vegan menu. Staff shall document the incident on Form DC6-210, Incident Report. Such inmates shall be ineligible to reapply for the vegan meal pattern for six months after involuntary removal.

(b) An inmate who voluntarily requests to be removed from the vegan meal pattern may not reapply for the pattern for 30 days.

~~(5)~~(4) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a

maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

~~(6)~~(5) Religious Diets. The alternate entrée and the program is designed to provide meal options for inmates whose religions require a pork free, lacto-ovo or lacto-vegetarian diet. The vegan (strict vegetarian) meal pattern provides meal options for the religious requirements of inmates whose religions require a pork-free, lacto-ovo, lacto-vegetarian, or vegan diet who choose to avoid all animal products. Inmates requesting the vegan meal pattern shall submit an Inmate Request, Form DC6-236, to the food service director at the facility where the inmate is currently housed. An inmate who is transferred to another facility shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his request is approved by the new food service director. Form DC6 236 is incorporated by reference in Rule 33-103.019, F.A.C.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05, 1-17-06, 4-27-09,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.101 RULE TITLE: Routine Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the circumstances under which an inmate may receive more than 15 pages of additional written materials; clarify the types of incoming enclosures that are subject to color restrictions; clarify that address labels may only be affixed to the outside of the mailing envelope; create an exception to the prohibition on sending mail to individuals who have requested that no mail be received from an inmate, as long as the outgoing mail pertains to civil pleadings or other legal documents pertaining to a civil case in which both the inmate and the intended recipient are parties; clarify that incoming mail that is unauthorized because it is not properly addressed to the inmate or because it is in unauthorized packaging shall be stamped with the reason for rejection and returned to the sender unopened; establish that inmates may possess no more than 20 greeting cards and accompanying envelopes at a time; create a mechanism for inmates who allege that a pen-pal solicitation ad was placed without their knowledge or consent to request in writing that the ad be

removed in order to avoid disciplinary action; amend Form DC2-521, Unauthorized Mail Return, to coincide with the rule changes.

SUBJECT AREA TO BE ADDRESSED: Routine Mail.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.101 Routine Mail.

(1) The provisions of this section shall apply to routine mail. Routine mail is all inmate mail, except legal mail (see Rule 33-210.102, F.A.C.), privileged mail (see Rule 33-210.103, F.A.C.), and publications (see Rule 33-501.401, F.A.C.).

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence shall be written in either English or Spanish. Inmates who cannot read and write in English or Spanish shall request approval from the warden to correspond and receive correspondence in the language which the inmate can read and write using Form DC6-236, Inmate Request. The warden shall approve such requests when there are department staff who can translate the correspondence or when it is otherwise possible to obtain translation services at de minimus cost to the Department. Correspondence may be written on greeting cards, but cards containing electronic or other non-paper parts, cards ~~that which~~ are constructed in such a way as to permit concealment of contraband, or cards that which are larger than 8"x10" will not be permitted. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) Up to 15 pages of additional written materials, unless the additional written materials pertain to an inmate's legal case, ~~or~~ health, or other significant issues and ~~or~~ prior approval is obtained from the warden to send in an enclosure of greater than 15 pages. Each page can be no larger than 8 1/2" x 14" in size; material can be on both sides of a page. This does not include publications, which shall be handled pursuant to Rule 33-501.401, F.A.C. Individual articles or clippings from publications the content of which is otherwise admissible are permissible, up to the 15 page limit. No item can be glued, taped, stapled, or otherwise affixed to a page. Requests to send enclosures of greater than 15 pages shall be made to the

warden or ~~his~~ designee prior to sending the material. Exceptions to the 15 page limitation are intended for enclosures concerning legal, medical, or other significant issues, and not for material for general reading or entertainment purposes. The warden shall advise the sender and the mail room of his approval or disapproval of the request.

(c) Photographs. Photographs will be counted toward the 15 page additional materials limitation. Nude photographs or photographs ~~that which~~ reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted. Photographs will not exceed 8" x 10".

(d) Self-addressed stamped envelopes. These items do not count toward the 15 page limitation for additional materials, but cannot exceed the equivalent of 20 (1 oz.) first class stamps.

(e) ~~Unused Blank~~ greeting cards (no larger than 8" x 10"), stationery or other blank writing paper (lined or unlined), or envelopes. ~~Such items may only be white, off-white, or yellow and may not include borders or graphics.~~ These items do not count toward the 15 page limitation for additional materials, but cannot exceed 10 each in number, ~~with a total possession limit of 15 of each item.~~ Card stock, sketch paper, and other types of craft paper may not be included.

(f) U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 15 page limitation for additional materials. Inmates shall not possess more than the maximum number of stamps permitted by Rule 33-602.201, F.A.C. Due care shall be exercised in processing mail; however, the department shall not be responsible for any postage stamps sent through the mail.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature) the entire correspondence will be returned to the sender pursuant to subsection (14) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) Non-paper items;

(b) Items of a non-communicative nature such as lottery tickets or matchbooks;

(c) Stickers or stamps (other than postage stamps, postal service attachments, and address labels affixed to the outside of the mailing envelope);

(d) Address labels (other than those affixed to the outside of the mailing envelope); or

(e) Laminated cards or other laminated materials.

(4) Inmates shall be responsible for informing correspondents of the regulations concerning incoming routine mail.

(5) Any routine mail sent or received shall be opened, examined, and is subject to being read by a designated employee. If the warden has approved an inmate to receive

correspondence written in a language other than English or Spanish the correspondence may be translated to confirm that it complies with the applicable rules. If the language cannot be translated by an employee at the facility the correspondence may be photocopied and sent to another institution or the central office for translation. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(6) Except as provided in this rule, inmates may send mail to and receive mail from any person or group they wish.

(7) Correspondence with inmates of other penal institutions shall be subject to the prior approval of the warden of each institution. Either warden shall withhold approval if he finds that the intended correspondence would present a substantial threat of interference with the security, order or rehabilitative objectives of his institution.

(8) Correspondence with individuals under civil commitment as sexually violent predators shall be subject to the prior approval of the warden. The warden shall withhold approval if he finds that the intended correspondence would present a substantial threat of interference with the security, order, or rehabilitative objectives of his institution.

(9) Inmates shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods, or services. For the purposes of this rule this includes advertising for pen-pals; inmates are not prohibited from corresponding with pen pals, but shall not place ads soliciting pen pals. Inmates who post ads or have ads posted with the assistance of another person shall be subject to disciplinary action. If an inmate alleges that an ad was posted without his assistance or permission or that the ad was placed before the restriction on soliciting pen-pals became effective, it is the responsibility of the inmate to request that the ad be removed by submitting a written request to the owner, operator, or administrator of the forum in which the ad is located if it is reasonably possible for the Department to identify the physical address of such entity. No inmate shall be subject to discipline if the ad is not removed subsequent to submission of the written request. If it is not reasonably possible for the Department to identify the physical address of the owner, operator, or administrator of the forum in which the ad is located, the inmate must submit Form DC6-236, Inmate Request, to the warden indicating that the ad was placed without the inmate's knowledge or consent or that it was placed prior to the restriction on solicitation of pen-pals. The inmate shall be subject to disciplinary action only if it is discovered that the inmate solicited the ad or that it was placed subsequent to the restriction on solicitation of pen-pals.

(10) Inmates may not send mail to any person who has advised the warden that he does not wish to receive mail from the inmate. The parents or legal guardians of a person under the age of 18 may advise that mail is not to be sent to such person. Upon receipt of such advisement, the warden will cause to be prepared an acknowledgment specifying that the inmate will not be permitted to send mail to the person requesting the correspondence restriction and that such person should return any further mail received from the inmate and notify the warden of the attempt to correspond. After the inmate is notified of the correspondence restriction, any further attempt to correspond will be considered a violation of this rule and of section 9-14 of the Rules of Prohibited Conduct (Rule 33-601.314, F.A.C.), and will subject the inmate to disciplinary action. This restriction does not apply to civil pleadings or other legal documents pertaining to a civil case in which both the inmate and the receiver are parties, and no inmate shall be subject to discipline for mailing such items.

(11) Outgoing or incoming mail shall be disapproved for mailing or delivery to the inmate if any part of it:

(a) Depicts or describes procedures for the construction of or use of weapons, ammunitions, bombs, chemical agents, or incendiary devices;

(b) Depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings, or similar descriptions of Department of Corrections facilities or institutions, or includes road maps that can facilitate escape from correctional facilities;

(c) Depicts or describes procedures for the brewing of alcoholic beverages; or the manufacture of drugs or other intoxicants;

(d) Is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by staff as to meaning or intent;

(e) Depicts, describes, or encourages activities that which may lead to the use of physical violence or group disruption;

(f) Encourages or instructs in the commission of criminal activity;

(g) Is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, or violation of department or institution rules;

(h) Threatens physical harm, blackmail, or extortion;

(i) Pictorially depicts sexual conduct as defined by Section 847.001, F.S., as follows:

1. Actual or simulated sexual intercourse;

2. Sexual bestiality;

3. Masturbation;

4. Sadoomasochistic abuse;

5. Actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast;

6. ~~Actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party;~~

6.7. Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

(j) Presents nudity in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.

(k) Contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order, or rehabilitative objectives of the correctional system or to the safety of any person;

(l) ~~Contains~~ ~~it contains~~ an advertisement promoting any of the following where the advertisement is the focus of, rather than ~~being~~ incidental to, the publication, or the advertising is prominent or prevalent throughout the publication.

1. Three-way calling services;
2. Pen-pal services;
3. The purchase of products or services with postage stamps; or
4. Conducting a business or profession while incarcerated.

(m) Is not in compliance with incoming mail regulations set forth in subsections (2) and (3) of this rule (incoming mail only);

(n) Contains or appears to contain unknown or unidentifiable substances; or

(o) Otherwise presents a threat to the security, order, or rehabilitative objectives of the Correctional System, or to the safety of any person.

(12) No inmate may establish or conduct a business through the mail during his period of incarceration.

(13) Inmates shall be prohibited from entering contests or sweepstakes through the mail while incarcerated.

(14)(a) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. Form DC2-521, The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. However, if an incoming mailing is rejected because it does not comply with the requirements of paragraph (15)(a) or subsection (20) of this rule, Form DC2-521 shall not be prepared. Instead, staff shall write or stamp the reason for rejection on the mailing and it shall be returned to the sender unopened.

(b) If the incoming mail is disapproved for one of the reasons listed in subsection (7), (8), or (9), paragraph (11)(a) through (l) or (o), subsection (12) or (13) of this rule, the institution shall make a copy of the correspondence before returning it to the sender with Form DC2-521, the Unauthorized Mail Return Receipt, Form DC2-521, included. If an institution receives identical correspondence from the same individual or entity that is addressed to more than 10 inmates, and the correspondence is disapproved for one of these reasons, the institution shall make only one copy of the correspondence and shall mail the sender only one Form DC2-521. The mailings shall be returned to the sender and may be returned together in a single package. The institution is not required to copy incoming correspondence disapproved pursuant to subsection (7) if the return address on the envelope was the reason for determining that the mail was sent from an inmate at another penal institution.

(c) The copies shall be retained by the institution for 30 days, not including any time that a grievance appeal is pending, provided the inmate has initiated the process by filing a formal grievance within 15 days of notice of the mail rejection. The inmate is not required to file an informal grievance of the mail rejection.

(d) If unauthorized items are discovered in the mail (other than items of an illegal nature), the unauthorized item and the correspondence will be returned to the sender with Form DC2-521, the Unauthorized Mail Return Receipt, Form DC2-521 included. Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-2-09.

(15) Incoming and outgoing routine mail shall be delivered to and picked up from the institution or facility by the U.S. Postal Service only.

(a) Addresses of incoming mail: The address of all incoming mail must contain the inmate's committed name, identification number, and institutional address. The inmate's dorm and bunk locations are not required. All incoming mail shall contain the return address of the sender. The return address of incoming mail is subject to verification, and incoming mail shall be rejected if the sender or recipient cannot be verified.

(b) Addresses of outgoing mail: The return address of all outgoing mail shall contain the inmate's committed name, identification number, and institutional name and institutional address. The inmate's dorm and bunk locations are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped "mailed from a state correctional institution" by mail room staff.

(c) Third party mailing services.

1. Inmates shall not utilize any third party mailing services or engage in any activities ~~that which~~ would enable them to engage in correspondence without revealing their status as inmates. Examples of prohibited activities include the following:

- a. Placement of ads in magazines, newspapers, or other publications;
- b. Posting of ads or other information on Internet sites;
- c. Use of any mailing service ~~that which~~ allows the inmate to utilize a non-institutional address and engage in correspondence without revealing his ~~or her~~ status as an inmate;
- d. Any activity or service ~~that which~~ does not reveal to potential correspondents the inmate's status as an inmate.

2. Senders shall not utilize any third party mailing services or engage in any activities ~~that which~~ would enable them to engage in correspondence without revealing their identity or return address.

3. Any inmate who is discovered to be participating in any of the above-prohibited activities shall be subject to disciplinary action in accordance with Rules 33-601.301-.314, F.A.C.

(16) When an inmate is transferred or released, routine mail addressed to the inmate at his old institution shall be treated as follows:

(a) For 1 month after the transfer or release, all first-class and second-class mail will be returned to the post office within 10 working days of receipt with a forwarding address, if available, and a request will be made to postal authorities to forward. All postage due is the responsibility of the inmate and must be paid in accordance with postage regulations. At the end of the 1-month period, all first-class and second-class routine mail will be returned to the U.S. Postal Service with no attempt to have mail forwarded.

(b) From the date of transfer or release, all routine mail other than first-class and second-class will be returned to the U.S. Postal Department for its disposition.

(17) No postage or writing materials shall be provided to inmates for routine mail except as provided in this subsection. Postage and writing materials shall be provided to any inmate with insufficient funds for mailing 1 first class letter weighing 1 ounce or less each month to be used for mailing 1 first class letter weighing 1 ounce or less each month. Local procedures may be established to require the inmate to request the free postage and writing materials or to establish a specific day of the month for the free letters to be processed.

(18) Inmates shall not utilize hand-made packages or envelopes to send out routine mail. Mail enclosed in such materials will be returned to the inmate without processing.

(19) Outgoing packages and envelopes will not bear any artwork, additional lettering or designs other than the required address and return address.

(20) No packaging other than standard envelopes shall be given to inmates. ~~Incoming mail that includes This includes removing~~ the following types of packaging ~~shall be rejected and returned to the sender unopened~~: boxes, padded envelopes, plastic bags, any envelopes that include metal parts, multi-layer packaging, bubble wrap, packing peanuts, etc.

(21) Routine mail shall be delivered to the institution or facility by the U.S. Postal Service only.

(22) Inmates shall not use postage stamps as currency to pay for products or services. Postage stamps placed in outgoing mail for this purpose will be deemed contraband. Incoming mail that solicits inmates to purchase products or services and allows payment with postage stamps will be rejected.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08, 7-2-09,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.041
 RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C., to establish Minimum Flows for the Dona Bay/Shakett Creek below Cow Pen Slough located within the Manasota Basin, Sarasota County, Florida pursuant to Section 373.042, Florida Statutes. For purposes of this rule the Dona Bay/Shakett Creek System includes the watercourse and its tributaries from the most downstream control structure on Cow Pen Slough, known as CPS-2 and operated by Sarasota County to the Gulf of Mexico including Shakett Creek, Salt Creek, Fox Creek and Dona Bay.

SUBJECT AREA TO BE ADDRESSED: Establishment of a minimum flow for the Dona Bay/Shakett Creek System.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 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: Annette Zielinski, Senior Administrative Assistant, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, extension 4651, or Annette.Zielinski@watermatters.org

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

LAND AND WATER ADJUDICATORY COMMISSION

Seven Oaks Community Development District

RULE NOS.:	RULE TITLES:
42NNN-1.001	Establishment
42NNN-1.002	Boundary
42NNN-1.003	Supervisors

PURPOSE AND EFFECT: The Seven Oaks Community Development District I (“Seven Oaks CDD I”) and the Seven Oaks Community Development District II (“Seven Oaks CDD II”), which are located in Pasco County, Florida, have submitted a joint petition requesting the merger of the two districts. As a result of the merger, Seven Oaks CDD II would cease to exist, and Seven Oaks CDD I would continue as the surviving entity, with amended boundaries that would encompass only the land presently in the existing boundaries of both Seven Oaks CDD I and Seven Oaks CDD II. The approval of a Merger Agreement and petition by the board of supervisors of the district constitutes consent of the merger by the landowners within the district.

SUBJECT AREA TO BE ADDRESSED: Both Seven Oaks CDD I and Seven Oaks CDD II have authorized the merger of the two districts and approved a Merger Agreement. Among other things, the Merger Agreement makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. Seven Oaks CDD I was established in 2001 by Pasco County Ordinance 01-03 and currently covers approximately 649.369 acres of land. (The District was originally established under the name Saddlebrook Village CDD and was amended to Seven Oaks CDD I by Pasco County Ordinance 01-22.) Seven Oaks CDD II was established in 2002 by Pasco County Ordinance 02-23 and currently covers approximately 1,124.053 acres of land.

RULEMAKING AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

DATE AND TIME: Monday, December 14, 2009, 2:00 p.m.

PLACE: Room 2103, The Capitol, Tallahassee, FL 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001;

telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884

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

LAND AND WATER ADJUDICATORY COMMISSION

Tolomato Community Development District

RULE NO.:	RULE TITLE:
42SS-1.002	Boundary

PURPOSE AND EFFECT: The Split Pine Community Development District (“Split Pine CDD”), which is located in Duval County, Florida, and the Tolomato Community Development District (“Tolomato CDD”), which is located in St. Johns County, Florida, have submitted a joint petition requesting the merger of the two districts. As a result of the merger, Split Pine CDD would cease to exist, and Tolomato CDD would continue as the surviving entity, with amended boundaries that would encompass only the land presently in the existing boundaries of both Split Pine CDD and Tolomato CDD. At the time of establishment of both districts, Section 190.003 of the Florida Statutes prohibited the establishment of community development districts across county boundaries. Effective July 1, 2007, that prohibition no longer exists. Split Pine CDD and Tolomato CDD have written consent to merge the boundaries of the two districts from the owners of one hundred percent of the land within the existing districts.

The proposed rule would effect the merger in part by amending Florida Administrative Code Rule 42SS-1.002, F.A.C., Boundary to expand the boundaries of Tolomato CDD to include the existing Split Pine CDD lands. Another proposed rule would further effect the merger by repealing the existing rules governing Split Pine CDD – specifically, Rules 42TT-1.001, Establishment, 42TT-1.002, Boundary, and 42TT-1.003, Supervisors, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Both Split Pine CDD and Tolomato CDD have authorized the merger of the two districts. Pursuant to Resolutions 2009-01 and 2009-04 adopted by the Board of Supervisors of Tolomato CDD, and on October 2, 2008 and April 16, 2009, respectively, Tolomato CDD authorized the merger of Tolomato CDD and Split Pine CDD, and approved a merger agreement (“Merger Agreement”). Pursuant to Resolutions 2009-01 and 2009-05 adopted by the Board of Supervisors of Split Pine CDD, and on October 2, 2008 and April 16, 2009, respectively, Split Pine CDD authorized the merger of Tolomato CDD and Split Pine CDD, and approved the Merger Agreement. Among other

things, the Merger Agreement makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The Merger Agreements, as approved by Tolomato CDD and Split Pine CDD, are contained at Exhibits 1A and 1B to the petition, as supplemented. Split Pine CDD currently covers approximately 2,014.98 acres of land located entirely within Duval County, Florida, and the City of Jacksonville limits. Split Pine CDD is generally located in the southeastern corner of Duval County, east of US Highway 1. Tolomato CDD currently covers approximately 11,355.06 acres of land located entirely within St. Johns County, Florida. Tolomato CDD is generally located in northeastern St. John’s County between Jacksonville and St. Augustine, east of US Highway 1. General location maps, and metes and bounds descriptions, are contained as Exhibits 3 and 4 to the petition, as supplemented.

RULEMAKING AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

DATE AND TIME: December 11, 2009, 2:00 p.m.

PLACE: Room 2103, The Capitol, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-3.077	Fire Protection
59A-3.079	Codes and Standards to Be Used for Construction of Hospitals
59A-3.080	Plans Submission and Fee Requirements
59A-3.081	Physical Plant Requirements for General, Rehabilitation and Psychiatric Hospitals
59A-3.303	Facilities and Physical Plant Safety

PURPOSE AND EFFECT: The Agency proposes to revise the rules related to fire safety, codes and standards for construction of hospitals, plans submission and fee requirements, physical plant requirements for general, rehabilitation and psychiatric hospitals and facilities and physical plant safety in intensive residential treatment program facilities. These revisions will revise or repeal existing rules to conform to current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: The revisions will conform the rules to requirements of the current Florida Fire Prevention Code and life safety codes and Florida Building Code.

RULEMAKING AUTHORITY: 395.1055 FS.

LAW IMPLEMENTED: 395.0163, 252.35(2)(I), 252.38(1)(e) FS.

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

DATE AND TIME: December 9, 2009, 10:00 a.m.

PLACE: Agency for Health Care Administration, Building 1, Plans and Construction Conference Room, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL 32308 or at (850)922-0791. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL 32308 or at (850)922-0791

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-5.017	Fire Control
59A-5.018	Comprehensive Emergency Management Plan
59A-5.021	Plans Submission and Fee Requirements
59A-5.022	Physical Plant Requirements for Ambulatory Surgical Centers

PURPOSE AND EFFECT: The Agency proposes to revise rules related to fire control, comprehensive emergency management plans, construction plans submission and fee requirements and physical plant requirements for ambulatory surgical centers, to conform to current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: This rule revision will revise or repeal existing rules to conform to the current Florida Building Code and Florida Fire Prevention Code.

RULEMAKING AUTHORITY: 395.1055 FS.

LAW IMPLEMENTED: 395.0163 FS.

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

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

PLACE: Agency for Health Care Administration, Building 1, Plans and Construction Conference Room, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL 32308 or at (850)922-0791. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL 32308 or at (850)922-0791

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-3.0535
RULE TITLE: Calculation of Quota License Transfer Fees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth calculation procedures to be used in determining the appropriate fee to assess when a quota license is being transferred pursuant to the requirements set forth in Section 561.32(3)(a), F.S.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the calculation of the transfer fee when a quota license is transferred from one licensee to another licensee.

RULEMAKING AUTHORITY: 561.11(1) FS.

LAW IMPLEMENTED: 561.32(3)(a) 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: Christine Kachmar, Senior Management Analyst II, Bureau of Licensing, Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1021, (407)317-7929

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-11.013
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to add the definitions of residential interior design, residential interior designer, residential space planning and residential space planner.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 481.2055, 481.211 FS.

LAW IMPLEMENTED: 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-11.013 Definitions.

In these rules, where the context will permit;

(1) through (4) No change.

(5) “Residential interior design,” “residential interior designer,” “residential space planning,” or “residential space planner” are terms that may be used to describe interior design services or interior decorator services for a residential application, as set forth in Section 481.229(6)(a), F.S., without violating Section 481.223(1)(c), F.S.

Rulemaking Specific Authority 481.2055, 481.211 FS. Law Implemented 481.203, 481.211, 481.221(4), (8), 481.223(1)(c), 481.229(1)(c), (6) FS. History—New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99, 2-12-04, 4-15-07, 12-16-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a penalty for failure to timely report conviction and to remove core course reference.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

RULEMAKING AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.227(1), 455.2273 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
61G1-12.005 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a citation for failure to timely report conviction and to remove core course reference.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 455.224, 455.225 FS.

LAW IMPLEMENTED: 455.224 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
61G1-21.003 Continuing Education – Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a revised handbook.

SUBJECT AREA TO BE ADDRESSED: Continuing Education – Approval of Subjects and Providers.

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(4) 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers’ Board

RULE NO.: RULE TITLE:
61G3-19.015 Inspections

PURPOSE AND EFFECT: The proposed rule amendment would change annual inspections to biennial inspections.

SUBJECT AREA TO BE ADDRESSED: Inspections.

RULEMAKING AUTHORITY: 476.064(4) FS.

LAW IMPLEMENTED: 476.184 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NOS.: RULE TITLES:
 61J2-1.011 License Fees and Examination Fees
 61J2-1.013 Registration Categories

PURPOSE AND EFFECT: To discuss incorporation of forms rules into the applicable Florida Real Estate Commission rules.
 SUBJECT AREA TO BE ADDRESSED: Incorporation of forms rules into the applicable Florida Real Estate Commission rules.

RULEMAKING AUTHORITY: 475.05 FS.
 LAW IMPLEMENTED: 68.065(2), 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 15, 2009, 8:30 a.m. or soonest thereafter
 PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NOS.: RULE TITLES:
 61J2-2.027 Applications by Individuals
 61J2-2.031 Where to Apply

PURPOSE AND EFFECT: To discuss incorporation of forms rules into the applicable Florida Real Estate Commission rules.
 SUBJECT AREA TO BE ADDRESSED: Incorporation of forms rules into the applicable Florida Real Estate Commission rules.

RULEMAKING AUTHORITY: 475.05 FS.
 LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 15, 2009, 8:30 a.m. or soonest thereafter
 PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NOS.: RULE TITLES:
 61J2-4.007 Registration Requirements
 61J2-4.009 Incorporation by Reference
 61J2-4.010 Successor Partnerships

PURPOSE AND EFFECT: To discuss incorporation of forms rules into the applicable Florida Real Estate Commission rules.
 SUBJECT AREA TO BE ADDRESSED: Incorporation of forms rules into the applicable Florida Real Estate Commission rules.

RULEMAKING AUTHORITY: 475.05 FS.
 LAW IMPLEMENTED: 475.01, 475.15 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 15, 2009, 8:30 a.m. or soonest thereafter
 PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

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: Lori Crawford, Deputy Clerk, Division of Real

Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NOS.:	RULE TITLES:
61J2-5.012	Domestic Corporations
61J2-5.013	Foreign Corporation
61J2-5.014	Registration of Corporation
61J2-5.015	License Status of Officers and Directors Required
61J2-5.016	License Status of Active Officers and Directors
61J2-5.018	Vacancies of Office
61J2-5.019	Responsibility for Registration Status
61J2-5.020	Execution of Papers by Corporation

PURPOSE AND EFFECT: To discuss incorporation of forms rules into the applicable Florida Real Estate Commission rules.
SUBJECT AREA TO BE ADDRESSED: Incorporation of forms rules into the applicable Florida Real Estate Commission rules.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.42(1)(k) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 15, 2009, 8:30 a.m. or soonest thereafter

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-6.006	Employment by More Than One Entity

PURPOSE AND EFFECT: To discuss incorporation of forms rules into the applicable Florida Real Estate Commission rules.
SUBJECT AREA TO BE ADDRESSED: Incorporation of forms rules into the applicable Florida Real Estate Commission rules.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01(1)(d), 475.011(2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 15, 2009, 8:30 a.m. or soonest thereafter

PLACE: Division of Real Estate, Commission Meeting Room, N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-9.007	Change of Name

PURPOSE AND EFFECT: To discuss incorporation of forms rules into the applicable Florida Real Estate Commission rules.
SUBJECT AREA TO BE ADDRESSED: Incorporation of forms rules into the applicable Florida Real Estate Commission rules.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.15, 475.25, 475.42, 475.125 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 15, 2009, 8:30 a.m. or soonest thereafter

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NOS.:	RULE TITLES:
61J2-10.023	Branch Office
61J2-10.034	Trade Names
61J2-10.038	Mailing Address

PURPOSE AND EFFECT: To discuss incorporation of forms rules into the applicable Florida Real Estate Commission rules. SUBJECT AREA TO BE ADDRESSED: Incorporation of forms rules into the applicable Florida Real Estate Commission rules.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.15, 475.25, 475.42, 475.125 FS.

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Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-17.011	School Instructor Requirements and Qualifications

PURPOSE AND EFFECT: To discuss incorporation of forms rules into the applicable Florida Real Estate Commission rules. SUBJECT AREA TO BE ADDRESSED: Incorporation of forms rules into the applicable Florida Real Estate Commission rules.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.451 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 15, 2009, 8:30 a.m. or soonest thereafter

PLACE: Division of Real Estate, Commission Meeting Room N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801. 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).

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-3.001
 RULE TITLE: Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update an incorporated form.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005, 491.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

Every applicant for licensure as a clinical social worker, marriage and family therapist or mental health counselor shall submit to the Board a completed application on Form DH-MQA 1174, Application for Licensure (revised ~~10/09~~ ~~4/09~~), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied with the application fee and the initial licensure fee.

(1) through (2) No change.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.005, 491.006 FS. History—New 7-6-88, Amended 1-28-91, 11-3-92, Formerly 21CC-3.001, 61F4-3.001, Amended 11-13-96, Formerly 59P-3.001, Amended 6-8-09,_____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-3.0085
 RULE TITLE: Intern Registration
 PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update an incorporated form.
 SUBJECT AREA TO BE ADDRESSED: Intern Registration.
 RULEMAKING AUTHORITY: 491.004(5) FS.
 LAW IMPLEMENTED: 491.0045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-3.0085 Intern Registration.

An individual who intends to practice in Florida to satisfy the post-master's experience must register as an intern by submitting a completed application to the Board on Form DH-MQA 1175, Intern Registration Application (Revised ~~10/09~~ ~~4/09~~), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the application fee specified in Rule 64B4-4.015, F.A.C., which is non-refundable.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.0045 FS. History—New 6-8-09, Amended_____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-3.009
 RULE TITLE: Limited Licenses
 PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update an incorporated form.
 SUBJECT AREA TO BE ADDRESSED: Limited Licenses.
 RULEMAKING AUTHORITY: 456.015 FS.
 LAW IMPLEMENTED: 456.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-3.009 Limited Licenses.

(1) No change.

(2) Any person desiring to obtain a limited license shall submit a completed application to the Board on Form DH-MQA 1178, Application for Limited Licensure (Revised 10/09 ~~4/09~~), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the documents required by Section 456.015(2), F.S., and a fee of \$25 unless the applicant provides a notarized statement from the employer stating that the applicant will not receive monetary compensation for service involving the practice of his profession.

(3) No change.

Rulemaking Authority 456.015 FS. Law Implemented 456.015 FS. History--New 11-13-96, Formerly 59P-3.009, Amended 6-8-09, _____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-3.010
RULE TITLE: Marriage and Family Therapy Dual Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update an incorporated form.

SUBJECT AREA TO BE ADDRESSED: Marriage and Family Therapy Dual Licensure.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.0057 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive

Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-3.010 Marriage and Family Therapy Dual Licensure.

Any psychologist licensed under Chapter 490, F.S., or clinical social worker or mental health counselor licensed under this chapter desiring to obtain licensure as a marriage and family therapist shall submit a completed application to the Board on Form DH-MQA 1177, Marriage and Family Therapy Dual Licensure Application (Revised 10/09 ~~4/09~~), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.0057 FS. History--New 6-8-09, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-5.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update offenses and penalties.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, F.S., has committed any of the

acts set forth in Section 456.072(1) or 491.009(2), F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Attempting to obtain, obtaining, or renewing a license under Chapter 491, F.S., by bribery or fraudulent misrepresentation or through an error of the Board or the Department.

(Sections 456.072(1)(h) & 491.009(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	denial or \$1000 fine and <u>permanent</u> revocation;
SECOND OFFENSE:	\$1000 fine and probation	permanent denial and \$1000 fine and permanent revocation;

(b) Having a license or certificate to practice a comparable profession or any regulated profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(Sections 456.072(1)(f), F.S. & 491.009(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	denial or \$1000 fine and <u>permanent</u> revocation;
SECOND OFFENSE:	\$1000 fine and probation	permanent denial or \$1000 fine and <u>permanent</u> revocation;
THIRD OFFENSE:	\$1000 fine, 1 year suspension followed by probation	permanent denial or \$1000 fine and <u>permanent</u> revocation;

(c) Being convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of the licensee's profession or the licensee's ability to practice that profession.

(Section 456.072(1)(c) & 491.009(1)(c), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and probation	denial or \$1000 fine and <u>permanent</u> revocation
SECOND OFFENSE:	\$1000 fine and 1 year suspension followed by probation;	permanent denial or \$1000 fine and permanent revocation;

(d) through (g) No change.

(h)1. Failing to perform any statutory or legal obligation placed upon a person licensed under Chapter 491, F.S.

(Section 456.072(1)(k) & 491.009(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	reprimand	\$1000 fine and 1 year probation;
SECOND OFFENSE:	\$1000 fine and reprimand	\$1000 fine and 6 month suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and probation	\$1000 fine and <u>permanent</u> revocation;

2. In the case of noncompliance with a continuing education requirement, the following guidelines apply: (Rule 64B-6.003, F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record.

(Section 456.072(1)(l) & 491.009(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation; denial or \$1000 fine and <u>permanent</u> revocation;
THIRD OFFENSE:	\$1000 fine, 1 year suspension followed by probation	<u>\$10,000 fine and permanent revocation</u>

(j) Paying or receiving a kickback, rebate, bonus, or other remuneration for receiving a patient or client or referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(Section 491.009(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and <u>permanent</u> revocation;

(k) Committing any act upon a patient or client, which would constitute sexual battery or which would constitute sexual misconduct.

(Section 456.072(1)(~~v~~)(~~tt~~) & 491.009(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and revocation;
SECOND OFFENSE:	\$1000 fine and 2 years suspension followed by probation	denial or \$1000 fine and permanent revocation;

(l) No change.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(Section 491.009(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and 6 month suspension followed by probation;
SECOND OFFENSE:	\$1000 and reprimand	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine 1 year and suspension followed by probation	\$1000 fine permanent revocation;

(n) No change.

(o) Failing to respond within thirty (30) days to a written communication from the Department or the Board concerning any investigation by the Department or the Board, or failing to make available any relevant records with respect to the investigation about the licensee's conduct or background.

(Section 491.009(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and permanent revocation;

(p) Being unable to practice the profession for which one is licensed under Chapter 491, F.S., with reasonable skill and competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance.

(Section 456.072(1)(~~z~~)(~~yy~~) & 491.009(1)(p), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and probation	\$1000 fine and suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, followed by probation;
SECOND OFFENSE:	suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, followed by probation	\$1000 fine and permanent revocation;

(q) Violating provisions of Chapter 491 or 456, F.S., or any rule adopted pursuant thereto.

(Section 456.072(1)(dd) & 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and probation
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and permanent revocation;

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(Section 491.009(1)(q), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and permanent revocation;

(s) Failing to meet the MINIMUM standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

(Section 491.009(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and <u>permanent</u> revocation;

(t) No change.

(u) Violating a rule relating to the regulation of the profession or a lawful order of the Department or the Board previously entered in a disciplinary hearing.

(Section 491.009(1)(t), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and 6 month suspension followed by probation;
SECOND OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and <u>permanent</u> revocation;

(v) Failure of a licensee to maintain in confidence any communication made by a patient or client in the context of services, except by written permission or in the face of clear and immediate probability of bodily harm to the patient or client or to others.

(Section 491.009(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	<u>permanent</u> revocation;

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

(Section 491.009(1)(v), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	denial or \$1000 fine and <u>permanent</u> revocation;

(x) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department or the agency against another licensee.

(Section 456.072(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year probation	denial or \$1000 fine and <u>permanent</u> revocation;

(y) through (z) No change.

(aa) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(Section 456.072(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and 6 months suspension followed by probation;
SECOND OFFENSE:	suspension followed by probation	denial or \$1000 fine and <u>permanent</u> revocation;

(bb) Intentionally violating any rule adopted by the Board or the department, as appropriate.

(Section 456.072(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	\$1000 fine and 6 months suspension followed by probation;
SECOND OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and <u>permanent</u> revocation;

(cc) Failing to comply with the educational course requirements for domestic violence.

(Section 456.072(1)(s), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	reprimand	\$1000 fine and 1 year probation; suspension followed by probation;
SECOND OFFENSE:	\$1000 fine and reprimand	\$1000 fine and probation
THIRD OFFENSE:	\$1000 fine and probation	<u>permanent</u> revocation;

(dd) No change.

(ee) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(Section 456.072(1)(q), F.S. & Section 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and <u>permanent</u> revocation;

	MINIMUM	MAXIMUM
FIRST OFFENSE:	probation and \$500 fine	suspension to be followed by probation and \$750 fine;
SECOND OFFENSE:	followed by probation and \$750 fine	<u>permanent</u> revocation and \$1000 fine;

(ff) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

~~(jj) Having a license or certificate to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.
(Section 456.072(1)(a), F.S.)~~

(Section 456.072(1)(w)(+), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and probation;
SECOND OFFENSE:	\$1000 fine and probation	suspension followed by probation;
THIRD OFFENSE:	\$1000 fine and 1 year suspension followed by probation	denial or \$1000 fine and <u>permanent</u> revocation;

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1000 fine and reprimand	denial or \$1000 fine and revocation;
SECOND OFFENSE:	\$1000 fine and probation	permanent denial or \$1000 fine and revocation;
THIRD OFFENSE:	probation	denial or \$1000 fine and revocation.

(gg) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents.

~~(jj)(kk) Failing to inform the department, within 30 days, of any change of address of either the place of practice or current mailing address of any applicant or licensee.
(Section 456.035, F.S.)~~

(Section 456.072(1)(y)(+), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1000 fine and 6 month suspension followed by probation;
SECOND OFFENSE:	\$1000 and reprimand	\$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1000 fine 1 year suspension followed by probation	\$1000 fine and <u>permanent</u> revocation;

	MINIMUM	MAXIMUM
FIRST OFFENSE:	reprimand	\$1,000 fine and 1 year probation;
SECOND OFFENSE:	\$1,000 fine and reprimand	\$1,000 fine and 6 month suspension followed by probation;
THIRD OFFENSE:	\$1,000 fine and probation	\$1,000 fine and <u>permanent</u> revocation.

~~(kk)(ll) Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.
(Section 456.072(1)(hh)(+), F.S.)~~

(hh) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

~~(Section 456.072(1)(hh)(+), F.S.)~~

(Section 456.072(1)(x)(+), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine	\$1000 fine and reprimand;
SECOND OFFENSE:	\$1000 fine and probation	suspension followed by probation;
THIRD OFFENSE:	suspension followed by probation	denial or \$1000 fine and <u>permanent</u> revocation;

	MINIMUM	MAXIMUM
FIRST OFFENSE:	Suspension until compliant with contract	\$1,000 fine, <u>permanent</u> revocation
SECOND OFFENSE:	Suspension until compliant with contract	\$10,000 fine, <u>permanent</u> revocation
THIRD OFFENSE:	Revocation	

(ii) Testing positive for any drug on any confirmed preemployment or employer-ordered drug screening.

(Section 456.072(1)(aa), F.S.)

(ll) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.
(Section 456.072(1)(ii), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$10,000 fine,</u> <u>permanent revocation</u>	<u>\$10,000 fine,</u> <u>permanent revocation</u>
<u>SECOND OFFENSE</u>	<u>\$10,000 fine,</u> <u>permanent revocation</u>	<u>\$10,000 fine,</u> <u>permanent revocation</u>

(mm) Failing to remit the sum owed to the state for any overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement.
(Section 456.072(1)(jj), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$500 fine, Letter</u> <u>of concern</u>	<u>\$5,000 fine,</u> <u>suspension</u>
<u>SECOND OFFENSE:</u>	<u>\$10,000 fine,</u> <u>reprimand</u>	<u>\$10,000 fine,</u> <u>permanent revocation</u>

(nn) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.
(Section 456.072(1)(kk), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$1,000 fine,</u> <u>Letter of concern</u>	<u>\$5,000 fine, suspension</u>
<u>SECOND OFFENSE:</u>	<u>\$10,000 fine,</u> <u>reprimand</u>	<u>\$10,000 fine, permanent</u> <u>revocation</u>

(oo) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.
(Section 456.072(1)(ll), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	<u>\$10,000 fine,</u> <u>permanent revocation</u>	<u>\$10,000 fine,</u> <u>permanent</u> <u>revocation</u>
<u>SECOND OFFENSE:</u>	<u>\$10,000 fine,</u> <u>permanent revocation</u>	<u>\$10,000 fine,</u> <u>permanent</u> <u>revocation</u>

(2) through (4) No change.

Rulemaking Specific Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History--New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00, 2-5-01, 10-15-02, 3-27-05, 1-16-06,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.355
RULE TITLE: Pharmacy Technician Continuing Education Subject Matter

PURPOSE AND EFFECT: The Board proposes the rule promulgation to establish pharmacy technician continuing education subject matter.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Technician Continuing Education Subject Matter.

RULEMAKING AUTHORITY: 465.005, 465.014 FS.

LAW IMPLEMENTED: 465.014 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 Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.001
RULE TITLE: Licensure by Certification of Credentials

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Licensure by Certification of Credentials.

RULEMAKING AUTHORITY: 456.013(7), 468.1135(4) FS.

LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 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: Kaye Hawerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.001 **RULE TITLE:** Certification of Assistants

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislature requirement.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants.

RULEMAKING AUTHORITY: 468.1125(9), 468.1135(4) FS.

LAW IMPLEMENTED: 468.1125(3), (9), 468.1215 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: Kaye Hawerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

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

contacting: Kevin Wright, Operations Manager, Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042; (904)359-6900, ext. 1004. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kevin Wright, Operations Manager, Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042; (904)359-6900, ext. 1004

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART X APPOINTMENT OF REGISTRARS, DEPUTY REGISTRARS AND SUBREGISTRARS: DUTIES OF LOCAL REGISTRARS

64V-1.022 Appointment of Local Registrar.

Upon appointment of a local registrar of vital statistics for the registration district in the state by the Office of Vital Statistics, a Local Registrar's Acceptance, DH 1233B, Feb 2000, hereby incorporated by reference and available from the Florida Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be issued.

Rulemaking Authority 382.003(5), (9), 382.005(3), (4) FS. Law Implemented 382.003, 382.005, 382.006, 382.007, 382.008, 382.013 FS. History—New _____.

64V-1.023 Appointment of Deputy Registrars.

Each local registrar, immediately upon appointment, shall designate one or more deputy registrars. Upon appointment, the Office of Vital Statistics shall issue a Chief Deputy Registrar's Acceptance, DH 1233, Feb 2000 or a Deputy Registrar's Acceptance, DH 1233A, Feb 2000, both hereby incorporated by reference and available from the Florida Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 which authorizes the deputy registrars to act on behalf of the local registrar.

Rulemaking Authority 382.003(5), (9), 382.005(3), (4) FS. Law Implemented 382.003, 382.005, 382.006, 382.007, 382.008, 382.013 FS. History—New _____.

64V-1.024 Appointment of Subregistrars.

The Office of Vital Statistics shall appoint suitable persons to act as subregistrars, who shall be authorized to receive death certificates and fetal death certificates and to issue burial permits. Application for Appointment of Subregistrar of Vital Statistics, DH 1233C, Feb 2000, hereby incorporated by reference and available from the Florida Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be submitted to the Office of Vital Statistics for approval.

DEPARTMENT OF HEALTH

Vital Statistics

RULE NOS.: 64V-1.022 **RULE TITLES:** Appointment of Local Registrars
 64V-1.023 Appointment of Deputy Registrars
 64V-1.024 Appointment of Subregistrars
 64V-1.025 Duties of Local Registrar for Transmittal of Records or Report of No Records

PURPOSE AND EFFECT: To incorporate forms used in the appointment of registrars and for the submission of vital records as required in Section 382.003(10), F.S.

SUBJECT AREA TO BE ADDRESSED: Appointment of Registrars; Transmittal of Records.

RULEMAKING AUTHORITY: 382.003(5), (9), 382.005(3), (4) FS.

LAW IMPLEMENTED: 382.003, 382.005, 382.006, 382.007, 382.008, 382.013 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by

Rulemaking Authority 382.003(5), (9), 382.005(3), (4) FS. Law Implemented 382.003, 382.005, 382.006, 382.007, 382.008, 382.013 FS. History—New _____.

64V-1.025 Duties of Local Registrar for Transmittal of Records or Report of No Records.

Each local registrar or designee shall transmit to the department all original certificates registered or if no births, deaths, or fetal deaths occurred in any month, the local registrar or deputy shall report that fact to the department on a Birth Record Transmittal Report, DH 758A, July 2009, a Fetal Death Record Transmittal Report, DH 758B, Sept 2008 or a Death Record Transmittal Report, DH 758C, all hereby incorporated by reference and available from the Florida Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

Rulemaking Authority 382.003(5), (9), 382.005(3), (4) FS. Law Implemented 382.003, 382.005, 382.006, 382.007, 382.008, 382.013 FS. History—New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-2.001	Definitions
65G-2.002	License Application and Renewal Procedures
65G-2.0021	Additional Requirements for Licensees and Applicant
65G-2.003	Types of Licenses
65G-2.0031	Other Licenses
65G-2.0032	Agency Monitoring and Oversight
65G-2.004	License Violation
65G-2.0041	License Violations – Fines and Other Disciplinary Actions
65G-2.005	Denial or Revocation
65G-2.006	Licensed Capacity
65G-2.007	General Standards
65G-2.008	Staff Qualifications and Training requirements
65G-2.009	Resident Care and Supervision Standards
65G-2.010	Fire and Emergency Procedures
65G-2.011	Foster Care Facility Standards
65G-2.012	Group Home Facility Standards
65G-2.013	Residential Habilitation Center Standards
65G-2.014	Comprehensive Transitional Education Program
65G-2.015	Siting

PURPOSE AND EFFECT: A number of technical and substantive revisions to this administrative rule are being proposed in order to effectuate statutory changes as well as

new and/or modified Agency policies and procedures regarding the licensure of Agency-licensed residential facilities.

SUBJECT AREA TO BE ADDRESSED: This rule revision delineates the requirements for the licensure of foster care facilities, group home facilities, residential habilitation centers, and comprehensive transitional education programs.

RULEMAKING AUTHORITY: 393.501(1) FS.

LAW IMPLEMENTED: 393.501(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 11, 2009, 9:00 a.m. – 12:00 Noon EST

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Conference Room 370A, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Tom Rice, Operations Review Specialist, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-7649, email: tom_rice@apd.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Rice, Operations Review Specialist, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-7649, email: tom_rice@apd.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-4.0021	Tier Waivers
65G-4.0022	Tier One Waiver
65G-4.0023	Tier Two Waiver
65G-4.0024	Tier Three Waiver
65G-4.0025	Tier Four Waiver

PURPOSE AND EFFECT: The purpose of the rule development is to solicit public input to be used in developing rules to comply with Section 393.0661(3), F.S., requiring the Agency to implement a four-tiered waiver system to serve clients with developmental disabilities.

SUMMARY: Section 393.0661(3), F.S., requires that the agency shall assign all clients receiving waiver services through a developmental disabilities waiver to a tier based on a

valid assessment instrument, client characteristics, and other appropriate assessment methods. These rules will implement that requirement.

SUBJECT AREA TO BE ADDRESSED: Home and Community Based Tier Waivers.

RULEMAKING AUTHORITY: 393.066(3) FS.

LAW IMPLEMENTED: 393.0661(3) 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: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)922-0371

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.:	RULE TITLE:
68C-22.026	Sarasota and Associated County (Parts of Manatee and Charlotte) Zones

PURPOSE AND EFFECT: The Commission is considering amendments to the existing manatee protection rule for Sarasota County. In May 2009, at the request of the Commission and as provided by Section 379.2431(2)(f), Florida Statutes, Sarasota County established a Local Rule Review Committee (LRRC) to review and comment on a preliminary rule proposal. The LRRC met eight times and the Commission received the LRRC final report in July 2009. The Commission is scheduled to consider the LRRC report and Commission staff recommendations for proposed rule amendments at the December 9-10, 2009, Commission meeting to be held in Clewiston. The agenda for this meeting and background information on this issue can be viewed on-line at: http://myfwc.com/COMMISSION/2009/Comm_09_AgendaDec.htm.

SUBJECT AREA TO BE ADDRESSED: Manatee protection rule for Sarasota County.

RULEMAKING AUTHORITY: 379.2431(2) FS.

LAW IMPLEMENTED: 379.2431(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Scott Calleson, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE CHAPTER NO.: RULE CHAPTER TITLE:

68D-21	Approval of Local Ordinances Establishing Boating-Restricted Areas
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RULE NOS.:	RULE TITLES:
68D-21.001	Requirements for Applications
68D-21.002	Procedures for Reviewing Applications

68D-21.003	Procedures for Providing for Public Notice and Participation
68D-21.004	Criteria for Approval of Ordinances

PURPOSE AND EFFECT: The purpose of this amendment is to implement a system for receiving, reviewing, and approving or rejecting municipal and county ordinances establishing boating-restricted areas where necessary to manage and promote the use of waters of this state for safe and enjoyable boating. The effect will be to provide procedures for reviewing applications, to specify criteria for approval of ordinances as necessary to protect public safety, and to establish procedures for providing for public notice and participation pursuant in the approval process.

SUBJECT AREA TO BE ADDRESSED: Review and approval or rejection of municipal and county ordinances establishing boating-restricted areas.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 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: Captain Alan S. Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE NO.: 15B-2.013
 RULE TITLE: Approved Speed Measuring Devices
 PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to incorporate those speed measuring devices that have been approved since the last revision to Rule 15B-2.013, F.A.C.

SUMMARY: Changes are being made to the Department’s rule on Approved Speed Measuring Devices to incorporate those speed measuring devices that have been approved since the last revision of Rule 15B-2.013, F.A.C.

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 been prepared by the agency.

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

RULEMAKING AUTHORITY: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 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, December 23, 2009, 10:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lt. Ronald W. Castleberry, Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-2303

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

(a) through (c) No change.

(d) Kustom Electronics, Inc., or Kustom Signals, Inc.

1. through 29. No change.

30. Raptor RP-1.

(e) through (g) No change.

(2) through (4) No change.

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

(a) through (c) No change.

(d) Laser Atlanta Optics, Inc. or Laser Atlanta, LLC – Model Speed Laser, Model Speed Laser B-Model Speed Laser R. Model Speed Laser S.

Rulemaking Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History–New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04, 1-1-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt. Ronald W. Castleberry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 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.”