

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES: RULE NOS.:
 Special Programs for Students Who are Mentally Handicapped 6A-6.03011
 Special Programs for Students Who are Visually Impaired 6A-6.03014
 Special Programs for Students Who are Gifted 6A-6.03019

PURPOSE AND EFFECT: The purpose of the rule developments is to review the rules to ensure that programs for students with disabilities are consistent with amendments to federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing statutes and to update rule language to reflect current knowledge in the field. The effect of the rule development will be the promulgation of rules which will be consistent with the federal requirements and current knowledge in the respective fields.

SUBJECT AREA TO BE ADDRESSED: Federal and state requirements for programs for students with disabilities who are identified as mentally handicapped, visually impaired, and for students who are gifted. Definition, procedures for referral, procedures for student evaluation, criteria for eligibility, re-evaluation, and instructional program.

SPECIFIC AUTHORITY: 1001.02(1), 1003.57(5) FS.
 LAW IMPLEMENTED: 1001.03, 1003.57(5), 1003.01(3), 1011.62(1)(c) FS., Individuals with Disabilities Education Act 20 U.S.C. Chapter 33

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

TIMES AND DATES: 8:00 a.m. – 2:30 p.m., January 12, 2006 and May 9, 2006; 3:00 p.m. – 6:00 p.m., January 12, 2006 and May 9, 2006

PLACE: Holiday Inn Select, 316 West Tennessee Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Statewide Minimum Level of Service Standards
 RULE CHAPTER NO.: 14-94

RULE TITLES: Purpose, Definitions
 RULE NOS.: 14-94.001, 14-94.002

Statewide Minimum Level of Service Standards 14-94.003
 PURPOSE AND EFFECT: Rule Chapter 14-94, F.A.C., is being amended to add references to the Strategic Intermodal System and Transportation Regional Incentive Program, add and revise the definitions, and update statutory references. Documents incorporated by reference are being updated. Rule 14-94.003, F.A.C., is substantially reworded, including a revised table.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-94 is being amended to include references to the Strategic Intermodal System and Transportation Regional Incentive Program, add and revise definitions, and update statutory references.

SPECIFIC AUTHORITY: 163.3180(10), 344.044(2) FS.
 LAW IMPLEMENTED: 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-.64 FS.

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

TIME AND DATE: 1:30 p.m., January 9, 2006
 PLACE: Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-94.001 Purpose.

(1) The purpose of this rule chapter is to establish statewide minimum level of service standards to be used in the planning and operation of the State Highway System (SHS), roadway facilities on the Strategic Intermodal System (SIS), the Florida Intrastate Highway System (FIHS), and roadway facilities funded in accordance with Section 339.2819, Florida Statutes, which creates the Transportation Regional Incentive Program (TRIP). This rule chapter is intended to promote protect public safety and general welfare, ensure the mobility of people and goods, and preserve the facilities on the SHS, SIS, and facilities funded by the TRIP State Highway System. The minimum level of service standards for the SIS, FIHS, and facilities funded by the TRIP State Highway System will be used by the Department in the review of local government comprehensive plans, assessing impacts related to

~~developments of regional impact, and assessing other developments affecting the SIS, FIHS, and roadways funded by the TRIP. The minimum level of service standards for the SIS, FIHS, and roadways funded by the TRIP will be used by local governments for complying with applicable provisions of Section 163.3180, Florida Statutes to determine system deficiencies; assist in determining Department work program priorities; and review local government comprehensive plans and metropolitan planning organization comprehensive transportation plans, traffic circulation impacts related to developments of regional impact, and other developments affecting the State Highway System.~~

(2) This rule chapter does not supersede or negate the provisions of Chapter 9J-5, F.A.C., pertaining to the preparation and adoption of local comprehensive plans or plan amendments by local governments.

Specific Authority ~~163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (21), 339.155(2), (5), (6) 339.2819, 339.61-64 FS. History-New 4-14-92, Amended _____.~~

14-94.002 Definitions.

As used in this rule chapter, the following definitions apply:

~~(1) “Backlogged Roadways” are roads on the State Highway System operating at a level of service below the minimum level of service standards, not programmed for construction in the first three years of FDOT’s adopted work program or the first five years of the schedule of improvements contained in a local government’s capital improvements element, and not constrained.~~

~~(1)(2) “Communities” means are incorporated places outside urban or urbanized areas, or unincorporated developed areas having a 500 population of 500 or more identified by local governments in their local government comprehensive plans and located outside of urban or urbanized areas.~~

~~(3) “Constrained Roadways” are roads on the State Highway System which FDOT has determined will not be expanded by the addition of two or more through lanes because of physical, environmental or policy constraints. Physical constraints primarily occur when intensive land use development is immediately adjacent to roads, thus making expansion costs prohibitive. Environmental and policy constraints primarily occur when decisions are made not to expand a road based on environmental, historical, archaeological, aesthetic or social impact considerations.~~

~~(2)(4) “Controlled Access Facilities Highways” means are non-limited access arterial facilities where access connections, median openings, and traffic signals are highly regulated.~~

~~(3)(5) “Exclusive Through Lanes” means are roadway lanes exclusively designated for intrastate travel, which are physically separated from general use lanes, and to which access is highly regulated. These lanes may be used for high occupancy vehicles and express buses during peak hours if the level of service standards can be maintained.~~

(4) “Florida Intrastate Highway System (FIHS)” means the highway system established pursuant to Section 338.001, Florida Statutes, which comprises a statewide network of limited and controlled access facilities. The primary function of the system is for high speed and high volume traffic movements within the state.

~~(5)(6) “General Use Lanes” means are roadway lanes on the FIHS not exclusively designated for long distance high speed travel. In urbanized areas general use lanes include high occupancy vehicle lanes not physically separated from other travel lanes.~~

~~(7) “Intrastate” means the Florida Intrastate Highway System (FIHS) which comprises a statewide network of limited and controlled access highways. The primary function of the system is for high speed and high volume traffic movements within the state. Access to abutting land is subordinate to this function and such access must be prohibited or highly regulated. Highways included as part of this system are designated in the Florida Transportation Plan.~~

~~(6)(8) “Level of Service (LOS)” for highways means is a quantitative stratification of the quality of service to a typical traveler on a facility into six letter grade levels with “A” describing the highest quality and “F” describing the lowest quality qualitative measure describing operational conditions within the traffic during the peak hour. The indicated LOS standards designate “levels of service” designate lowest acceptable quality operating conditions for the 100th highest volume hour of the year in the predominant traffic flow direction from the present through a 20-year planning horizon. The 100th highest volume hour represents approximates the typical peak hour during the peak season. Definitions and measurement criteria used for minimum LOS level of service standards are based on the 1985 National Transportation Research Board Highway Capacity Manual 2000 Special Report 209. All LOS level of service evaluations are to be based on the 1985 National Transportation Research Board Highway Capacity Manual 2000, the Department’s 2002 Quality/Level of Service Handbook, Special Report 209 or a methodology determined which has been accepted by the Department to be of FDOT as having comparable reliability. The Transportation Research Board Highway Capacity Manual 2000 and the Department’s 2002 Quality/Level of Service Handbook are This manual is hereby incorporated by reference and made a part of these rules. The National Transportation Research Board’s Highway Capacity Manual 2000 Special Report 209, is available from the Transportation Research Board, National Research Council, Washington, D.C. The Department’s 2002 Quality/Level of Service Handbook may be found at: http://www.dot.state.fl.us/planning/systems/sm/los/los_sw2.htm.~~

~~(7)(9)~~ “(Limited Access Facilities Highways (Freeways))” means are multilane divided highways having a minimum of two lanes for exclusive use of traffic in each direction and full control of ingress and egress; this includes freeways and all fully controlled access roadways.

~~(10)~~ “(Maintain)” means continuing operating conditions at a level such that significant degradation does not occur.

~~(a)~~ For roadways in rural areas, transitioning urbanized areas, urban areas or communities, “significant degradation” means:

~~1. An average annual daily traffic increase in two-way traffic volume of five percent; or~~

~~2. A reduction in operating speed for the peak direction in the 100th highest hour of five percent.~~

~~(b)~~ For roadways in urbanized areas, for roadways parallel to exclusive transit facilities, or for intrastate roadways in transportation concurrency management areas, “significant degradation” means:

~~1. An average annual daily traffic increase in two-way traffic volume of 10 percent or~~

~~2. A reduction in operating speed for the peak direction in the 100th highest hour of 10 percent.~~

~~(c)~~ For other state roads in transportation concurrency management areas, “significant degradation” is defined in the transportation element or traffic circulation element, if applicable.

~~(d)~~ For constrained roadways meeting or exceeding the level of service standards, “maintain” does not apply until the roadway is operating below the applicable minimum level of service standard.

~~(8)(11)~~ “(Other State Roads)” means are roads on the SHS State Highway System which are not part of the FIHS Florida Intrastate Highway System.

~~(9)(12)~~ “(Peak Hour)” means the 100th highest volume hour of the year in the predominant traffic flow direction from the present through a 20-year planning horizon. ~~The 100th highest hour approximates the typical peak hour during the peak season.~~

~~(10)~~ “(Multimodal Transportation Districts (MMTDs))” means areas in which secondary priority is given to vehicle mobility and primary priority is given to assuring a safe, comfortable and attractive pedestrian environment with convenient interconnection to transit. Local government comprehensive plans may establish multimodal LOS standards within MMTDs pursuant to Section 163.3180(15), Florida Statutes.

~~(11)~~ “(Regionally Significant Roadways)” means as established pursuant to Section 339.2819, Florida Statutes.

~~(12)(13)~~ “(Roadways Parallel to Exclusive Transit Facilities)” means are roads that generally run parallel to and within one-half mile of exclusive transit facilities, which are a physically separated rail or roadway lanes reserved for multipassenger use by rail cars or buses serving large volumes

of home/work trips during peak travel hours. Exclusive transit facilities do not include downtown people-movers, or high occupancy vehicle lanes unless physically separated from other travel lanes.

~~(13)(14)~~ “(Rural Areas)” means are areas not included in an urbanized area, a transitioning urbanized area, an urban area, or a community.

~~(14)~~ “(Strategic Intermodal System (SIS))” means as established pursuant to Sections 339.61-.64, Florida Statutes.

~~(15)~~ “(SIS Connectors)” means designated roadways that connect SIS hubs to SIS highways. These may be either on or off the SHS.

~~(16)~~ “(SIS Hubs)” means ports and terminals that move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world. These include commercial service airports, deepwater seaports, space ports, interregional rail and bus terminals, and freight rail terminals.

~~(17)(15)~~ “(Transitioning Urbanized Areas)” means are the areas outside urbanized areas, but within the MPO Metropolitan Planning Area Boundaries, that are expected to be included within the urbanized areas within the next 20 years based primarily on the U.S. Bureau of Census urbanized criteria.

~~(18)~~ “(Transportation Concurrency Exception Area (TCEA))” means an area which is so designated by a local government pursuant to Section 163.3180, Florida Statutes.

~~(19)(16)~~ “(Transportation Concurrency Management Areas (TCMA))” means a ~~are~~ geographically compact areas with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A TCMA may be designated in local government comprehensive plans designated in local government comprehensive plans where intensive development exists or is planned in a manner that will ensure an adequate level of mobility and further the achievement of identified important state planning goals and policies, including discouraging the proliferation of urban sprawl, encouraging the revitalization of existing downtowns and designated redevelopment areas, protecting natural resources, protecting historic resources, maximizing the efficient use of existing public facilities, and promoting public transit, bicycling, walking, and other alternatives to the single occupant automobile. Transportation concurrency management areas may be established in a comprehensive plan in accordance with Section 163.3180, Florida Statutes. Rule 9J-5.0057, Florida Administrative Code.

~~(17)~~ “(Transportation Mobility Elements)” are integrated, multi-modal plans that meet the requirements of Rule 9J-5.0057.

~~(20)~~ “(Transportation Regional Incentive Program (TRIP))” means as established pursuant to Section 339.2819, Florida Statutes.

~~(21)(18)~~ “Urban Areas” means ~~are~~ places with a population of at least 5,000 ~~which and~~ are not included in urbanized areas based on the most recent U.S. Census. The applicable boundary encompasses the ~~1990~~ urban area as well as the surrounding geographical area as ~~determined agreed upon~~ by the Federal Highway Administration (FHWA), the Department ~~FDOT~~, and local government, ~~and Federal Highway Administration (FHWA)~~. The boundaries are commonly called FHWA Urban Area Boundaries and include areas expected to have medium density development before the next decennial census.

~~(22)(19)~~ “Urbanized Areas” means ~~are~~ the ~~1990~~ urbanized areas, designated by the U.S. Bureau of Census as well as the surrounding geographical areas, as ~~determined agreed upon~~ by the ~~FHWA, the Department FDOT, and the Metropolitan Planning Organization (MPO), and are Federal Highway Administration (FHWA)~~, commonly called FHWA Urbanized

Area Boundaries. The over or under 500,000 classifications distinguish urbanized areas ~~with a populations over or under 500,000~~ based on the ~~most recent 1990~~ U.S. Census.

Specific Authority ~~163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (21), 339.155(2), (5), (6) 339.2819, 339.61-.64 FS. History—New 4-14-92, Amended~~

(Substantial rewording of Rule 14-94.003 follows. See Florida Administrative Code for present text.)

14-94.003 Statewide Minimum Level of Service Standards.

(1) The Statewide Minimum LOS Standards are as follows:

[Editorial Note: Insert Table Here. The table totally replaces the table on V. 4, P. 369, F.A.C.]

<u>STATEWIDE MINIMUM LEVEL OF SERVICE STANDARDS FOR THE STATE HIGHWAY SYSTEM, ROADWAYS ON THE STRATEGIC INTERMODAL SYSTEM (SIS), ROADWAYS ON THE FLORIDA INTRASTATE HIGHWAY SYSTEM (FIHS) AND ROADWAY FACILITIES FUNDED IN ACCORDANCE WITH SECTION 339.2819, FLORIDA STATUTES, THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP)</u>				
	<u>SIS AND FIHS FACILITIES</u>		<u>TRIP FUNDED FACILITIES AND OTHER STATE ROADS³</u>	
	<u>Limited Access Highway (Freeway)</u>	<u>Controlled Access Highway</u>	<u>Other Multilane</u>	<u>Two-Lane</u>
<u>Rural Areas</u>	<u>B</u>	<u>B¹</u>	<u>B</u>	<u>C</u>
<u>Transitioning Urbanized Areas, Urban Areas, or Communities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Urbanized Areas Under 500,000</u>	<u>C(D)</u>	<u>C</u>	<u>D</u>	<u>D</u>
<u>Urbanized Areas Over 500,000</u>	<u>D(E)</u>	<u>D</u>	<u>D</u>	<u>D</u>
<u>Roadways Parallel to Exclusive Transit Facilities</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Inside TCMA^s</u>	<u>D(E)²</u>	<u>E²</u>	<u>--²</u>	<u>--²</u>
<u>Inside TCEA^s² and MMTD^s²</u>	<u>--²</u>	<u>--²</u>	<u>--²</u>	<u>--²</u>

Level of service standards inside of parentheses apply to general use lanes only when exclusive through lanes exist.

1. For rural two-lane facilities, the standard is C.

2. Means the Department must be consulted regarding level of service standards set on SIS or TRIP facilities impacted by TCMA^s, MMTD^s, or TCEA^s.

3. The level of service standards for non TRIP facilities may be set by local governments in accordance with Rule 9J-5.0055, F.A.C.

NOTE: Level of service letter designations are defined in the Department’s 2002 Quality/Level of Service Handbook.

(a) The minimum LOS standards represent the lowest acceptable operating conditions in the peak hour.

(2) Specific assumptions and restrictions that apply to these minimum LOS standards are:

(b) Definitions and measurement criteria used for the minimum LOS standards can be found in the Transportation Research Board's Highway Capacity Manual 2000.

(c) When calculating or evaluating level of service pursuant to this rule, all calculations and evaluations shall be based on the methodology contained in Transportation Research Board's Highway Capacity Manual 2000, the Department's 2002 Quality/Level of Service Handbook, or a methodology determined by the Department to be of comparable reliability. Any methodology superseded by the Highway Capacity Manual 2000, such as a methodology based on the 1997 Highway Capacity Manual or Circular 212, shall not be used.

(3) Minimum LOS Standards for SIS Connectors and TRIP Funded Facilities are:

(a) Minimum LOS Standards for SIS Highways.

1. Limited access SIS highways shall adhere to the limited access FIHS LOS standards.

2. Controlled access SIS highways shall adhere to the controlled access FIHS LOS standards.

3. These standards shall apply regardless whether the facility is FIHS, SHS, or under other jurisdiction.

(b) Minimum LOS Standards for SIS Connectors. The minimum LOS standard for SIS connectors connectors shall be LOS D.

(c) Minimum LOS Standards for Regionally Significant Roadways Funded by the TRIP.

1. Regionally significant roadways utilizing TRIP funding shall adhere to the Other State Roads Standards in Chapter 14-94, F.A.C.

2. These LOS standards apply to the TRIP funded portions of the roadway facilities extending to their logical termini for LOS analysis.

Specific Authority 163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (24), 339.155(2), (5), (6) 339.2819, 339.61-.64 FS. History--New 4-14-92, Amended _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes	19-8.013
Reimbursement Premium	19-8.028
Insurer Reporting Requirements	19-8.029
Insurer Responsibilities	19-8.030

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., the annual Reimbursement Contract, Rule 19-8.013, Revenue Bonds Issued pursuant to Section 215.555(b), F.S., Rule 19-8.028, F.A.C., the annual Reimbursement Premium Formula, Rule 19-8.029, F.A.C., the Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Reporting Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Contract requirements, bonding, premium formula requirements, insurer reporting requirements for the 2006-2007 contract year, and insurer responsibilities.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, January 19, 2006

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)487-8540 or Suncom 277-8540.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; telephone (850)413-1340

Copies of the proposed amended rules and the agenda for the workshop may be obtained from: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; (850)413-1349. Any person requiring special accommodations to participate in this proceeding is asked to advise Donna Sirmons at least five (5) calendar days before such proceeding.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE:	RULE NO.:
Qualified Individuals	19B-8.001

PURPOSE AND EFFECT: To change the rule requirement for substitution of beneficiaries in the Florida Prepaid College program to allow a change of beneficiary after a portion of the account benefits have been utilized by another qualified beneficiary.

SUBJECT AREA TO BE ADDRESSED: The requirements for substitution of beneficiaries in the Prepaid College Program.

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

LAW IMPLEMENTED: 1009.98(4) FS.

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

TIME AND DATE: 2:00 p.m., January 9, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.001 Qualified Individuals.

Except when an advance ~~payment purchase~~ contract is established by a purchaser functioning in a custodial capacity, a purchaser may change the qualified beneficiary to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the purchaser directing the Board to change the qualified beneficiary for the contract. "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. ~~The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.~~

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01, 12-28-03,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Care of Inmates RULE NO.: 33-602.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide uniformity in inmate dress requirements by clarifying when the wearing of athletic shorts outside the housing unit is permissible.

SUBJECT AREA TO BE ADDRESSED: Inmate uniforms.

SPECIFIC AUTHORITY: 944.09, 945.215 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 FAW.

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:

33-602.101 Care of Inmates.

(1) No change.

(2) Inmates shall at all times wear the regulation clothing and identification card in accordance with institution policy.

(a) through (i) No change.

(j) Inmates shall not wear athletic shorts authorized for possession and purchase through the institutional canteen outside their assigned housing units except as authorized below:

1. Inmates shall be allowed to wear athletic shorts on the recreation yard and for movement to and from the recreation yard:

2. Inmates shall be allowed to wear athletic shorts to the inmate canteen only in those cases where inmates are allowed to go to the inmate canteen directly from the recreation yard.

(3) through (10) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.09 FS. History--New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Administrative Confinement RULE NO.: 33-602.220

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from form DC4-650, Observation Checklist.

SUBJECT AREA TO BE ADDRESSED: Observation checklist for inmates who have demonstrated behavior that is or could be harmful to himself or others

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 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:

33-602.220 Administrative Confinement.

(1) through (10) No change.

(11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC4-650, Observation Checklist, effective date ~~1-19-03~~.

(b) through (i) No change.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: _____ RULE NO.: _____

Procedures for Signing and Sealing

Electronically Transmitted Plans,

Specifications, Reports or

Other Documents 61G1-16.005

PURPOSE AND EFFECT: The Board proposes to create this rule to clarify the procedures for signing and sealing electronically transmitted plans, specifications, reports, or other documents.

SUBJECT AREA TO BE ADDRESSED: Procedures for Signing and Sealing Electronically Transmitted Plans, Specification, Reports or Other Documents.

SPECIFIC AUTHORITY: 481.2055, 481.221(2)(3) FS.

LAW IMPLEMENTED: 481.221(2)(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-16.005 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Information stored in electronic files representing plans, specifications, plats, reports, or other documents which must be sealed under the provisions of Chapter 481, F.S., shall be signed, dated and sealed by the architect or interior designer in responsible charge.

(2) Electronic files may be signed and sealed by creating a "signature" file that contains the architect's or interior designer's name and license number, a brief overall description of the documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: ftp://ftp.isi.edu/in_notes/rfc1738.txt. Each file shall have an authentication code defined as an SHA 1 message digest described in Federal Information Processing Standard Publication 180 1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: http://www.itl.nist.gov/fipspubs/fip180 1.htm. A report shall be created that contains the architect's or interior designer's license number, a brief overall description of the documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the architect or interior designer in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 481.2055, 481.221(2), (3) FS. Law Implemented 481.221(2), (3) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: _____ RULE NO.: _____

Professional Fees and Penalties for Architects 61G1-17.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Professional Fees and Penalties for Architects.

SPECIFIC AUTHORITY: 455.217(2), 455.2281, 481.207 FS.

LAW IMPLEMENTED: 455.217(2), 455.2281, 455.271, 481.207, 481.209, 481.219 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, 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 TITLE: Responsible Supervising Control Over Architectural Practice in the Architect's Office
 RULE NO.: 61G1-23.010

PURPOSE AND EFFECT: The Board proposes to add additional responsibilities for the architect in the architectural practice.

SUBJECT AREA TO BE ADDRESSED: The additional responsibilities for the architect in the architectural practice.

SPECIFIC AUTHORITY: 481.2055, 481.221(6) FS.

LAW IMPLEMENTED: 481.221(6), 481.223, 481.225(1)(g) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juanita Chastain, 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:

61G1-23.010 Responsible Supervising Control Over Architectural Practice in the Architect's Office.

(1) Each architectural office maintained for the preparation of drawings, specifications, reports and other professional work shall have an architect duly registered with the Board of Architecture & Interior Design within that office with full authority and in responsible charge, having direct knowledge and supervising control over such work. This Rule 61G1-23.010, F.A.C., does not address the procedures required of an architect in sealing and signing work which falls within the definition of "interior design" as that term is defined in Section 481.203(8), F.S. The responsible supervising control which is required of architects prior to sealing and signing architectural documents as that term is used in Section 481.221(6)(4), F.S., shall mean:

- (a) through (b) No change.
- (2) through (3) No change.

(4) The architect accepts professional responsibility for all architectural design activities of a project throughout design development and the production of all documents and instruments of service. The architect shall prepare and maintain evidence of the architect's continuing effort in such work to

include written calculations, correspondence, time records, check prints, telephone logs, site visit logs or research done for the project and shall provide such evidence to state or local authorities upon their request.

(5) The architect maintains documentation that the architect has supervised the preparation of all documents and instruments of service, reviewed all project data, inspected the project site and entered into an agreement with the persons preparing the documents accepting professional responsibility for such work.

(6) The architect makes certain, if the work which the architect intends to seal and sign has been prepared by another person, that whenever such final work is submitted to a client, building owner or building user, the architect is present during such submissions in order to respond to questions from the client, owner or user.

(7) Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible supervising control over, nor detailed professional knowledge of, the content of such submissions.

Specific Authority 481.2055, 481.221(6) FS. Law Implemented 481.221(6), 481.223, 481.225(1)(g) FS. History—New 11-21-94, Amended 7-3-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: Endorsement
 RULE NO.: 61G3-16.005
 PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Endorsement.

SPECIFIC AUTHORITY: 476.064(4), 476.144(5) FS.

LAW IMPLEMENTED: 476.144(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: Barbershop Requirements
 RULE NO.: 61G3-19.011
 PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Barbershop Requirements.

SPECIFIC 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 SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE TITLES:	RULE NOS.:
Purpose and Scope	63G-2.001
Definitions	63G-2.002
Construction and Maintenance	63G-2.003
Staffing and Operations	63G-2.004
Security	63G-2.005
Treatment, Training and Education of Children	63G-2.006
Sanitation	63G-2.007
Capacity	63G-2.008
Bedding	63G-2.009
Nutrition	63G-2.010
Medical Treatment, Health and Comfort	63G-2.011
Disciplinary Treatment	63G-2.012

PURPOSE AND EFFECT: The proposed rule is intended to implement standards and requirements described in Section 985.404(10), Florida Statutes, governing Florida's regionally administered system of detention services for children.

SUBJECT AREA TO BE ADDRESSED: Standards and requirements for secure detention services.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.404(10) FS.

LAW IMPLEMENTED: 985.404(10) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, January 17, 2006

PLACE: DJJ Detention Services Southern Region Office, Atrium Center, 4801 S. University Dr., Ste. 110, Davie, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Wednesday, January 18, 2006

PLACE: DJJ Detention Services Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Thursday, January 19, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail clayde.Benedix@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:	RULE NO.:
Licensees Excused from Continuing Educational Requirements	64B5-12.0135

PURPOSE AND EFFECT: The Board proposes to, make changes to this section to, among other issues, clarify that the statutory licensure renewal training requirements found in Sections 456.013(7), 456.031 and 456.033, F.S., are not exempted by any provision of this rule section.

SUBJECT AREA TO BE ADDRESSED: Licensees excused from continuing educational requirements.

SPECIFIC AUTHORITY: 466.004(4), 466.0135, 466.014 FS.

LAW IMPLEMENTED: 466.0135, 466.014 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:	RULE NOS.:
Standard Terms Applicable to Orders	64B8-8.0011
Probation Variables	64B8-8.0012

PURPOSE AND EFFECT: The Board proposes the development of rules to set forth standard terms which are applicable to Board Orders and to set forth the various probationary terms imposed by Orders of the Board in disciplinary proceedings.

SUBJECT AREA TO BE ADDRESSED: Standard terms which are applicable to the Board's Orders and probation variables.

SPECIFIC AUTHORITY: 456.072(2), 458.331(2) FS.

LAW IMPLEMENTED: 458.331(2), (4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education for Biennial Renewal RULE NO.: 64B8-13.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address continuing education requirements for renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for licensure renewal.

SPECIFIC AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 458.319(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (c) No change.

(d) All applicants for an initial license, reactivation or reinstatement of their license who obtained the required domestic violence, end of life and palliative health care, or HIV/AIDS course for initial licensure, reactivation or reinstatement within six (6) months immediately preceding licensure renewal may use the same domestic violence, end of life palliative health care, or HIV/AIDS hours obtained for initial licensure, reactivation or reinstatement to meet the requirements for licensure renewal.

~~(e)~~ No change.

(2) through (12) No change.

Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05,_____.

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES:	RULE NOS.:
General Regulations; Definitions	64F-12.001
Records of Drugs, Cosmetics and Devices	64F-12.012
Prescription Drugs; Receipt, Storage and Security	64F-12.013
Licensing, Application, Permitting	64F-12.015
Fees	64F-12.018
Restricted Prescription Drug Distributor Permits; Special Provisions	64F-12.023

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended to further safeguard and protect the prescription drug supply in Florida. Effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by a wholesale distributor to all customers who acquired the prescription drug through a wholesale distribution. This rule development workshop is intended to continue gathering information and input from industry to craft additional rules that will facilitate industry's compliance with the pedigree requirements that go into effect on July 1, 2006.

SUBJECT AREA TO BE ADDRESSED: The subject areas include, but are not limited to Certificate Authorities and Revocation Authorities for digital signatures that may be used for authentication of an electronic pedigree; pedigree provisions for emergency distributions; inventory on-hand at on July 1, 2006 and handling prescription drugs distributed prior to July 1, 2006 but returned to a wholesaler on or after July 1, 2006; pedigree requirements for drop shipments; general matters related to implementation of the July 1, 2006 requirements for pedigree papers as may be raised by workshop participants; paper submissions to document establishment conditions when an on-site inspection cannot be

performed within the statutory application processing timeframes; permitting of in-state private label distributors; and the possibility of establishing new restricted prescription drug distributor permit types and the application and fee requirements for such permits.

SPECIFIC AUTHORITY: 499.003(31), 499.0121(6), 499.014, 499.05 FS.

LAW IMPLEMENTED: 499.003(31), 499.0121(4), (6)(f), 499.013, 499.014 FS.

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

TIME AND DATE: 9:30 a.m. – 12:00 Noon, E.S.T., Thursday, January 12, 2006

PLACE: 4052 Bald Cypress Way (Capital Circle Office Complex Building 4052) Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Stovall, Compliance Manager, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257, ext. 210, sandra_stovall@doh.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. DRAFT LANGUAGE WILL BE PUBLISHED ON THE BUREAU'S WEBSITE AT www.doh.state.fl.us/pharmacy/drugs 10 DAYS PRIOR TO THE SCHEDULED WORKSHOP.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Rules Relating to Fur Bearing

Animals and Possession of Hides 68A-24

RULE TITLE: RULE NO.:
License and Tagging Requirements 68A-24.003

PURPOSE AND EFFECT: The purpose of the proposed rule development is to revise statutory references that have been changed related to licenses for the taking and possession of fur bearing animals. The effect will be to have the correct statutory citation in the rule.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the requirement for an appropriate license to take or possess fur bearing animals.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Const.; 372.021, 372.66 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Const.; 372.57, 372.66 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Col. Julie Jones, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. FUTURE DRAFTS OF THE PROPOSED RULES MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Rules Relating to Fur Bearing Animals

and Possession of Hides 68A-24.004

RULE TITLE: RULE NO.:
Fur and Hide Dealers: Operations,

Reporting Requirements 68A-24.004

PURPOSE AND EFFECT: The purpose of the proposed rule development is to revise statutory references that have been changed related to the purchase of hides from licensed individuals. The effect will be to have the correct statutory citation in the rule.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the requirements for purchasing of hides of fur bearing animals only from individuals with an appropriate license.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Const.; 372.57, 372.66, 372.6672, 372.6673, FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Col. Julie Jones, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. FUTURE DRAFTS OF THE PROPOSED RULES MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Employment Standards
RULE TITLE: General Guidelines for Firefighter Employer

RULE CHAPTER NO.: 69A-62
RULE NO.: 69A-62.021

PURPOSE AND EFFECT: All fire departments must have a safety and health program in place. Fire departments found to be in violation of any part of the rules pertaining to firefighter safety must also have a remediation plan, in addition to the safety and health program. The change being made more clearly reflects that intent.

SUBJECT AREA TO BE ADDRESSED: Fire departments' safety and health programs and remediation plans for fire departments in violation of any part of the firefighter safety and health rules.

SPECIFIC AUTHORITY: 633.821 FS.

LAW IMPLEMENTED: 633.821 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD.

TIME AND DATE: 9:00 a.m., January 9, 2006

PLACE: Conference Room, Third Floor, Atrium Building, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Walter Malo, Safety Program Manager, Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, phone (352)369-2800

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Angie Cain, Phone (352)369-2818.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

- (1) through (7) No change.

Specific Authority 633.821 FS. Law Implemented 633.821 FS. History--New 9-6-04, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE CHAPTER TITLE: Insurer Anti-fraud Investigative Units

RULE CHAPTER NO.:

and Anti-fraud Plans 69D-2

RULE TITLES: Purpose and Scope 69D-2.001

Definitions 69D-2.002

Insurer SIUs 69D-2.003

Insurer Anti-Fraud Plans 69D-2.004

Compliance and Enforcement 69D-2.005

PURPOSE AND EFFECT: The purpose of this rule chapter is to implement the provisions of Section 626.9891, Florida Statutes requiring a higher level of detail and accountability for insurer fraud plans and insurer SIU descriptions.

SUBJECT AREA TO BE ADDRESSED: Insurer anti-fraud plans and SIU descriptions.

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

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

SPECIFIC AUTHORITY: 624.308, 626.9891 FS.

LAW IMPLEMENTED: 624.307, 626.989, 626.9891(1), 626.9891(2), 626.9891(3), 626.9891(7), 626.9891(8) FS.

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

TIME AND DATE: 9:00 a.m., Monday, January 9, 2006

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charles L. Gowland, Jr., Division of Insurance Fraud, Department of Financial Services

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Serica Johnson at (850)413-4216.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

INSURER ANTI-FRAUD INVESTIGATIVE UNITS AND
ANTI-FRAUD PLANS

69D-2.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9891, F.S., establishing guidelines and reporting requirements for insurer anti-fraud investigative units and anti-fraud plans.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History–New _____.

69D-2.002 Definitions.

For the purposes of this rule:

(1) “Division” refers to the Department of Financial Services, Division of Insurance Fraud.

(2) “NAIC” refers to the National Association of Insurance Commissioners.

(3) “Office” refers to the Office of Insurance Regulation, Market Investigations.

(4) “SIU” refers to an insurer’s internal or contracted anti-fraud investigative unit.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History–New _____.

69D-2.003 Insurer SIUs.

(1) An insurer subject to Section 626.9891(1), F.S., shall file with the Division a description of such SIU on or before July 1, 2006, and every 3 years thereafter, and such description shall include:

(a) The names of all employees assigned to the SIU, and a description of each employee’s work responsibilities relating to the SIU’s anti-fraud efforts;

(b) A description of the SIU’s procedures for detecting and investigating possible fraudulent insurance acts. This description shall include:

1. A list of red flags or indicators that are used to detect fraudulent activity relating to the different types of insurance offered by that insurer;

2. Written guidelines for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer;

(c) A description of the SIU’s procedures for the mandatory reporting of suspected fraudulent insurance acts directly to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. A written guideline utilized by the insurer or its SIU to determine whether or not the facts relating to a particular insurance transaction create a reasonable belief or articulable suspicion that a person or entity has committed a fraudulent insurance act;

2. An explanation of the insurer’s or SIU’s method of recording and tracking all acts of suspected insurance fraud discovered using the guideline described in sub-paragraph 1.

3. An explanation of the insurer’s or SIU’s method for reporting all such suspected fraudulent insurance acts directly to the Division using a standard digital referral format as specified by the Division;

(d) A description of the SIU’s plan for anti-fraud education and training of its claims adjusters, SIU personnel, and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A written plan that involves the establishment of minimum standards for the education and training of all employees involved in anti-fraud related efforts.

2. A written plan that involves on-going training on an annual basis;

3. A written plan that calls for the documentation of training course or seminar information including, but not limited to, course or seminar titles, dates, and descriptions.

(e) The contact information including names, email addresses, and telephone numbers, for employees designated by the insurer or SIU to be responsible for achieving and maintaining compliance with Section 626.9891(1), F.S., and this rule chapter;

(f) The insurer’s NAIC individual and group code numbers;

(2) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, shall submit this SIU description via digital format as specified by the Division.

(3) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, will have a 90 day grace period to submit their initial SIU description, and will have a 30 day grace period for each subsequent submission every three years thereafter.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.989, 626.9891(1) FS. History–New _____.

69D-2.004 Insurer Anti-Fraud Plans.

(1) An insurer subject to Section 626.9891(2), F.S., shall file with the Division of Insurance Fraud such anti-fraud plan on or before July 1, 2006, and every 3 years thereafter, and such anti-fraud plan shall include:

(a) A written description or chart outlining the organizational arrangement of the insurer’s anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts.

(b) A description of the insurer’s procedures for detecting and investigating possible fraudulent insurance acts including specific investigative guidelines for the different types of insurance offered by that insurer. This description shall include:

1. A list of red flags or indicators that are used to detect fraudulent activity relating to the different types of insurance offered by that insurer;

2. Written guidelines for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer:

(c) A description of the insurer's procedures for the mandatory reporting of possible fraudulent insurance acts directly to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. A written guideline utilized by the insurer to determine whether or not the facts relating to a particular insurance transaction create a reasonable belief or articulable suspicion that a person or entity has committed a fraudulent insurance act;

2. An explanation of the insurer's method of recording and tracking all acts of suspected insurance fraud discovered using the guideline described in subparagraph 1.

3. An explanation of the insurer's method for reporting suspected fraudulent insurance acts directly to the Division using a standard digital referral format as specified by the Division;

(d) A description of the insurer's plan for anti-fraud education and training of its claims adjusters and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A written plan that involves the establishment of minimum standards for the education and training of all employees involved in anti-fraud related efforts;

2. A written plan that involves on-going training on an annual basis;

3. A written plan that calls for the documentation of training course or seminar information including, but not limited to, course or seminar titles, dates, and descriptions;

(e) The contact information, including names, e-mail addresses, and telephone numbers, for employees designated by the insurer to be responsible for achieving and maintaining compliance with Section 626.9891(2), F.S., and this rule chapter;

(f) The insurer's NAIC individual and group code numbers;

(2) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, shall submit this anti-fraud plan via digital format as specified by the Division.

(3) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, will have a 90 day grace period to submit their initial anti-fraud plan, and will have a 30 day grace period for each subsequent submission every three years thereafter.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(2),(3) FS. History--New _____.

69D-2.005 Compliance and Enforcement.

(1) The Division and the Office shall conduct audits or request self-assessment examinations of insurer SIU descriptions or anti-fraud plans as deemed necessary to determine compliance with Section 626.9891, F.S., and this rule chapter.

(2) If such audit or examination reveals a deficiency in an insurer SIU description or anti-fraud plan as determined by the Office or the Division, the insurer shall have 30 days from the date of notification from the Office or the Division to correct such deficiency and provide the Division with the corrected information. However, this additional 30 day period does not apply in those situations where an insurer fails to submit their SIU description or anti-fraud plan to the Division before the expiration of the 30 or 90 day grace period provided in this rule chapter.

(3) If an insurer fails to take corrective action as set forth in paragraph (2), fails to implement or follow the provisions of their anti-fraud plan or SIU description, or in any other way fails to comply with the requirements of Section 626.9891, F.S., and this rule chapter, the Office shall take appropriate administrative action pursuant to this Section.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(7) FS. History--New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Indemnity Standard Risk Rates	690-149.205
Preferred Provider/Exclusive Provider	
Standard Risk Rates	690-149.206
Health Maintenance Organization Standard	
Risk Rates	690-149.207

PURPOSE AND EFFECT: The Office is required to conduct an annual survey of the individual market and publish standard risk rates to be used in determining the maximum statutory group conversion rate. The annual survey is conducted for PPO/EPO, Indemnity and HMO separately.

SUBJECT AREA TO BE ADDRESSED: Standard Risk Rates.
SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 9:30 a.m., January 11, 2006
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, E-mail frank.dino@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Prohibited Practices; Penalties
RULE NO.: 1A-31.013
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to paragraphs 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to paragraph 267.13(2)(d), Florida Statutes.

SUMMARY: The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in paragraphs 267.13(2)(a) and (d), Florida Statutes.

SPECIFIC AUTHORITY: 20.10(3), 267.13(2)(e) FS.

LAW IMPLEMENTED: 267.13(2)(e) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday January 17, 2006
PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-31.013 Prohibited practices; Penalties

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., the division may

commence an administrative proceeding as specified in paragraphs 267.13(2)(a)-(c), F.S. If it is determined to be in the best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in paragraph 267.13(2)(b), F.S. If the alleged violator timely requests a hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in paragraph 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Wheeler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fred Gaske

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Prohibited Practices; Penalties
RULE NO.: 1A-32.006
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to paragraphs 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to paragraph 267.13(2)(d), Florida Statutes.

SUMMARY: The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in paragraphs 267.13(2)(a) and (d), Florida Statutes.

SPECIFIC AUTHORITY: 20.10(3), 267.13(2)(e) FS.

LAW IMPLEMENTED: 267.13(2)(e) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday January 17, 2006