

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: RULE TITLE:
 2-37.010 Attorney Services

PURPOSE AND EFFECT: The Department intends to incorporate the revised form entitled "Office of the Attorney General Attachment A for Private Attorney Services" into the rule.

SUBJECT AREA TO BE ADDRESSED: The current form entitled "Office of the Attorney General Attachment A for Private Attorney Services" has been revised and the revised form is being incorporated by reference into the rule.

SPECIFIC AUTHORITY: 287.059 FS.

LAW IMPLEMENTED: 16.015, 287.059 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: Larry Daugherty, Government Analyst, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2-37.010 Attorney Services.

(1) No change.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 4/2006), effective _____, ~~(rev. 9/2001), effective 12-17-01,~~ which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, or from the following web sites: myfloridalegal.com/aglink or myfloridalegal.com/outside.html.

Specific Authority 287.059 FS. Law Implemented 16.015, 287.059 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00, 6-5-01, 12-17-01, _____.

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

Florida Prepaid College Board

RULE NO.: RULE TITLE:
 19B-4.005 Maximum Account Balance Limit

PURPOSE AND EFFECT: To update the reference to the College Cost and Financial Aid Handbook.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan Maximum Account Balance Limit.

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

LAW IMPLEMENTED: 1009.98, 1009.81 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: May 8, 2006, 2:00 p.m.

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-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook ~~2004~~ 2006, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) through (3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History–New 11-27-02, Amended 12-28-03,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

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

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

SUBJECT AREA TO BE ADDRESSED: The Florida College Investment Plan Participation Agreement Form.

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

LAW IMPLEMENTED: 1009.81(2) 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: May 8, 2006, 2:00 p.m.

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-16.003 Participation Agreement

(1) The contract between the Board and a benefactor shall consist of the benefactor’s completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 2006~~5~~-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History–New 11-27-02, Amended 12-28-04, 6-2-05,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-16.005 Maximum Account Balance Limit

PURPOSE AND EFFECT: To update the reference to the College Cost and Financial Aid Handbook.

SUBJECT AREA TO BE ADDRESSED: The Florida College Savings Program Maximum Account Balance Limit.

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

LAW IMPLEMENTED: 1009.98, 1009.81 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: May 8, 2006, 2:00 p.m.

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-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2006 ~~2004~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contract shall be as provided in subsection 19B-4.005(2), F.A.C.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History–New 5-30-02, Amended 11-27-02, 12-28-03,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-208.504 Criteria for Assignment to Staff Housing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add the position of licensed practical nurse to the list of priority assignments for staff housing.

SUBJECT AREA TO BE ADDRESSED: Staff housing assignments.

SPECIFIC AUTHORITY: 20.213, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 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:

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. The warden also has authority to recommend that these personnel live off the grounds. Only the Secretary may alter these priorities based upon proof of an employee's significant personal hardship or in the best interests of the Department.

- 1. Warden.
 - 2. Assistant Warden.
 - 3. Chief of Security.
 - 4. Licensed Medical Representative, who is either a Physician, Clinical Associate, ~~or~~ Registered Nurse, or Licensed Practical Nurse.
 - 5. Maintenance Representative, who is qualified to respond to varied maintenance emergencies.
 - 6. Fire Chief or Firefighter Supervisor, where such position is authorized.
 - 7. Senior or Supervising Chaplain.
- (b) through (5) No change.

SECTION 1 ASSAULT, BATTERY, THREATS, AND DISRESPECT

1-1 through 1-5 No change.

1-6	<u>1-6 Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of the victim that does not involve physical or sexual contact with the victim</u>	60 DC + 90 GT
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SECTION 2 RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES

2-1 through 2-2 No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05,_____.

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide more specific disciplinary charges for situations previously addressed by more general charges.

SUBJECT AREA TO BE ADDRESSED: Inmate disciplinary infractions.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

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

Maximum
Disciplinary
Actions

2-3 ~~Creating, p~~Participating in, or inciting a minor disturbance
30 DC + 60 GT

2-4 No change.

SECTION 3 through SECTION 9 – No change.

SECTION 10 – COMMUNITY RELEASE PROGRAM VIOLATIONS – WORK RELEASE, STUDY RELEASE, FURLOUGH AND VOLUNTEER SERVICE

10-1 through 10-7 No change.

10-8 Failure to repay advancement of monies as stipulated in the inmate’s financial plan

10 DC + 15 DC

SECTION 11 – No change.

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602
RULE TITLE: Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth requirements regarding: contract work release centers; use of electronic data systems; provision of orientation; work hours and travel time; transportation; subsistence payments; advance of funds; and collection of unpaid advancements.

SUBJECT AREA TO BE ADDRESSED: Community work release.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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:

33-601.602 Community Release Programs.

(1) Definitions.

(a) through (h) No change.

(i) Work Release Inmate Monitoring System (WRIMS) – A web site application used by work release facility staff to record information related to an inmate’s participation in community work release.

(2) Inmate Conduct While on Community Release.

(a) During the inmate orientation process, which shall occur within three days of arrival at a community work release center, inmates will be instructed of the following conduct

requirements. Upon completion of the orientation program, the inmate shall be given a Certificate of Orientation, Form DC6-126. Form DC6-126 is incorporated in subsection (16) of this rule.

1. Directly and promptly proceed to and return from their destination using the approved method of transportation and route designated by the correctional officer major or facility program director of a contract facility.

2. through 9. No change.

10. Do not enter into any contract without advance written approval of the correctional officer major or facility program director of a contract facility.

(b) An inmate with community release privileges shall not operate any motor vehicle of any kind unless previously authorized to do so by the correctional officer major or facility program director of a contract facility, and in the event of such authorization, shall operate the specified motor vehicle only for the limited purpose for which authorization was given.

(c) No change.

(d) The work release center classification officer or contract facility counselor shall complete a Personalized Program Plan for Work Release Centers, Form DC6-118A, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification officer and the correctional officer major or the facility counselor and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (16) of this rule. The inmate’s progress towards achieving the goals of the personalized program plan shall be reviewed bi-weekly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Biweekly Progress Review or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed form

WRIMS and given to the inmate. Form DC6-118C is incorporated by reference in subsection (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) When the inmate is ready for release a Transition Release Plan, Form DC6-118D, shall be completed in order to assist the inmate in his or her release plans or the plan information shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-118D is incorporated by reference in subsection (16) of this rule.

(3) through (6) No change.

(7) Employment.

(a) Employment sought must be full time employment for at least ~~40~~ 35 hours per week.

(b) through (e) No change.

(f) If the department authorizes paid employment for an inmate with a given employer and subsequently receives and verifies information that the inmate is not being treated by the employer in a manner comparable to other employees, the correctional officer major or facility director will remove the inmate from such employment with that employer.

(g) through (i) No change.

(j) Facility personnel shall visit the inmate's place of employment for new employers within the first five ~~working~~ days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-125 is incorporated by reference in subsection (16) of this rule.

(k) There shall be a minimum of three employment contacts per inmate per month by facility personnel to substantiate attendance and discuss any problems that may have arisen. Two of the contacts shall be accomplished either through telephone calls or site visits to the inmate's place of employment, and documentation of the contacts shall be made on Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. One of the three monthly contacts shall be a personal on-site job check. The documentation of the contacts shall be made on Form DC6-125 and placed in the inmate's file or shall be entered into WRIMS at those facilities at which the system is operational for future reference.

(l) Facility personnel shall establish a primary and secondary job contact person at all employment sites. The primary and secondary contact person shall be named on Form DC6-125, Employment Contacts or shall be entered into WRIMS at those facilities at which the system is operational.

(m) The employer shall provide a current work schedule for the inmate to the work release center each week prior to the inmate being allowed to depart for work. The inmate's work schedule shall be entered into WRIMS at those facilities at which the system is operational.

(n) All inmates employed in the community shall return to the facility no later than 12 midnight. Inmates will not be authorized to leave the facility to work in the community between 12 midnight and ~~5~~ 6 a.m. unless an exception is made. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center. No exceptions will be approved unless it is determined that the risk to the community is minimal, and the earning potential and rehabilitative benefits which the job offers the inmate are substantial.

(8) No change.

(9) Transportation.

(a) Transportation for inmates engaged in community release programs shall be secured by the following means:

1. through 3. No change.

4. Bicycling; ~~or~~

5. Walking;

6. Center van transportation at contract work release facilities.

(b) In order to ensure that inmates are not working long distances from the center, the warden over the work release center shall establish maximum boundaries for employment sites by center geographic location. The maximum boundaries shall not exceed ~~two one~~ two hours travel time to the employment site from the facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety.

(10) Disbursement of Earnings.

(a) No change.

(b) Once an inmate is approved for paid employment, facility personnel, in consultation with the inmate, will establish a plan for the disbursement of earnings, based upon the needs, responsibilities, and financial obligations of the inmate. No change will be made in this plan of disbursement without the approval of the correctional officer major or facility director.

(c) No change.

(d) The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:

1. No change.

2. For all other inmates the amount of subsistence to be paid will be computed by factoring ~~.65 (65%)~~ .45 (45%) times the inmate's net earnings.

(e) through (h) No change.

(i) The inmate shall be responsible while in paid employment status for the following:

~~1. If transportation is provided by the department, the inmate shall be required to pay \$1.00 for every day one way transportation is provided or \$2.00 for two way transportation.~~

~~1,2.~~ No change.

~~2.3.~~ No change.

3. Transportation costs at contract work release facilities as stipulated by the vendor contract.

4. No change.

(j) through (l) No change.

(11) No change.

(12) Advance of Funds. The facility director at contract work release centers ~~Department of Corrections~~ is authorized by contract to advance monies up to \$75.00 ~~to from the General Revenue Fund~~ for an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings prepared, as provided in subsection 33-601.602(10), F.A.C., shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate. Disciplinary action pursuant to Rule 33-601.314, F.A.C., shall be initiated and, after suitable proceedings to ensure due process for the collection of any unpaid portion of the advancement, other sources of funds available to the inmate shall be taken to the extent possible to satisfy the advancement of monies. Any property the inmate has with the department shall be taken to satisfy the debt, provided that before any property is taken, the inmate shall be given a hearing before the classification team to determine the fact and the amount of the debt. The inmate shall be given 24 hours written notice of such hearing. The inmate shall be allowed to present relevant evidence and argument. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

(13) Citizen Committees. The correctional officer major of a work release center or facility director of a contract facility shall establish committees of volunteer citizens in the various communities of the state to assist the Department of Corrections by:

(a) through (e) No change.

(14) Program Facilities.

(a) The department is authorized to utilize any facility, including a contract facility, under its jurisdiction to provide community work release programs to inmates.

(b) through (16) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, _____.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Twin Creeks Community Development District

RULE CHAPTER NO.: 42DDD-1
RULE CHAPTER TITLE: Twin Creeks Community Development District

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

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Twin Creeks Community Development District ("District"), pursuant to Chapter 190, F.S. The petition (amended during the February 13, 2006, local public hearing) filed by Eh/Transeastern, LLC, requests the Commission establish a community development district located within St. Johns County, Florida. A Notice of Receipt of Petition for the Twin Creeks Community Development District was published in the January 27, 2006, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 3,050 acres. A general location map is contained as Exhibit 1 to the petition, as amended, to establish the District. The site is generally located south of Durbin Creek, west of U.S. 1, east of Interstate 95, and on both sides of County Road 210 in St. Johns County, Florida. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner has obtained written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 5,000 units of single family detached units, single family attached units, multi-family housing along with 900,000 square feet of commercial mixed and 2,000,000 square feet of flexible industrial use space. Additional development plans include a 175 room hotel and a multiplex movie center. The District, if established, plans to finance certain master infrastructure improvements within the District boundaries. The improvements include complete construction of the basic infrastructure connecting and serving neighborhoods, including but not limited to: clearing, earthwork, water, sewer, and reclaimed utilities, internal roadways, and sodding/grassing. Master infrastructure also includes a community recreation center. Also included will be stormwater management facilities consisting of treatment ponds, outfalls, land to construct the retention and compensating storage areas, and wetland mitigation to serve the District in accordance with permitting agencies. Other District improvements include school facilities and substantial off-site improvements related to County Road 210 and US 1. All of the land in the proposed District is part of the Twin Creeks Development of Regional Impact.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Twin Creeks Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

DATE AND TIME: Monday, May 15, 2006, 2:00 p.m.

PLACE: Room 1802M, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Telephone (850)222-7500; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-19.001
 RULE TITLE: Percentage of Gross Pilotage Assessed

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: Percentage of gross pilotage.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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 Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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 HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.005
 RULE TITLE: Active Renewal Fee

PURPOSE AND EFFECT: The Board proposes to increase the active renewal fee to \$325.

SUBJECT AREA TO BE ADDRESSED: Renewal fees for active nursing home administrators.

SPECIFIC AUTHORITY: 468.1685(1) FS.

LAW IMPLEMENTED: 468.1715 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 IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-12.005 Active Renewal Fee.

The fee for active renewal of a nursing home administrator license is ~~\$325~~ **\$250**.

Specific Authority 468.1685(1) FS. Law Implemented 468.1715 FS. History—New 12-26-79, Amended 7-3-84, Formerly 21Z-12.05, Amended 1-22-90, Formerly 21Z-12.005, 61G12-12.005, 59T-12.005, Amended 2-26-02, 8-17-05, _____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-14.004
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes to amend this Rule to incorporate new grounds of discipline for licensees being terminated from a treatment program.

SUBJECT AREA TO BE ADDRESSED: Disciplinary matters.
 SPECIFIC AUTHORITY: 456.072(1)(gg), 456.073(3), 468.1685(1) FS.

LAW IMPLEMENTED: 456.072(1)(gg), 456.073(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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-503.004 RULE TITLE: Retired Status License

PURPOSE AND EFFECT: To create a new rule to implement legislative changes to Section 456.036, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Retired Status License

SPECIFIC AUTHORITY: 456.036(15), 490.004(4) FS.

LAW IMPLEMENTED: 456.036(2),(4), (8), (12) 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: Allen Hall, Program Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER NO.: 68-1 RULE CHAPTER TITLE: General Provisions

RULE NO.: 68-1.004 RULE TITLE: Standards

PURPOSE AND EFFECT: The purpose of the proposed rule is to create standards to guide Commission rulemaking relating to fishing and hunting. The effect of the new rule is to inform the public as to the principles behind the Commission’s rules to safeguard Florida’s fish and wildlife resources.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is standards guiding the Commission’s rulemaking relating to fishing and hunting.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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 5 calendar days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68-1.004 Standards.

The Fish and Wildlife Conservation Commission adopts the following standards to guide rulemaking relating to hunting and fishing:

(1) The paramount objective of rulemaking relating to hunting and fishing shall be the management of the fish and wildlife resources of this state for their long-term well-being and for the benefit of all the people.

(2) Rulemaking shall be based upon the best information available, including biological, sociological, economic, cultural, historical and other information deemed relevant by the Commission.

(3) The biological basis for rulemaking should include but not be limited to stock assessments, biological surveys, management plans, or other science-based studies or information.

(4) With respect to harvested populations, rulemaking should permit reasonable means and quantities of harvest, consistent with optimum sustainable populations. Optimum sustainable populations shall mean the highest degree of population productivity within available habitat to sustain fish and wildlife for the long term use or enjoyment of all the people.

(5) When possible and practicable, populations will be managed as a biological unit. A biological unit shall mean a species or subspecies of fish or wildlife within their dependent habitat or ecosystem.

(6) Conservation and management decisions shall be derived through processes which are fair and accessible to all the people of the state and which are consistent with the procedures in Rule 68-1.001, F.A.C.

(7) When applicable, federal fish and wildlife management plans and management plans of other states or interstate commissions should be considered when developing state hunting and fishing rules.

(8) This rule shall apply to rules and rule amendments relating to hunting and fishing proposed after July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.: 69O-143.041
 69O-143.042
 RULE TITLES: Definitions
 Custody Agreement; Requirements
 PURPOSE AND EFFECT: To allow insurers to utilize modern systems for holding and transferring securities without physical delivery of securities certificates.

SUBJECT AREA TO BE ADDRESSED: Insurer Assets.
 SPECIFIC AUTHORITY: 624.308(1), 628.511(4) FS.
 LAW IMPLEMENTED: 624.307(1), 625.55, 628.511 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: May 12, 2006, 9:30 a.m.
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Szypula, Product and Casualty Financial Oversight, Office of Insurance Regulation, E-mail: steve.szypula@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 NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER NO.: 5M-3
 RULE CHAPTER TITLE: Best Management Practices (Bmps) for Citrus, Cow/calf, Dairies and Other Agriculture in the Lake Okeechobee Priority Basins (S-191, S-154, S65 D and E)

RULE NOS.: 5M-3.001
 5M-3.002
 5M-3.003
 5M-3.004
 5M-3.005
 5M-3.006
 5M-3.007
 5M-3.008
 5M-3.009
 RULE TITLES: Purpose
 Definitions
 Approved Best Management Practices
 Notice of Intent to Implement
 Presumption of Compliance
 Land Application of Animal Wastes
 Record Keeping
 Land Use Changes
 Preservation of Authority

PURPOSE AND EFFECT: The purpose of this rule amendment is to increase the geographic scope of the rule, and to incorporate changes to definitions and record keeping details. New and updated reference documents will be adopted by reference. Details concerning record keeping and timing of implementation of Best Management Practices will be modified.

SUMMARY: The rule establishes a procedure for submitting a “Notice of Intent to Implement,” that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)2., F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

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

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

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.