

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

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| RULE NOS.: | RULE TITLES: |
| 12-2.022 | Public Inspection and Copying |
| 12-2.023 | Final Orders Required to be Indexed |
| 12-2.025 | Designation of Official Reporter |
| 12-2.026 | Numbering of Final Orders |

PURPOSE AND EFFECT: (A) The purpose of the proposed amendments to Rule 12-2.022, F.A.C., is to provide guidance to the public regarding inspection and copying of final orders pertaining to the Child Support Enforcement Program. The effect is to provide information to the public concerning the location, inspection and copying of final orders issued by the Child Support Enforcement Program, as well as the responsibilities of the Deputy Agency Clerks for the Program.

(B) The purpose of the proposed amendments to Rule 12-2.023, F.A.C., is to inform the public of final orders required to be indexed by the Child Support Enforcement Program. The effect is to ensure the public understands that final orders issued by the Child Support Enforcement Program will be excluded from indexing, unless the final order is of precedential value.

(C) The purpose of the proposed amendments to Rule 12-2.025, F.A.C., is to inform the public that administrative child support final orders will be indexed, listed and maintained by the child support enforcement Deputy Agency Clerks. The effect is to ensure the public understands which child support enforcement final orders will be listed and maintained by the Deputy Agency Clerks.

(D) The purpose of the proposed amendments to Rule 12-2.026, F.A.C., is to inform the public of the Department’s numbering of final orders issued by the Child Support Enforcement Program. The effect is to create two agency prefix designations and eleven sub-suffix designations for use in numbering final orders issued by the Child Support Enforcement Program.

SUBJECT AREA TO BE ADDRESSED: Rule 12-2.022, F.A.C.: The subject of this workshop is to develop procedures for the location, inspection and copying of final orders issued by the Child Support Enforcement Program, as well as the responsibilities of the Deputy Agency Clerks for the Program. Rule 12-2.023, F.A.C.: The subject of this workshop is to develop procedures for indexing final orders issued by the Child Support Enforcement Program. Rule 12-2.025, F.A.C.:

The subject of this workshop is to develop procedures for administrative child support final orders that will be indexed, listed and maintained by the child support enforcement Deputy Agency Clerks. Rule 12-2.026, F.A.C.: The subject of this workshop is to develop procedures for the creation of two

agency prefix designations and eleven sub-suffix designations for use in numbering final orders issued by the Child Support Enforcement Program.

SPECIFIC AUTHORITY: 120.533, 213.06(1), 213.071, 409.2557(3), 409.256(17), 409.2563(16) FS.

LAW IMPLEMENTED: 120.53(2), (3), (4), 409.256, 409.2563 FS.

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

DATE AND TIME: August 22, 2006, 9:00 a.m.

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-2.022 Public Inspection and Copying.

(1) The following shall be made available from the agency for public inspection and copying, at no more than cost:

(a) All final orders.

(b) A current subject-matter index identifying final orders which are indexed.

(c) A list of all final orders which are not indexed, which must be listed pursuant to Rule 1S-6.005, F.A.C.

(2)(a) The Agency Clerk shall assist the public in obtaining information pertaining to final orders, except for final orders for child support enforcement. The Office of the Agency Clerk is located at the Department of Revenue, Carlton Building, Room 204, Tallahassee, Florida 32399-0100, Phone Number (850)488-0712. ~~The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding state holidays and weekends.~~

(b) The Office of the Deputy Agency Clerks for the Child Support Enforcement Program shall assist the public in obtaining information regarding final orders for child support enforcement.

1. For purposes of final orders for child support enforcement, except for administrative paternity and support orders, contact the Deputy Agency Clerk at the Department of Revenue, 4070 Esplanade Way, Tallahassee, FL 32399-3150, Phone Number (850)922-9590.

2. For purposes of administrative paternity and support orders, contact the Deputy Agency Clerk at the Department of Revenue, 400 W. Robinson Street, Suite S-509, Orlando, FL 32801, Phone Number (407)317-7765.

(c) The office of the Agency Clerk and the offices of the Deputy Agency Clerk are open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding state holidays and weekends.

(3)(a) Final orders, except final orders for child support enforcement, required to be indexed may be found by utilizing the Department's official reporter, Florida Administrative Law Reports (FALR). The official reporter is found at most county law libraries, and is available by subscription at Florida Administrative Law Reports, Post Office Box 385, Gainesville, Florida 32602, Phone Number (904)375-8036.

(b) Final orders relating to child support enforcement that are required to be indexed are located at the offices of the Deputy Agency Clerks, as provided in subsection (2).

(4)(a) Except for final orders relating to child support enforcement, final Final orders that which are listed, but not indexed and published, and the list of such final orders are maintained at the Office of the Agency Clerk and available for public inspection and copying at cost.

(b) Deputy Agency Clerks will render, file, index, and certify final orders relating to child support enforcement. Final orders relating to child support enforcement that are listed, but not indexed and published, and the list of those final orders are maintained at the offices of the Deputy Agency Clerks for the Child Support Enforcement Program.

(5) Certified copies of final orders pertaining to child support enforcement may be obtained from the Deputy Agency Clerks at their office designations, as provided in subsection (2). Certified copies of other final orders may be obtained from the Office of the Agency Clerk. The Department will charge fees, as provided in Section 119.07(1)(a), F.S., for certified copies of final orders. The list of final orders not indexed and published is maintained at the Office of the Agency Clerk and is available for public inspection and copying at cost.

Specific Authority 120.533, 213.06(1), 213.071, 409.2557(3), 409.256(17), 409.2563 (16) FS. Law Implemented 120.53(2)(a) FS. History–New 11-11-92, Amended _____.

12-2.023 Final Orders Required to be Indexed.

(1) For purposes of this part, final orders issued pursuant to Sections 120.565, 120.569, 120.57(1), (2), and (3), 409.256, and 409.2563, F.S., which are required to be indexed pursuant to Rule 1S-6.004, F.A.C., shall be indexed. The following categories of final orders are required to be indexed:

(a) A final order which discusses a substantial legal issue of first impression which is actually resolved in the case;

(b) A final order which establishes a rule of law, principle, or policy for the first time, which the agency will rely upon and apply in similar circumstances;

(c) A final order which alters, modifies, or significantly clarifies a rule of law, principle, or policy previously applied, announced, or relied upon by the agency; and

(d) A final order which resolves an apparent conflict in decisions of the agency or harmonizes decisions of appellate courts.

(2) Final orders rendered by the Division of Administrative Hearings pursuant to Sections ~~120.535~~, 120.54(4); and 120.56, F.S., will be indexed by the Division of Administrative Hearings.

(3) The following categories of final orders are excluded from indexing, but are listed pursuant to the provisions of Rule 12-2.024, F.A.C.:

(a) Final orders resulting from stipulations, agreed settlements, and consent agreements; ~~and~~

(b) Final orders in license or permit denial or revocation proceedings, unless the final order is of precedential value as described in paragraphs (1)(a) through (d); and

(c) Final orders issued by the child support enforcement program of the Department, unless the final order is of precedential value as described in paragraphs (1)(a) through (d).

Specific Authority 120.533, 213.06(1), 409.2557(3)(p), 409.256(17), 409.2563(16) FS. Law Implemented 120.53(2) FS. History–New 11-11-92, Amended _____.

12-2.025 Designation of Official Reporter.

(1) Child support enforcement final orders will be listed and maintained by the child support enforcement Deputy Agency Clerks.

(2) For all other Department final orders, the The Department designates the Florida Administrative Law Reports as its official reporter for purposes of publishing and indexing by subject matter all Department final orders required to be indexed by Section 120.533, F.S., and Rule 1S-6.004, F.A.C.

(3) The General Counsel, the General Counsel's designee, or Agency Clerk shall determine the final orders required to be indexed.

Specific Authority 120.533, 213.06(1) FS. Law Implemented 120.53(4) FS. History–New 11-11-92, Amended _____.

12-2.026 Numbering of Final Orders.

(1) All final orders shall be sequentially numbered at the time of rendition.

(2) The sequential number shall be a two-part number separated by a dash with the first part indicating the year and the second part indicating the numerical sequence of the order as rendered for that year, beginning with number 1 each new calendar year. The assigned agency designation prefix, ~~DOR~~, shall precede the two-part number. The agency designated prefixes are:

(a) “DORCSA” for administrative paternity and support orders rendered by the Child Support Enforcement Program.

(b) “DORCSO” for all other final orders rendered by the Child Support Enforcement Program.

(c) “DOR” for all final orders not rendered by the Child Support Enforcement Program.

(3) The applicable order category shall be added as a suffix succeeding the agency designation prefix and two-part number. The order categories are as follows:

- (a) DS – Declaratory Statement
- (b) FOI – Final Order/Informal Proceedings
- (c) FOF – Final Order/Formal Proceedings
- (d) AS – Agreed Settlement

(4) For child support enforcement administrative paternity and support orders, the applicable categories shall be added as a sub-suffix succeeding the applicable order categories in subsection (3). The sub-suffix categories are as follows.

(a) Paternity Only: ESTPAT – Establishment of Administrative Paternity Order

- (b) Paternity and Support:
 1. ESTPAS – Establishment of Administrative Paternity and Support Order
 2. MODPAS – Modification of Administrative Paternity and Support Order
 3. SUSPPAS – Suspension of Administrative Paternity and Support Order
 4. REIPAS – Reinstatement of Administrative Paternity and Support Order
 5. TERMPAS – Termination of Administrative Paternity and Support Order

- (c) Support Only:
 1. ESTS – Establishment of Administrative Support Order
 2. MODS – Modification of Administrative Support Order
 3. SUSPS – Suspension of Administrative Support Order
 4. REIS – Reinstatement of Administrative Support Order
 5. TERMS – Termination of Administrative Support Order

Specific Authority 120.533, 213.06(1) FS. Law Implemented 120.53(2), (3), (4), 409.256, 409.2563 FS. History–New 11-11-92, Amended _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.0615
 RULE TITLE: Hotel Rewards Points Program
 PURPOSE AND EFFECT: Rule 12A-1.0615, F.A.C. (Hotel Rewards Points Programs), is being created to provide guidelines regarding the application of Florida tax in situations involving hotel rewards points programs within the transient rentals industry that reflect the findings of Report Number 2005-131, “Application of the Tourist Development Tax to the Sale of Discounted Hotel Rooms Over the Internet and the Hotel Reward Points Program” issued by the Committee on

Government Efficiency Appropriations. When in effect, this rule will provide guidelines for the taxability of transient lodging accommodations provided to rewards points programs members and the taxability of transactions between the administrator of the hotel rewards points program and the hotel participating in the program.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the application of state sales tax, local surtax, and any locally-imposed convention development tax, tourist development tax, tourist impact tax, or municipal resort tax on transient accommodations provided to members of a hotel rewards points program.

SPECIFIC AUTHORITY: 125.0104(3)(k), 125.0108(2)(e), 212.0305(3)(f), 212.17(6), 212.18(2), 213.06(1) FS., Ch. 67-930, L.O.F.

LAW IMPLEMENTED: 125.0104(1)-(4), (8), (10), 125.0108, 212.03(1)-(5), (7), 212.0305, 212.054 FS., Ch. 67-930, L.O.F.

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

DATE AND TIME: September 19, 2006, 10:00 a.m.
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP, IF AVAILABLE, IS: Eric Peate, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4714.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE PUBLISHED ON THE DEPARTMENT’S INTERNET SITE AT www.myflorida.com/dor/rules NO LATER THAN SEPTEMBER 12, 2006.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12D-8.0082
 RULE TITLE: Florida Uniform Market Area Guidelines

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to provide for the Florida Uniform Market Area Guidelines that will be used by property appraisers to establish market area codes as required by Section 193.114, F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Uniform Market Area Guidelines.

SPECIFIC AUTHORITY: 193.114(2), 195.027(1), 195.032, 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 195.032, 195.062, 213.05 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: August 22, 2006, 9:30 a.m.

PLACE: Larson Building, Room 116, 200 E. Gaines St., Tallahassee, Florida

DATE AND TIME: August 24, 2006, 9:30 a.m.

PLACE: Orlando Public Library, Albertson Room, 101 E. Central Blvd., Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in the workshops is asked to advise the Department at least 48 hours before the workshop by contacting Sharon Gallops (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

The text of the draft of the Florida Uniform Market Area Guidelines is expected to be available seven days before the rule development workshop by contacting the person referenced above or by accessing the website on the Internet at <http://www.myflorida.com/dor/property/RP/pcomment.html>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0082 Florida Uniform Market Area Guidelines.

Section 193.114(2)(a), F.S., provides the department shall promulgate regulations and forms for the preparation of the real property assessment roll to reflect a market area code established according to department guidelines. Provision is made for the format for market area codes to be submitted to the Department of Revenue in paragraph 12D-8.013(6)(a), F.A.C. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following guidelines, entitled:

Florida Uniform Market Area Guidelines N. 01/07

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

Specific Authority 193.114(2), 195.027(1), 195.032, 213.06(1) FS. Law Implemented 193.114, 195.032, 195.062, 213.05 FS. History—New

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-10 Outdoor Advertising Sign Regulation and Highway Beautification

RULE NOS.: RULE TITLES:

14-10.004 Permits

14-10.006 Additional Permitting Criteria

PURPOSE AND EFFECT: Rule 14-10.004, F.A.C., is being amended to incorporate by reference a revised Form 575-070-04, Outdoor Advertising Permit Application, and paragraph 14-10.006(4)(e), F.A.C., is amended to clarify language relating to placement of new or proposed signs.

SUBJECT AREA TO BE ADDRESSED: Form 575-070-04, Outdoor Advertising Permit Application, is being revised and paragraph 14-10.006(4)(e), F.A.C., is amended to clarify language relating to placement of new or proposed signs.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7), 479.07(3)(c) FS.

LAW IMPLEMENTED: 215.34, 479.04, 479.07 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: 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:

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~06/06~~ ~~04/05~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of paragraph (1)(c), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~06/06~~ ~~04/05~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in

subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(g) through (2)(d) No change.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) through (c) No change.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/06 04/05, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) through (12)(b) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05,_____.

14-10.006 Additional Permitting Criteria.

Each application for an outdoor advertising sign permit shall meet the requirements of Sections 479.07(9) and 479.11, Florida Statutes. In addition, an application must comply with the requirements of the agreement between the state and the United States Department of Transportation referenced in Section 479.02(1), Florida Statutes, which have not been duplicated in Sections 479.07(9) and 479.11, Florida Statutes, or superseded by stricter provisions in those statutes. The requirements are:

(1) through (3) No change.

(4) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the

main-traveled way from the location marked by the applicant in accordance with Rule 14-10.004, F.A.C., to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main-traveled way nearest the location of the sign.

(a) For V-type or back-to-back signs to be counted as one sign for spacing purposes, the facings on such signs must be connected by the same sign structure or cross-bracing, or the sign structures must be located not more than 15 feet apart at their nearest point.

(b) through (d) No change.

(e) ~~When in situations where a sign or a proposed sign is visible from the controlled area of more than one highway subject to the jurisdiction of the Department, pursuant to Section 479.07(1), Florida Statutes, the sign must meet the permitting requirements of both highways and if it meets the applicable permitting requirements, be permitted to, the highway with the more stringent permitting requirements.~~

(5) through (8) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11 FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, 8-19-01,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

060508-EI

RULE NO.:

RULE TITLE:

25-6.0423

Nuclear Power Plant Cost Recovery

PURPOSE AND EFFECT: This rule will implement Section 366.93, Florida Statutes, to promote electric utility investment in nuclear power plants by establishing cost recovery mechanisms that allow for the recovery in rates of all costs prudently incurred in the siting, design, licensing, and construction of a nuclear power plant.

SUBJECT AREA TO BE ADDRESSED: Recovery of costs associated with the siting, design, licensing, and construction of a nuclear power plant.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.93 FS.

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

DATE AND TIME: Wednesday, August 30, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Larry Harris, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE NO.: 25-17.0832 RULE TITLE: Firm Capacity and Energy Contracts

PURPOSE AND EFFECT: To explore alternatives for standard offer contracts for renewable generators.

SUBJECT AREA TO BE ADDRESSED: Renewable generation standard offer contracts.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.91 FS.

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

DATE AND TIME: Wednesday, August 23, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Larry Harris, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: 40E-63 RULE CHAPTER TITLE: Everglades Program

PURPOSE AND EFFECT: To develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(b), Florida Statutes. A component of the EFA Everglades Program is Everglades water supply and hydroperiod improvement and restoration. The Best Management Practice (BMP) replacement water model is being reviewed to determine if updates are necessary to the model based on current data.

SUBJECT AREA TO BE ADDRESSED: Best management practice replacement water methodology.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.4592 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.451, 373.453, 373.4592 FS.

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

DATE AND TIME: August 28, 2006, 2:30 p.m.

PLACE: South Florida Water Management District Headquarters, Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk’s Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: For technical issues: Stuart VanHorn, (800)432-2045, Extension 6628, e-mail: svanhorn@sfwmd.gov; For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259 or (561)682-6259, e-mail: jrader@sfwmd.gov.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.130 RULE TITLE: Home Health Services

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, August 2006. The revised handbook includes updated policies and the procedures for precertification and prior authorization of home health visits by the Medicaid peer review organization. The

effect will be to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, August 2006.

SUBJECT AREA TO BE ADDRESSED: Home Health Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON 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: Thursday, August 24, 2006, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT IS: Claudia Treadwell, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)410-1677

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, August 2006 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) No change.

(4) The following form that is included in the Florida Medicaid Home Health Services Coverage and Limitations Handbook is incorporated by reference: Home Health Certification and Plan of Care, Form CMS-485 (C-3) (02-94) (Formerly HCFA-485), in Appendix B, one page.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:

59G-4.190

59G-4.230

RULE TITLES:

Independent Laboratory Services

Physician Services

PURPOSE AND EFFECT: The purpose of these rule amendments is to incorporate by reference updates July 2006 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook. The handbook updates clarify that Medicaid does not reimburse laboratory services for prenatal genetic carrier testing. The effect will be to incorporate by reference in rule updates July 2006 to the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook and the Florida Medicaid Physician Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Independent Laboratory Services and Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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: Thursday, August 24, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003, updated January 2005-1 and July 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History--New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, 8-25-03, 9-3-03, 10-27-03, 8-18-05,_____.

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004, updated January 2005-1, ~~and~~ January 2005-2, and July 2006, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent~~. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, 8-18-05, 8-31-05,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-17.004 RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

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: Guidelines for the Disposition of Disciplinary Cases.

SPECIFIC AUTHORITY: 310.101, 310.185, 455.2273 FS.

LAW IMPLEMENTED: 310.101, 455.227, 455.2273 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the disciplinary guidelines with regard to the wrong site, wrong patient, or wrong procedure.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) 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 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:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

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

RECOMMENDED RANGE OF PENALTY

| VIOLATION | FIRST OFFENSE | SECOND OFFENSE | THIRD OFFENSE |
|--|---|---|--|
| (a) through (pp) No change. (qq) Performing or attempting to perform health care services on the wrong patient, a wrong site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. (456.072)(1)(aa), F.S.) | (qq) From a \$1,000.00 \$10,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, a minimum of fifty (50) hours of community service and a one (1) hour lecture on wrong-site surgery in the State of Florida to a \$10,000.00 fine, a letter of concern, a minimum of (5) hours of risk management education, a minimum of fifty (50) hours of community service, undergo a risk management assessment, a one (1) hour lecture on wrong-site surgery, and suspension to be followed by a term of probation revocation . | (qq) From a \$10,000.00 fine, a reprimand, a <u>minimum of fifty (50) hours of community service, undergo a risk management assessment, and probation or denial to a \$10,000.00 fine and revocation.</u> | (qq) From a <u>\$10,000.00 fine, a reprimand, a minimum of one hundred (100) hours of community service, undergo a competency evaluation, and suspension to be followed by a term of probation to a \$10,000.00 fine and revocation.</u> |
| (rr) through (tt) No change. (3) through (7) No change. | | | |

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-4-06, 8-13-06, _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64F-12 Regulations for Drugs, Devices and Cosmetics

RULE NOS.: RULE TITLES:

64F-12.001 General Regulations; Definitions

64F-12.012 Records of Drugs, Cosmetics and Devices

64F-12.013 Prescription Drugs; Receipt, Storage and Security

64F-12.025 Certification Authority and Digital Signatures for Self-Authenticating Pedigree

64F-12.026 Cancer Drug Donation Program

PURPOSE AND EFFECT: The 2006 Florida legislature enacted session law 2006-310, amending Chapter 499, Part I, F.S., which changed requirements for prescription drug pedigrees in some instances; added a statutory provision authorizing drop shipment of prescription drugs in certain situations to allow an end user to obtain prescription drugs

directly from the manufacturer without first obtaining a pedigree paper; authorized a cancer drug donation program. It is the purpose of this rule development process to enact rules to implement the changes to Chapter 499, Part I, F.S., made by session law 2006-310 (House Bill 371). Other changes or new text within the rule chapters listed above may also be addressed.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will affect the type of pedigree paper that is to be used in wholesale distributions of prescription drugs. The proposed amendments will affect the type of authentication of pedigree papers required under Chapter 499, Part I, F.S. The rule amendments will implement the drop-ship provisions of House Bill 371. The rule amendments will implement the new cancer drug and supply donation program established in House Bill 371. The rule amendments may also address other issues within the rule chapters listed above.

SPECIFIC AUTHORITY: 499.05, 499.61, 499.701 499.0121, 499.0122, 499.013, 499.014, 499.052 FS.

LAW IMPLEMENTED: 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS.

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

DATE AND TIME: Friday, August 25, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 148, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maxine Wenzinger, Board of Pharmacy, and Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, C-04, Tallahassee, Florida 32399; (850)245-4292; zzzz Feedback, DHAT_Pharamacy.

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

DEPARTMENT OF HEALTH

Vital Statistics

RULE NO.: 64V-1.007
RULE TITLE: Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements

PURPOSE AND EFFECT: To promulgate form to be used for amending a Certificate of Fetal Death.

SUBJECT AREA TO BE ADDRESSED: Amendment of Fetal Death Certificates.

SPECIFIC AUTHORITY: 382.003(10), 382.016(1) FS.

LAW IMPLEMENTED: 382.016(1) 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: August 21, 2006, 1:00 p.m.

PLACE: Department of Health, State Office of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 421, Jacksonville, FL 32202

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Wright, Program Administrator, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, FL 32231-0042

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

DEPARTMENT OF HEALTH

Vital Statistics

RULE NO.: 64V-1.0131
RULE TITLE: Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements

PURPOSE AND EFFECT: To promulgate a rule for issuance of a Certificate of Birth Resulting in Stillbirth.

SUBJECT AREA TO BE ADDRESSED: Certificate of Fetal Death.

SPECIFIC AUTHORITY: 382.003(10), 382.0085(9) FS.

LAW IMPLEMENTED: 382.0085(9), 382.0255(1)(j) 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: August 21, 2006, 1:00 p.m.

PLACE: Department of Health, State Office of Vital Statistics, 1217 Pearl Street, Boorde Bldg., Rm. 420, Jacksonville, FL 32202

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Wright, Program Administrator, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, FL 32202

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.007
RULE TITLE: Wildlife Violator Compact, Implementation

PURPOSE AND EFFECT: The purpose of this rule development effort is to identify those violations of wildlife law or rules in other Wildlife Violators Compact states resulting in suspension or revocation of recreational licenses, which license actions will be honored by the Fish and Wildlife Conservation Commission. The effect of this effort should be to promote compliance with wildlife laws, maximize effective use of law enforcement personnel and information, and assist court systems in the efficient disposition of wildlife violations.

SUBJECT AREA TO BE ADDRESSED: Violations of wildlife law or rules in other Wildlife Violators Compact states resulting in suspension or revocation of recreational licenses, which license actions, will be honored by the Fish and Wildlife Conservation Commission.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const. 372.8311, F.S.

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: 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 NOT AVAILABLE.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.403
RULE TITLE: Random Drug Testing of Employees
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to expand the current random drug testing program to include other specified positions in addition to certified officers, provide a review process for employees whose positions have been designated as subject to random testing, provide for on-site presumptive testing with a confirmation process follow-up for presumptive positive results, clarify situations that will be considered to be a failed drug test, permit employees who are not in test-designated positions, but volunteer for testing to withdraw from volunteer status prior to testing, and include specific consequences for positive test results.

SUMMARY: Amends the rule to expand the current random drug testing program to include employees in other specified positions in addition to certified offices, provide a review process for employees whose positions have been designated as subject to random testing, provide for on-site presumptive

testing with confirmation process follow-up for presumptive positive results, clarify that the failure to cooperate with testing requirements will be considered to be a failed drug test, permit employees who are not in test-designated positions, but volunteer for testing to withdraw from volunteer status prior to testing, and include specific consequences for positive test results.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 944.09, 944.474 FS.

LAW IMPLEMENTED: 112.0455, 944.09, 944.474 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.403 Random Drug Testing of Employees.

(1) Definitions.

(a) Authorizing ~~Authorized~~ Individual – The person designated by the Chief of Personnel to interact with an employee regarding the drug testing program.

(b) Chain of Custody – The procedures used to account for the integrity of each ~~urine~~ specimen by tracking its handling and storage from the point of specimen collection to final disposition.

(c) Contact Person – the employees designated by the Chief of Personnel to interact with the laboratory and Medical Review Officer and coordinate the drug testing program regarding drug test results.

(d) No change.

(e) Random Drug Test – A drug test conducted based on a computer generated random sampling ~~in positions identified as being subject to random testing,~~ administered for the purposes of detecting ~~determining~~ the presence of drugs, controlled substances, including anabolic steroids, or their metabolites.

(f) Random Test Designated Position – An employee is in a random test designated position, and thus is required to submit to random testing, if the employee:

1. Has job duties that require or allow the employee to carry a firearm;

2. Possesses law enforcement powers;