

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: **RULE TITLE:**
 5J-14.002 Electronic Documents
PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.002, F.A.C., is to allow for electronic filing of surety bonds.
SUBJECT AREA TO BE ADDRESSED: Rule 5J-14.002, F.A.C., sets material terms for electronic filing of game promotion rules and regulations.
SPECIFIC AUTHORITY: 849.094(8) FS.
LAW IMPLEMENTED: 849.094(4) FS.
IF REQUESTED 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 28, 2006, 10:00 a.m.
PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, Phone (850)410-3679

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-14.002 Electronic Documents.

For purposes of Section 849.094(4), F.S., an operator of a game promotion may submit a surety bond electronically, pursuant to procedures adopted by the Department to implement Chapter 668, F.S.:

(1) A surety bond with an electronic signature shall not be accepted by the Department unless the surety bond expressly states that the surety is subject to valid claims submitted by or through the Department in accordance with Section 849.094, F.S., and that copies or scanned images of the bond may be used to enforce such claims;

(2) By filing electronically, the operator of a game promotion agrees to conduct all transactions with the Department pursuant to Chapter 668, F.S.:

(3) For purposes of Section 849.094(4), F.S., an operator of a game promotion may submit a Durable Power of Attorney with an electronic signature;

(4) A Durable Power of Attorney with an electronic signature may be applied to subsequent game promotions as long as the Durable Power of Attorney expressly states that it encompasses the subsequently filed promotions. The Durable Power of Attorney shall remain in effect until the Department receives cancellation in writing or through electronic means.

Specific Authority 849.094(8) FS. Law Implemented 849.094(4) FS. History--New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**
 6A-6.03315 Private School Scholarship Compliance

PURPOSE AND EFFECT: The purpose of the proposed rule development is to review reporting requirements by which private schools participating in Florida's K-12 state scholarship programs must submit compliance documentation to the Florida Department of Education and the incorporated form to determine if changes should be considered. The effect is of this development is to provide consistency to private schools, students, and families during the school year to prevent possible disruptions in private school eligibility, in scholarship payments, and in the provision of educational services to children.

SUBJECT AREA TO BE ADDRESSED: The subject areas for the rule development include definitions related to compliance requirements, requirements for new and renewing schools, and timelines for submitting private school scholarship compliance information.

SPECIFIC AUTHORITY: 1002.39, 1002.42, 1002.421 FS.
LAW IMPLEMENTED: 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, 1002.39, 1003.22, 1003.23, 1002.42, 1002.421 FS.

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

DATE AND TIME: August 28, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Turlington Building, 325 West Gaines Street, Conference Room 1721, Tallahassee, FL 32399-0400

DATE AND TIME: August 29, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Nova Southeastern University, Jacksonville Student Education Center, 6675 Corporate Center Parkway, Room 10, Jacksonville, FL 32216

DATE AND TIME: August 31, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Nova Southeastern University, Main Campus, 3301 College Avenue, Fort Lauderdale, FL 33314-7796

(Room number to be posted on location)

DATE AND TIME: August 31, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Nova Southeastern University, Orlando Student Educational Center, 4850 Millenia Boulevard, Room 126, Orlando, FL 32839

Persons with disabilities who need assistance in order to participate in these workshops may contact Tera Quillen, Office of Independent Education and Parental Choice, Florida Department of Education, 522 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, Telephone (850)245-0502, at least five business days in advance of the meetings to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.03315 Private School Scholarship Compliance Form.

~~Form~~ Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs, hereinafter Scholarship Compliance Form, which is hereby incorporated by reference to become a part of this rule effective ~~October 2006~~ September 2005.

(1) Definitions related to this rule and the Scholarship Compliance Form:

(a) Renewing school – Schools that had scholarship students during the current or previous school year.

(b) New school – Schools that did not have scholarship students during the current or previous school year. A school removed from the program pursuant to a Notice of Proposed Action from the Commissioner may not reapply during the same school year it was removed from the program. In addition, a school that had scholarship students during the current or previous school year but is opening an additional location may apply as a new school for that location only.

(c) Regular and direct contact – Daily contact for a minimum of 170 actual school days with the required instructional hours (determined by grade level per state board Rule 6A-1.09512, F.A.C.) under the direct instruction of the private school teacher at the school’s physical location with occasional off-site activities under the supervision of the private school teacher.

(d) School’s physical location – The location where regular and direct contact with the private school teacher occurs and must meet applicable state and local health, safety, and welfare laws, codes, and rules.

(2) Renewing schools. The signed, notarized Scholarship Compliance Form must be postmarked received by March 1 ~~the Office of Independent Education and Parental Choice no~~

~~later than 5:00 p.m. on May 1~~ of each year for participation in the subsequent school year. Following the timely submission of the Scholarship Compliance Form, any outstanding compliance issues, including submission of the annual survey required by Section 1002.42, Florida Statutes, must be resolved by the private school prior to ~~May~~ July 1 of each year for the school to remain eligible to participate in the scholarship programs.

(3) New schools. When the signed, notarized Scholarship Compliance Form is submitted by a new school the school shall have 60 days to resolve any outstanding compliance issues, including submission of the annual survey required by Section 1002.42, Florida Statutes, to become eligible to participate in the scholarship programs. If the outstanding issues have not been resolved after 60 days, the application shall be administratively closed. The application can be reopened, at any time during the same school year, by request of the private school. At no time can a new private school that has not met and adequately demonstrated compliance with all requirements register or enroll scholarship students.

(4) The Scholarship Compliance Form ~~This form~~ delineates private school reporting requirements specified pursuant to Section 1002.42, Florida Statutes, and statutory and regulatory requirements related to the areas of school location and contact information; school ownership; affiliation; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of the scholarship compliance form.

(5) Copies of the Scholarship Compliance Form ~~the form~~ may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority ~~1002.38, 1002.39, 1002.42, 1002.421~~ FS. Law Implemented 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, ~~1002.38~~, 1002.39, 1003.22, 1003.23, 1002.42, 1002.421 FS. History–New 10-13-2004, Amended 9-20-05, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:
6A-6.0960

RULE TITLE:
Corporate Tax Credit Scholarship Program

PURPOSE AND EFFECT: The purpose of the rule development is to clarify administrative procedures and establish requirements for student and nonprofit scholarship-funding organization participation in a scholarship program for children of families with limited financial resources supported by tax credit contributions from eligible taxpayers. The proposed rule also identifies the nationally norm-referenced tests that participating private schools may select to administer annually to assess the academic improvements of scholarship students. The effect will be a rule

which is consistent with requirements set forth in statute for the administration and implementation of the scholarship program as authorized by Section 220.187, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The subject areas for the proposed rule include student, nonprofit scholarship-funding organization, and private school eligibility and participation, the measurement of student achievement, the complaint and inquiry process, and responsibilities of the Commissioner of Education for the Corporate Tax Credit Scholarship Program.

SPECIFIC AUTHORITY: 220.187(9)(i), 220.187(12)(e) FS.

LAW IMPLEMENTED: 220.187 FS.

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

DATE AND TIME: August 28, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Turlington Building, 325 West Gaines Street, Conference Room 1721, Tallahassee, FL 32399-0400

DATE AND TIME: August 29, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Nova Southeastern University, Jacksonville Student Education Center, 6675 Corporate Center Parkway, Room 10, Jacksonville, FL 32216

DATE AND TIME: August 31, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Nova Southeastern University, Main Campus, 3301 College Avenue, Fort Lauderdale, FL 33314-7796

(Room number to be posted on location)

DATE AND TIME: August 31, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Nova Southeastern University, Orlando Student Educational Center, 4850 Millenia Boulevard, Room 126, Orlando, FL 32839

Persons with disabilities who need assistance in order to participate in these workshops may contact: Tera Quillen, Office of Independent Education and Parental Choice, Florida Department of Education, 522 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, Telephone (850)245-0502, at least five business days in advance of the meetings to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0960 Corporate Tax Credit Scholarship Program.

The Corporate Tax Credit Scholarship Program will be implemented as required by Section 220.187, Florida Statutes, to allow nonprofit scholarship-funding organizations to provide scholarships from eligible contributions to qualified

students attending eligible private schools or public schools outside the school district in which the student resides or in a laboratory school.

(1) Eligibility of nonprofit scholarship-funding organizations.

(a) A nonprofit charitable organization may apply to be an eligible scholarship-funding organization by having its principal officer or legal representative submit documentation to the Department of Education as specified in Form IEPC SFO-1, Nonprofit Scholarship-Funding Organization Participation Renewal for State Scholarship Programs or Form IEPC SFO-2, Nonprofit Scholarship-Funding Organization Participation Application for State Scholarship Programs, which are hereby incorporated by reference to become a part of this rule effective October 2006. The appropriate Nonprofit Scholarship-Funding Organization Form must be signed by the owner or operator, submitted annually, and be postmarked no later than February 1.

(b) By December 1 of each year, beginning in 2006, the Department of Education shall make available the forms for organizations to use pursuant to paragraph (1)(a) of this rule.

(c) Each application to be listed shall be reviewed by the Department to determine compliance with Section 220.187, Florida Statutes, and requirements in this rule.

(d) By March 1, the Department shall send to each nonprofit scholarship-funding organization applicant, at the address listed on the Nonprofit Scholarship-Funding Organization Form, a notice of its eligibility to participate in the program for the upcoming school year, beginning July 1.

(e) No later than March 15 of each year, the Department shall submit to the Florida Department of Revenue a list of organizations that it has determined to be eligible to be listed as a nonprofit scholarship-funding organization for participation in the Corporate Tax Credit Scholarship Program.

(f) If, at any point during the school year, a nonprofit scholarship-funding organization no longer meets the eligibility requirements for nonprofit scholarship-funding organizations, the Commissioner shall:

1. Issue a notice of noncompliance that gives the nonprofit scholarship-funding organization a reasonable time to meet the requirements; or

2. Issue a notice of proposed action to suspend the nonprofit scholarship-funding organization or to remove the nonprofit scholarship-funding organization from the list of eligible nonprofit scholarship-funding organizations where the health, safety, or welfare of students is involved or the nonprofit scholarship-funding organization has failed to meet requirements specified in a notice of noncompliance pursuant to this paragraph.

(g) Nonprofit scholarship-funding organizations suspended or removed pursuant to paragraph (f) shall have 15 days from receipt of the notice of proposed action to file with the Department's agency clerk a request for a proceeding

pursuant to Sections 120.569 and 120.57, Florida Statutes. All resulting proceedings shall be conducted in accordance with Chapter 120.

(h) Upon removal of an approved nonprofit scholarship-funding organization, the Department shall notify the Department of Revenue that the organization is no longer approved to participate in the program.

(2) Nonprofit scholarship-funding organization requirements. Eligible nonprofit scholarship-funding organizations shall:

(a) Beginning with the 2007-2008 school year, upon each first-time scholarship student's entry to the scholarship program, obtain a written statement that the parent has informed the student's school district that the child will be attending an eligible private school. The written statement shall be maintained on file by each nonprofit scholarship-funding organization for no less than three years or until such time as the student graduates or otherwise exits the program.

(b) Four times a year, no later than August 15, October 15, January 15, and March 15 of each year, submit in a format to be specified by the Department an electronic list of all participating scholarship students. The list shall include the following information:

1. Demographic information for each student, including name, date of birth, social security number,
2. Information on the student's school of attendance, including tuition, fees, and transportation amounts; and
3. The amount of each student's scholarship.

(c) No later than 30 days after the last payment date of the school year, provide a summary to the Department detailing the amount paid for each scholarship student during the school year and the school attended. If a student attended more than one school during the year, the summary shall detail the amount of the scholarship payments that the student generated by school.

(3) Nothing in this rule shall abrogate the Department's authority to request any other information related to the scholarship program.

(4) Qualified students. Applications for a Corporate Tax Credit Scholarship shall be made by parents directly to an eligible nonprofit scholarship-funding organization. The nonprofit scholarship-funding organization shall identify qualified students and award all scholarships consistent with the requirements of Section 220.187, Florida Statutes. The process used to identify qualified students and award scholarships is subject to the annual financial and compliance audit required by law.

(5) Private school participation. To participate in the Corporate Tax Credit Scholarship Program, a school must meet the definition of an "eligible private school" as defined in Section 220.187(2)(d), Florida Statutes, and:

(a) Register its intent to participate in the scholarship program with the Department using the Department's website;

(b) Complete the annual survey of private schools required by Section 1002.42(2), Florida Statutes, using the Department's website, and submit it to the Department in both an electronic format and by mail. The survey that is mailed to the Department must include a notarized statement verifying that the private school owner has complied with the background check requirements of Section 1002.42(2)(c), Florida Statutes.

(c) Annually meet all scholarship compliance requirements for private schools pursuant to Rule 6A-6.03315, F.A.C.

(d) Continue to adhere to all statutory and rule requirements after determined eligible to participate in the program.

(6) Measurement of student achievement. Private schools participating in the program are responsible for ensuring that all students receiving scholarships are assessed annually and the results reported as required by Section 220.187(8)(c)2., Florida Statutes. Achievement data for scholarship students shall be used to hold private schools accountable under the Corporate Tax Credit Scholarship Program, but shall not be used to rate publicly the performance of private schools that participate in the program.

(a) Pursuant to Section 220.187(9)(i), Florida Statutes, relating to the identification and selection of nationally norm-referenced tests for the measurement of student achievement, participating private schools must annually administer one of the following approved assessments in grades K-12 to students receiving Corporate Income Tax Credit Scholarships:

1. Basic Achievement Skills Inventory (BASITM) – Comprehensive Version;
2. Florida Comprehensive Assessment Test (FCAT) – NRT Reading and Mathematics;
3. Iowa Tests of Basic Skills® (ITBS®) Forms A and B – Core Battery;
4. Metropolitan Achievement Tests®, Eighth Edition (METROPOLITAN8) – Short Form;
5. Stanford Achievement Test, Tenth Edition (Stanford 10) – Basic Battery;
6. TerraNova (CTBS/5) – Basic Battery;
7. TerraNova, Second Edition (CAT/6) – Basic Battery.

(b) The Department of Education may approve the use of another assessment if it meets the following criteria:

1. Internal consistency reliability coefficients of at least 0.8;
2. High validity evidenced by the alignment of the test with nationally recognized content standards, as well as specific evidence of content, concurrent, or criterion validity;

3. Norming studies within the last 5 to 10 years, with norming within 5 years being preferable; and

4. Serves as a measure of K-12 student achievement in core academic areas.

(7) Commissioner's duties. The Commissioner may deny, suspend, or revoke a private school's participation in the scholarship program pursuant to Section 220.187(10), Florida Statutes.

(a) If the Commissioner issues a notice of noncompliance:

1. Private schools shall be given a reasonable period to demonstrate compliance from the date of the notice.

2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner, which shall be no more than 60 days.

3. The private school's participation status shall be unaffected by the above notice of noncompliance process.

4. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(b) If the Commissioner issues a notice of proposed action denying, suspending, or revoking a private school's participation:

1. The notice shall state the reasons for the action and specify the private school's right to appeal.

2. The private school's participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired.

3. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(c) If the Commissioner immediately suspends payment of scholarship funds:

1. The Commissioner shall issue a notice of proposed action suspending payment of scholarship funds to the private school;

2. The notice shall state the reasons for the suspension and the rights the private school has to appeal; and

3. The private school's participation status will be adjusted so that it will be unable to receive payments or utilize the Department's website and its functionalities to participate in the scholarship program in any way; and

4. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

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

(a) Persons interested in filing a complaint should contact the Department through the toll-free hotline, established pursuant to Section 220.187, Florida Statutes, or through the Department's website.

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

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

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

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

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

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

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

1. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the nature of the inquiry and the parent's deemed admission of alleged violation due to a failure to respond to the letter of inquiry. The nonprofit scholarship-funding organization can use that information to reconsider its determination of student eligibility.

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 220.187(10), Florida Statutes, and this rule.

3. A school district, then a formal notice will be sent from the Commissioner to the district's Superintendent stating that failure to respond within 5 working days shall be deemed to be an admission of the stated violation or allegation.

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

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

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, or school district as appropriate.

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

a. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the violation which it may use to reconsider its determination of student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 220.187(10), Florida Statutes, and this rule.

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

(d) The Department may at any point refer an inquiry to another appropriate agency for investigation.

(e) Notwithstanding any other provisions of this rule, the Commissioner may at any point during the inquiry process exercise the authority given under Section 220.187(10), Florida Statutes, to immediately suspend payments to a private school if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of students or suspected fraudulent activity on the part of the private school.

Specific Authority 220.187(9)(i), 220.187(12)(e) FS. Law Implemented 220.187 FS. History--New

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of the rule development is to clarify and establish specific student, school, school district, and state requirements for eligibility, participation, and administration of the John M. McKay Scholarships for Students with Disabilities Program. The effect will be consistency in rule and requirements set forth in statute for administration and implementation of the program.

SUBJECT AREA TO BE ADDRESSED: The subject areas for the proposed rule include application procedures, administrative requirements, the public school option, development of a matrix of services, scholarship payments, student and private school program eligibility, the complaint and inquiry process, and duties of the Commissioner of Education for the John M. McKay Scholarships for Students with Disabilities Program.

SPECIFIC AUTHORITY: 1002.39(13) FS.

LAW IMPLEMENTED: 1002.39 FS.

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

DATE AND TIME: August 28, 2006, 3:00 p.m. – 5:00 p.m.
PLACE: Turlington Building, 325 West Gaines Street, Conference Room 1721, Tallahassee, FL 32399-0400
DATE AND TIME: August 29, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Nova Southeastern University, Jacksonville Student Education Center, 6675 Corporate Center Parkway, Room 10, Jacksonville, FL 32216

DATE AND TIME: August 31, 2006, 3:00 p.m. – 5:00 p.m.
PLACE: Nova Southeastern University, Main Campus, 3301 College Avenue, Fort Lauderdale, FL 33314-7796
(Room number to be posted on location)

DATE AND TIME: August 31, 2006, 3:00 p.m. – 5:00 p.m.
PLACE: Nova Southeastern University, Orlando Student Educational Center, 4850 Millenia Boulevard, Room 126, Orlando, FL 32839

Persons with disabilities who need assistance in order to participate in these workshops may contact: Tera Quillen, Office of Independent Education and Parental Choice, Florida Department of Education, 522 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, telephone (850)245-0502, at least five business days in advance of the meetings to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

(1) Scholarship application procedure.

(a) To receive a McKay Scholarship the parent of a public school student must first request a scholarship by filing a notice of intent with the Department by fully completing an online application for a McKay Scholarship using the Department's website.

1. A school district, a private school, or the Department may assist a parent in filing the notice of intent.

2. A notice of intent must be filed before a student withdraws from public school and must include the student's: name, date of birth, current public school district, last attended public school, parent's name, telephone number, mailing address, and email address (if applicable).

3. Upon filing a notice of intent the parent shall receive immediate online confirmation including: a confirmation number, a notice of potential eligibility or ineligibility, and, if ineligible, reasons for the ineligibility and instructions on contacting the public school district to correct any errors in information that may have caused the ineligibility.

(b) After receipt of a notice of intent, the Department shall, in cooperation with the school district, determine the student's eligibility for a scholarship by verifying that the student:

1. Meets the prior school year in attendance definition in Section 1002.39(2)(a), Florida Statutes, or is exempt because he or she is a dependent child of a member of the United States Armed Forces who transferred to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders and such transfer occurred less than one full academic year from the time the notice of intent was filed;

2. Filed a valid notice of intent; and

3. Meets one of the following requirements:

a. Is a current public school student with a disability and has an individual education plan; or

b. Is not a current public school student but filed a notice of intent while a public school student, and was a student with a disability and individual education plan at the time he or she left the public school.

(2) Public school McKay Scholarship option. Pursuant to Section 1002.39(5), Florida Statutes, a student meeting the McKay eligibility requirements may choose to attend another public school in the student's school district or in an adjacent school district.

(a) The McKay Scholarship public school options available are determined by the school district and may be subject to both capacity limitations and the ability of the public school to provide the required services for the individual student.

(b) Pursuant to Section 1002.39(4), Florida Statutes, the parent of a student receiving a McKay Scholarship to attend a private school may upon reasonable notice choose to exercise the public school McKay option.

1. Reasonable notice shall be no less than 30 days, unless agreed to by the school district.

2. Notice shall be given to the Department and the school district through use of the Department's website.

3. Public school options are still determined by the school district and may be subject to both capacity limitations and the ability of the public school to provide the required services for the individual student.

4. After exercising the educational choice described in this paragraph, a student seeking to reenter a private school under the McKay Scholarship must re-establish initial eligibility requirements including the prior year in attendance requirement.

(3) Term of McKay Scholarship. Pursuant to Section 1002.39(4)(a), Florida Statutes, a McKay Scholarship remains in effect until one of the following occurs. The student:

(a) Returns to a public school. A return to public school is the enrollment of a McKay Scholarship student in a public school or public school program.

1. For purposes of this paragraph, a public school or public school program is one in which students are reported for funding through the Florida Education Finance Program.

2. Notwithstanding subparagraph 1., the following situations are not a return to public school:

a. Admission to a residential hospital for medical reasons.

b. Entry into a Department of Juvenile Justice detention center for a period of less than 15 days.

c. Entry into a public school for a period of less than 30 days pursuant to placement by or while in the custody of the Department of Children and Families.

d. Completion of virtual school classes if limited to no more than 2 courses per year.

e. Completion of dual enrollment or adult education courses that are not funded through the Florida Education Finance Program.

(b) Graduates from high school. The student may continue in the program until such time as he or she receives a GED, standard diploma, or the private school's equivalent. Certificates of completion or attendance do not constitute graduation from high school for purposes of this paragraph.

(c) Reaches the age of 22. The student may complete the school year in which he or she reaches the age of 22.

(4) Matrix of services.

(a) A matrix of services developed for purposes of the McKay Scholarship Program shall be consistent with the services described in the student's individual education plan at the time the student withdraws from the public school. The student's matrix of services may not be changed by the Department and may only be changed by the school district, pursuant to Section 1002.39(5)(b)2.c., Florida Statutes, to correct a technical, typographical, or calculation error.

(b) The process for development of a matrix of services for a student with a disability who is a dependent child of a member of the United States Armed Forces transferring from another state or country pursuant to the parent's permanent change of station orders shall be expedited as follows:

1. Upon receipt of the parent's notice of intent, the Department shall provide the parent's contact information to the appropriate school district.

2. The school district shall contact the parent and arrange for the student's current individual education plan to be submitted to the school district to develop a matrix of services. The parent will be responsible for providing the school district with a copy of the student's current individual education plan.

3. The school district shall have 15 days from receipt of the student's individual education plan to develop a matrix of services and communicate that information to the Department.

4. If the district is unable to complete the matrix of services within the 15 days required by this rule, the calculation shall be made as provided for in Section 1002.39(10)(a)4., Florida Statutes, until such time as the matrix of services is completed.

5. A matrix of services developed pursuant to this paragraph shall be developed by school district personnel responsible for developing a matrix of services required by Section 1011.62(1)(e), Florida Statutes.

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

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

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

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

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

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

2. A student must have an enrollment date 30 days before the first scholarship payment is made. The submission of the school and student fee schedules are required to establish the enrollment date and are completed using the Department's website. A student that changes private schools after meeting the enrollment date requirement may still qualify for payment for that payment period.

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

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

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

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

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

3. Failure to return the funds due back to the Department within the time period allotted shall result in the initiation of noncompliance procedures pursuant to the Commissioner's authority described in Section 1002.39(7), Florida Statutes, and this rule.

(e) Where a scholarship student attends multiple private schools or a private school and the public school in the same payment period, the right to retain the scholarship payment shall be given to the first private school the student attends for 10 or more school days during that payment period. If the student does not attend a private school for at least 10 days and attends a public school, then the funding generated, if any, shall be retained by the school district and no scholarship payment shall be generated.

(f) To ensure proper administration of scholarship funds, all claims by private schools for missed scholarship payments must within one year of the date the payment was originally due.

(6) Private school participation. To participate in the John M. McKay Scholarship for Students with Disabilities Program, a school must:

(a) Register its intent to participate in the scholarship program with the Department using the Department's website;

(b) Complete the annual survey of private schools required by Section 1002.42(2), Florida Statutes, using the Department's website, and submit it to the Department in both an electronic format and by mail. The survey that is mailed to the Department must include a notarized statement verifying that the private school owner has complied with the background check requirements of Section 1002.42(2)(c), Florida Statutes.

(c) Annually meet all scholarship compliance requirements for private schools pursuant to Rule 6A-6.03315, F.A.C.

(d) Continue to adhere to all statutory and rule requirements after determined eligible to participate in the program.

(7) Commissioner's duties. The Commissioner may deny, suspend, or revoke a private school's participation in the scholarship program pursuant to Section 1002.39(7), Florida Statutes.

(a) If the Commissioner issues a notice of noncompliance:

1. Private schools shall be given a reasonable period to demonstrate compliance from the date of the notice.

2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner, which shall be no more than 60 days.

3. The private school's participation status shall be unaffected by the above notice of noncompliance process.

(b) If the Commissioner issues a notice of proposed action denying, suspending, or revoking a private school's participation:

1. The notice shall state the reasons for the action and specify the private school's right to appeal.

2. The private school's participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired.

(c) If the Commissioner immediately suspends payment of scholarship funds:

1. The Commissioner shall issue a notice of proposed action suspending payment of scholarship funds to the private school;

2. The notice shall state the reasons for the suspension and the rights the private school has to appeal; and

3. The private school's participation status will be adjusted so that it will be unable to receive payments or utilize the Department's website and its functionalities to participate in the scholarship program in any way.

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

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

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

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

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

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

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

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

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

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

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

3. A school district, then a formal notice will be sent from the Commissioner to the district's Superintendent stating that failure to respond within 5 working days shall be deemed to be an admission of the stated violation or allegation.

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

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

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, or school district as appropriate.

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

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

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

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

(d) The Department may at any point refer an inquiry to another appropriate agency for investigation.

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

Specific Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History--New

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

DOCKET NO: 060476-TL

RULE NOS.: RULE TITLES:
25-24.630 Rate and Billing Requirements
25-24.516 Pay Telephone Rate Caps

PURPOSE AND EFFECT: To consider proposed amendments to subsections 25-24.630(1) and 25-24.516(1), F.A.C., to better reflect competitive markets if appropriate.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments to subsections 25-24.630(1) and 25-24.516(1), F.A.C.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.3376, 364.03, 364.3375(4) FS.

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

DATE AND TIME: Friday, September 1, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 182, 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 IS: Richard C. Bellak, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6092

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

ADMINISTRATION COMMISSION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
28-22	Land Planning Regulations for the Apalachicola Bay Area of Critical State Concern – Franklin County
RULE NOS.:	RULE TITLES:
28-22.210	Amendment to Revised Zoning Code
28-22.211	Amendment to the City of Apalachicola Land Development Regulations
28-22.212	City of Apalachicola Planning Pause Ordinance

PURPOSE AND EFFECT: The purpose of the rules is to amend the City of Apalachicola’s land use regulations and zoning code; and establish a planning pause for preparation of amendments to comprehensive plan and land development regulations. The City of Apalachicola adopted Ordinances for this purpose to include:

Ordinance 2005-05 amends Section J of the City of Apalachicola land development code relating to the land use category description for C-1 Commercial Zone District. Ordinance 2006-01 amends the City of Apalachicola land use category description for the C-4 Commercial Zoning District to reflect what is allowed under the provisions of the comprehensive plan.

Ordinance 2005-08 provides additional clarity regarding the permitting of transient lodging facilities and establishes minimum criteria to ensure that transient lodging facilities do not become permanent living accommodations.

Ordinance 2005-09 provides a pause in permitting while staff prepares amendments to the comprehensive plan and land development regulations in order to bring consistency between the two documents and to further address impacts to the environment and community character. Ordinance 2006-02 amends 2005-09 concerning a temporary moratoria on the issuance of multi-family and hotel/motel units building permits. The moratoria was intended to last six months, but can be extended for finding of “good cause.” The modification involves clarification of Section 4 to identify that development within the C-1 General Commercial District and C-4 the Commercial District is exempt from the conditions of the moratoria.

SUBJECT AREA TO BE ADDRESSED: Amendments to the City of Apalachicola’s land use regulations and zoning code; and a planning pause for preparation of amendments to comprehensive plan and land development regulations.

SPECIFIC AUTHORITY: 380.0555(9) FS.

LAW IMPLEMENTED: 380.0555(7), (9) FS.

REQUESTS FOR A RULE DEVELOPMENT WORKSHOP MUST BE SUBMITTED IN WRITING BY AUGUST 25, 2006. IF REQUESTED 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: Thursday, August 31, 2006, 10:00 a.m.

PLACE: Conference Room 2103, 21st Floor, The Capitol, Tallahassee, Florida 32399

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: Barbara Leighty, Senior Policy Analyst, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-2.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: Section 373.227(4), Florida Statutes, allows the water management districts to amend their Basis of Review for Consumptive Water Use Permits for Public Water Suppliers to include provisions for “Goal Based Water Conservation Plans”. The multi-year effort, known as Conserve Florida, has produced work products detailed in the Florida Department of Environmental Protection’s (FDEP) December 2005 “Report to the Legislature on Progress in Implementing the Comprehensive Statewide Water Conservation Program Required by Section 373.227, Florida Statutes”. The proposed rule revisions bring the District into compliance with provisions of FDEP’s Chapter 62-40, F.A.C., concerning water conservation in public water supplies.

SUBJECT AREA TO BE ADDRESSED: Water conservation in public water supplies.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

DATE AND TIME: August 31, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District Lower West Coast Regional Service Center, Auditorium, 2301 McGregor Blvd., Fort Myers, Florida 33901

DATE AND TIME: September 7, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, Fort Lauderdale Field Station, Field Station Conference Room, 2535 Davie Road, Davie, Florida 33317

DATE AND TIME: September 15, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, Orlando Service Center, Shingle Creek Conference Room, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

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 IS: Bruce Adams, Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6785 or (561)682-6785 (email: badams@sfwmd.gov). For procedural issues, please contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (email: sluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~August 31, 2003~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03,_____.

(The following represents proposed changes to the document entitled “Basis of Review for Consumptive Use Permit Applications within the South Florida Water Management District – August 31, 2003” incorporated by reference in Rule 40E-2.091, F.A.C.)

2.6.1 Water Conservation Plans

All public water supply utilities applying for an individual permit are required to develop and implement a water conservation plan. If a utility demonstrates a per capita of 150 or below, and the conditions specified in section 2.6.3 do not exist, the utility may submit a goal based conservation plan.

The water conservation elements of ~~either each~~ plan need to be identified as part of the application. A timetable outlining the implementation schedule of each of the required conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and implemented for the service area incorporating, at a minimum, the following mandatory components. For those components which require ordinance adoption, such ordinance should incorporate the entire boundary of the enacting jurisdiction. The Permittee shall provide a copy of the ordinances for each of the mandatory elements for which ordinances are adopted. If the utility is not submitting a goal based conservation plan, ~~the~~ mandatory water conservation elements are as follows:

A through I. No change.

2.6.3 Per Capita Daily Water Use

Per capita daily water use is a guideline used to measure the reasonable withdrawal requests of public water supply applicants for an individual or general permit. Per capita water use includes population-related withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. The average per capita daily use rate is calculated for the last five years or period of record, whichever is less, by dividing the average daily water withdrawals for each year of record by the permanent or seasonally adjusted population served by the utility for the same period of time. The per capita use rate that is most representative of the anticipated demands, considering the water conservation plans required by criteria in section 2.6.1, shall be identified and used for water demand projection purposes. The historical demand patterns may not always be appropriate for projection purposes. This may occur when there are current large users whose growth is not related to population, or when future development may take on characteristics very different than those of present development. In such cases, alternative per capita estimates, such as a design per capita based on dwelling unit type, population characteristics, seasonality of the population and comparison with adjacent similar developments, shall be presented accompanied by necessary documentation. If no historical water use data exists or in the case of proposed developments, a design per capita use shall be used based on the above alternative criteria. If a utility has a pPer capita daily water use greater than 150 200 gallons per capita per day (gpcd), the utility must submit the following: ~~must be supported with additional information explaining the rate of use.~~

(1) A standardized water conservation goal based plan using the Conserve Florida Water Conservation Guide which contains a menu of affordable and effective water conservation practices to assist public water supply utilities in the design and implementation of goal-based, utility-specific water conservation plans tailored for their individual service areas as provided in subsection (3).

(2) The utility shall perform a water use audit which includes:

(a) identification of existing rate structures

(b) identification of large users

(c) identification of water loss in the system

(d) per capita use rate

(e) a description of pressure distribution and stabilization

(f) comparison of actual use with SFWMD allocation criteria by types of use

(g) water source types and distribution of water by source

(h) use of reclaimed water

(i) usage, and/or use of alternative water supply sources

(j) existing water conservation program and history of efforts, including demand reductions.

(k) identification of presence of saltwater intrusion/upcoming

(l) a description of the dependence on the regional system

(m) a description of regional interconnects and quantities

(3) A goal based water conservation plan:

(a) identifying areas of potential reduction, especially identified areas of inefficiencies.

(b) adoption of a water conservation goal determined by the applicant and approved by the SFWMD.

(c) a listing of implementation elements that will achieve the water conservation goal, including 5-year program milestones, projects, educational campaigns with a timeline and schedule.

A utility must also submit the documents identified above as requirements of a goal based plan if it demonstrates a per capita of 150 or below and the following conditions exist:

(1) high growth rate

(2) a history of water shortage

(3) substantial change in projected water use characteristics in the service area

(4) service area is located in an area of critical concern
PERMIT ISSUANCE – LIMITING FACTORS/ CONDITIONS PROPOSED BY THE APPLICANT

The utility must provide reasonable assurance that the plan will achieve effective water conservation at least as well as the mandatory water conservation requirements adopted by the district, and is otherwise consistent with Section 373.223, F.S. If the utility fails to meet the goals, the 20 year permit may be revoked and it may revert to a 5 year permit.

WATER MANAGEMENT DISTRICTS**South Florida Water Management District**

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: Section 373.227(4), Florida Statutes, allows the water management districts to amend their Basis of Review for Consumptive Water Use Permits for Public Water Suppliers to include provisions for “Goal Based Water Conservation Plans”. The multi-year effort, known as Conserve Florida, has produced work products detailed in the Florida Department of Environmental Protection’s (FDEP) December 2005 “Report to the Legislature on Progress in Implementing the Comprehensive Statewide Water Conservation Program Required by Section 373.227, Florida Statutes”. The proposed rule revisions bring the District into compliance with provisions of FDEP’s Chapter 62-40, F.A.C., concerning water conservation in public water supplies.

SUBJECT AREA TO BE ADDRESSED: Water conservation in public water supplies.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

DATE AND TIME: August 31, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District Lower West Coast Regional Service Center, Auditorium, 2301 McGregor Blvd., Fort Myers, Florida 33901

DATE AND TIME: September 7, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, Fort Lauderdale Field Station, Field Station Conference Room, 2535 Davie Road, Davie, Florida 33317

DATE AND TIME: September 15, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, Orlando Service Center, Shingle Creek Conference Room, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

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, (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bruce Adams, Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6785 or (561)682-6785 (email: badams@sfwmd.gov). For procedural

issues, please contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (email: jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~August 31, 2003~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03,_____.

(The following represents proposed changes to the document entitled “Basis of Review for Consumptive Use Permit Applications within the South Florida Water Management District – August 31, 2003” incorporated by reference in Rule 40E-20.091, F.A.C.)

2.6.1 Water Conservation Plans

All public water supply utilities applying for an individual permit are required to develop and implement a water conservation plan. If a utility demonstrates a per capita of 150 or below, and the conditions specified in section 2.6.3 do not exist, the utility may submit a goal based conservation plan.

The water conservation elements of either each plan need to be identified as part of the application. A timetable outlining the implementation schedule of each of the required conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and implemented for the service area incorporating, at a minimum, the following mandatory components. For those components which require ordinance adoption, such ordinance should incorporate the entire boundary of the enacting jurisdiction. The Permittee shall provide a copy of the ordinances for each of the mandatory elements for which ordinances are adopted. If the utility is not submitting a goal based conservation plan, ¶The mandatory water conservation elements are as follows:

A through I. No change.

2.6.3 Per Capita Daily Water Use

Per capita daily water use is a guideline used to measure the reasonable withdrawal requests of public water supply applicants for an individual or general permit. Per capita water use includes population-related withdrawals associated with residential, business, institutional, industrial, miscellaneous metered, and unaccounted uses. The average per capita daily

use rate is calculated for the last five years or period of record, whichever is less, by dividing the average daily water withdrawals for each year of record by the permanent or seasonally adjusted population served by the utility for the same period of time. The per capita use rate that is most representative of the anticipated demands, considering the water conservation plans required by criteria in section 2.6.1, shall be identified and used for water demand projection purposes. The historical demand patterns may not always be appropriate for projection purposes. This may occur when there are current large users whose growth is not related to population, or when future development may take on characteristics very different than those of present development. In such cases, alternative per capita estimates, such as a design per capita based on dwelling unit type, population characteristics, seasonality of the population and comparison with adjacent similar developments, shall be presented accompanied by necessary documentation. If no historical water use data exists or in the case of proposed developments, a design per capita use shall be used based on the above alternative criteria. If a utility has a per capita daily water use greater than 150 200 gallons per capita per day (gpcd), the utility must submit the following: must be supported with additional information explaining the rate of use:

(1) A standardized water conservation goal based plan using the Conserve Florida Water Conservation Guide which contains a menu of affordable and effective water conservation practices to assist public water supply utilities in the design and implementation of goal-based, utility-specific water conservation plans tailored for their individual service areas as provided in subsection (3).

(2) The utility shall perform a water use audit which includes:

- (a) identification of existing rate structures
 - (b) identification of large users
 - (c) identification of water loss in the system
 - (d) per capita use rate
 - (e) a description of pressure distribution and stabilization
 - (f) comparison of actual use with SFWMD allocation criteria by types of use
 - (g) water source types and distribution of water by source,
 - (h) use of reclaimed water
 - (i) usage, and/or use of alternative water supply sources
 - (j) existing water conservation program and history of efforts, including demand reductions.
 - (k) identification of presence of saltwater intrusion/upcoming
 - (l) a description of the dependence on the regional system
 - (m) a description of regional interconnects and quantities
- (3) A goal based water conservation plan:

(a) identifying areas of potential reduction, especially identified areas of inefficiencies.

(b) adoption of a water conservation goal determined by the applicant and approved by the SFWMD.

(c) a listing of implementation elements that will achieve the water conservation goal, including 5-year program milestones, projects, educational campaigns with a timeline and schedule.

A utility must also submit the documents identified above as requirements of a goal based plan if it demonstrates a per capita of 150 or below and the following conditions exist:

- (1) high growth rate
- (2) a history of water shortage
- (3) substantial change in projected water use characteristics in the service area

(4) service area is located in an area of critical concern
PERMIT ISSUANCE – LIMITING FACTORS/ CONDITIONS PROPOSED BY THE APPLICANT

The utility must provide reasonable assurance that the plan will achieve effective water conservation at least as well as the mandatory water conservation requirements adopted by the district, and is otherwise consistent with Section 373.223, F.S. If the utility fails to meet the goals, the 20 year permit may be revoked and it may revert to a 5 year permit.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-11.019
 RULE TITLE: Internal Control System

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the operation of a cardroom, record keeping and reporting requirements for cardrooms, and the collection of taxes and fees imposed by Section 849.086, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the internal control system of a cardroom licensee for the play of a series of games of poker.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (7), (12), (14) FS.

LAW IMPLEMENTED: 849.086 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 29, 2006, 10:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE CHAPTER NO.: 61G16-4
 RULE TITLE: Inactive, Delinquent and Null and Void Status

RULE NO.: 61G16-4.004
 RULE TITLE: Reinstatement of Null and Void Licenses

PURPOSE AND EFFECT: The Board proposes the rule amendment to add "Delinquent and Null and Void to the title of Chapter 61G16-4, F.A.C., and to add language to comply with the requirements of Section 455.271(6)(b), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Null and void licenses.

SPECIFIC AUTHORITY: 455.271, 492.103, 492.1101 FS.

LAW IMPLEMENTED: 455.271, 492.1101 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: John Knapp, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0764

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-1.009
 RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-1.009, F.A.C. in order to comply with Section 455.225(4), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 455.225, 475.614 FS.

LAW IMPLEMENTED: 455.225 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-1.009 Probable Cause Panel.

(1) No change.

(2) There may be two probable cause panels of the board.

The probable cause panels shall be composed of two members which shall constitute a quorum. The members of the panel shall be appointed by the chairperson of the board. As provided in Section 455.225(4), Florida Statutes, ~~one two~~ of the panel members may be a former members of the board. Panel members shall not participate in the determination and issuance of the final order to be rendered in each disciplinary case.

Specific Authority 455.225, 475.614 FS. Law Implemented 455.225 FS. History--New 10-15-91, Formerly 21VV-1.009, Amended 8-8-93, 1-29-95, 7-2-95, 1-8-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-2.001
 RULE TITLE: Fees

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-2.001, F.A.C., to eliminate the application fee for licensed appraisers to establish a fee for electronic fingerprints to comply with the electronic fingerprinting requirement of Section 475.615(3), Florida Statutes, and to establish fees for letters of good standing and wall certificates.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61J1-2.001 Fees.
- (1) The application fee shall be as follows:
- | | |
|---------------------------------|---------------------|
| Registered Trainee Appraiser | \$50.00 |
| Licensed Appraiser | \$100.00 |
| Certified Residential Appraiser | \$100.00 |
| Certified General Appraiser | \$100.00 |
- (2) through (12) No change.
- (13) Electronic Fingerprint Processing Fee ~~Fingerprint Card Processing Fee~~ \$61.00 ~~\$47.00~~
- (14) through (15) No change.
- (16) Letter of Good Standing \$25.00
- (17) Wall Certificate \$10.00

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-3.001	Application by Individuals
61J1-3.004	Issuance of Registration or Certification

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-3.001, F.A.C. in order to implement changes to Chapter 475, Part II, Florida Statutes.

The Florida Real Estate Appraisal Board is promulgating new Rule 61J1-3.004, F.A.C. in order to implement new Section 475.6171, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Application by Individuals; Issuance of Registration or Certification .

SPECIFIC AUTHORITY: 475.614, 475.613(2), 475.614, 475.6171 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61J1-3.001 Application by Individuals.
- (1) An applicant for registration, or certification as an appraiser shall submit an application package which shall include, as applicable, forms DBPR RE-2000 (Application Requirements), DBPR 0010 (Master Application), DBPR RE 2010a (Appraiser Background Qualifications), DBPR 0050 (Criminal Background Disclosure), DBPR 0060 (Additional Background Disclosure), and DBPR 0030 (Attest Statement), which are incorporated herein by reference, electronic fingerprints, an application fee, and all other documentation required by this section in such a manner as provided by the Department.

(a) Beginning July 1, 2006, every person applying for any real estate appraiser certification or registration must provide fingerprints in electronic format along with his or her application for real estate appraiser certification or registration.

(b) Every person applying for any real estate appraiser certification or registration must have his or her fingerprints taken electronically by a Department of Business and Professional Regulation approved electronic fingerprint service provider or vendor. The Department of Business and Professional Regulation shall maintain a list of approved electronic fingerprint service providers and vendors.

(c) The Department of Business and Professional Regulation approved electronic fingerprint service providers and vendors shall be responsible for submitting each applicant's electronic fingerprints to the Florida Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record.

- (2) through (4) No change.
- (5) At the time of filing the application for registration, or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), F.S., and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.
- (6)(a) through (d) No change.

~~(7) An individual's application shall expire one (1) year after the date received by the Department of Business and Professional Regulation. If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the Department receiving the application, the application shall expire and a new application must be filed.~~

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, 2-21-02, 5-25-04, 1-8-06, _____.

61J1-3.004 Issuance of Registration or Certification.

Any applicant requesting the issuance of his or her registration or certification shall submit to the Board the following in order for the applicant's registration or certification to be issued:

(1) Have a completed application for registration or certification that demonstrates compliance with qualifications as specified in Section 475.615, F.S., approved by the Board;

(2) Provide the Board with proof of successful course completion as specified in Section 475.617, F.S. and as further defined in Rule 61J1-4.001, F.A.C.;

(3) Provide the Board with proof of experience for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C.; and

(4) Provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. The Board shall not issue a certification to an applicant whose examination results are obtained more than 24 months after the date of examination.

Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-4.001	Education Requirements
61J1-4.003	Continuing Education
61J1-4.005	Notice of Satisfactory Course Completion
61J1-4.007	Renewal of Inactive Registrations, Licenses and Certifications
61J1-4.008	Continuing Education for School Instructors
61J1-4.009	Post Licensing Education for Registered Trainee Appraisers
61J1-4.010	Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-4.001, F.A.C., in order to implement the changes to Section 475.617, Florida Statutes, and to remove the requirement that examinations and course materials must be submitted in a blind format.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.003, F.A.C., in order to remove the option of administering portions of examinations during course intervals and to remove the 15 day grace period beyond the course expiration date to grade an examination.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.005, F.A.C., in order to require institutions or schools approved to offer post and continuing education courses to electronically submit course attendance rosters in accordance with Section 455.2178(1), Florida Statutes.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.007, F.A.C., in order to amend the number of hours and type of education required for a licensee to renew inactive registrations, licenses, and certifications.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.008, F.A.C., in order to remove the 15 day grace period beyond the course expiration date to grade an examination.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.009, F.A.C., in order to remove the requirement that education providers submit one blind copy of course materials.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.010, F.A.C., in order to amend the requirements for the supervision and training of registered trainee appraisers.

SUBJECT AREA TO BE ADDRESSED: Education Requirements; Continuing Education; Notice of Satisfactory Course Completion; Renewal of Inactive Registrations, Licenses and Certifications; Continuing Education for School Instructors; Post Licensing Education for Registered Trainee Appraisers

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618, 475.628, 475.6175, 475.619, 475.611, 475.6221, 475.6222 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 ~~75~~ classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal

Practice. ~~Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

(b) ~~If a registration expires due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., the education completed to become a registered trainee appraiser original 75-classroom hours to become initially registered will be invalid and may not be used to secure another registration. Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

(c) No change.

(2) ~~Persons desiring to become certified as a residential appraiser must successfully complete 120 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 120 classroom hours may include the classroom pre-license education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, or the applicable classroom hours of post-license education for registered trainee appraisers. The 120 classroom hours may include the 75 classroom hour requirement for becoming registered or the 90 classroom hour requirement for becoming licensed as an appraiser.~~

(3) ~~Persons desiring to become certified as a general appraiser must successfully complete 180 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 180 classroom hours may include the classroom pre-licensing education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, or the 120 classroom hours requirement for becoming certified as a residential appraiser, or the applicable post-license education for registered trainee appraisers. The 180 classroom hours may include the 75 classroom hour requirement for becoming registered, the 90 classroom hour requirement for becoming licensed as an appraiser, or the 120 classroom hour requirement for becoming certified as a residential appraiser.~~

(4) through (7)(g) No change.

(8) ~~Board prescribed or approved courses and end-of-course examinations shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical~~

~~centers, state or federal agencies or commissions, or proprietary real estate schools registered pursuant to Section 475.451, F.S. A copy of the course application shall be submitted to the board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations; one submission must be a blind copy. The Board will notify the entity within 60 days whether the course and exams meet the criteria set out in subsections (5), (6) and (7) above and subsection (9) below. Approval must be granted before the course is conducted. Institutions, entities and schools offering Board prescribed or approved appraisal educational courses are responsible for keeping the course subject matter current and accurate.~~

(9) No change.

(10) ~~Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on a Board approved end-of-course examination. The examinations are prepared and administered by a nationally or state recognized appraisal organization, accredited university, college, community college, area vocational technical center, state or federal agency or commission, or real estate school upon completion of the classroom instruction. The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus, detailed timeline and two copies of the course material in a blind format containing no reference to the provider submitting the course. The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. At least 70% of the questions on each examination form shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific fact, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering prescribed courses must maintain a sufficient bank of questions to assure examination validity. A course that is more than 30 hours shall contain at least 100 items. A course that is 30 hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. No examination shall contain more than 20% duplication of questions. The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated herein by reference. Approval of satisfactory course completion shall not be issued to any student having absences in excess of 10% of the classroom hours.~~

(11) through (14) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06,_____.

61J1-4.003 Continuing Education.

(1) through (3) No change.

(a) A copy of the course application and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

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

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination ~~must may~~ be administered at the end of the course ~~or portions of the examination may be administered to students at appropriate intervals during the course~~. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) through (e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. ~~However, a 15-day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course.~~ Students must be notified of the course expiration date upon receipt of the course materials.

(5) through (8) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, 1-8-06,_____.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) No change.

(2) An application for renewal of an existing license shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). Each institution or school approved to offer post and continuing education courses shall comply with Section 455.2178(1) of the Florida Statutes by electronically submitting course attendance rosters to the Department of Business and Professional Regulation. Upon request of the Board, the department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007, 61J1-4.008 and 61J1-4.009, F.A.C., or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) through (6) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.6175, 475.618 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02, 11-14-04, 5-31-05, 1-8-06,_____.

61J1-4.007 Renewal of Inactive Registrations, Licenses and Certifications.

(1) through (4) No change.

(5) When the inactive status is more than one (1) year but does not exceed two (2) years, the continuing education for all appraiser categories is as follows: thirty (30) hours of approved pre-certification education with end of course exam applicable to the licensee's licensure category and thirty (30) hours of appraiser continuing education (ACE). ~~When the inactive status is more than 1 year but does not exceed 2 years, the educational requirements are as follows:~~

(a) ~~Registered, licensed, and certified appraisers—30 hours of Appraisal Board Course II (ABII) with end-of-course exam; however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end-of-course exam shall be 100 hours.~~

(b) ~~Certified residential and certified general appraisers—30 hours of ABII with end-of-course exam and 30 hours of ACE.~~

(6) When the inactive status is more than 2 years but does not exceed the 4 year period, the educational requirements are as follows:

(a) Registered trainee and licensed appraisers – 100 75 hours of ABI with end-of-course exam, and complete a current 7 hour national USPAP update course taught by an AQB certified instructor or equivalent; ~~however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end of course exam shall be 100 hours and registered trainee appraisers must comply with the approved post-licensure education requirements of Rule 61J1-4.009, F.A.C.~~

(b) Certified residential appraisers – 100 75 hours of ABI with end-of-course exam, 30 hours of ABII with end-of-course exam, and complete a current 7 hour national USPAP update course taught by an AQB certified instructor or equivalent; ~~however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end of course exam shall be 100 hours and the Appraisal Board Course II (ABII) with end of course exam shall be 30 hours.~~

(c) through (8) No change.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.618, 475.619 FS. History–New 8-8-93, Amended 2-16-04, 3-1-06, _____.

61J1-4.008 Continuing Education for School Instructors.

(1) through (5)(e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. ~~However, a 15-day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course.~~ Students must be notified of the course expiration date upon receipt of the course materials.

Specific Authority 475.614 FS. Law Implemented 475.618 FS. History–New 10-1-95, Amended 9-6-98, 11-15-99, 3-31-02, 2-16-04, _____.

61J1-4.009 Post Licensing Education for Registered Trainee Appraisers.

(1) through (3) No change.

(4) A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations; ~~one submission must be a blind copy.~~ The provider must also submit a copy of the course in the format in which the student will use it. The course and examination, shall comply with “course approval criteria” as follows:

(4)(a) through (9) No change.

Specific Authority 475.614 FS. Law Implemented 475.6175 FS. History–New 2-16-04, Amended 10-27-05, _____.

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) through (4) No change.

(5) When supervising any aspect of the appraisal process, a supervising appraiser shall train or supervise appraisers located in:

(a) The county where the supervising appraiser’s primary business address is located and office is registered with the Department; and

(b) Any county contiguous to the county where the supervising appraiser’s primary business address is located and office is registered with the Department.

(6) Appraisal logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser in a format determined by the Department and shall, at a minimum, include the following for each appraisal:

(a) Type of property;

(b) Date of report;

(c) Client name and address;

(d) Address of appraised property;

(e) Description of work performed;

(f) Number of work hours; ~~and,~~

~~(g) Signature and state license/certification number of the supervising appraiser.~~

(7) Separate appraisal logs shall be maintained for each supervising appraiser and signed by each supervising appraiser.

(8) A supervisory appraiser may not be employed by a trainee or by a corporation, partnership, firm, or group in which the trainee has a controlling interest.

(9) A registered trainee appraiser may accept appraisal assignments only from his or her primary or secondary supervisory appraiser.

(10) A registered trainee appraiser may only receive compensation for appraisal services from his or her authorized certified or licensed appraiser.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History–New 2-16-04, Amended 3-1-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-6.001 Experience Requirement

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending the citations in Rule 61J1-6.001, F.A.C., in order to implement the changes to Section 475.611, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Experience Requirement.

SPECIFIC AUTHORITY: 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.626 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-6.001 Experience Requirement.

(1) through (4) No change.

(5)(a)1. No change.

2. Certified general: Experience shall consist of a minimum of 23 Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice; or 12 nonresidential Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes, and 135 non-narrative supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

(b)1. through 2.c. No change.

3. Mass appraisals must be as set forth in Standard Rule 6 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes.

4. through (c)1. No change.

2.a. Review appraisal experience may be claimed only when reviews are as set forth in Standard Rule 3 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes.

(d)1. No change.

2. Experience may be claimed only when performed as set forth in Standard Rules 4 and 5 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes, as applicable.

(e) through 1. No change.

2. Experience may be claimed only when the analysis/study is prepared as set forth in Standard Rules 1 and 2 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), Florida Statutes, and the applicant can demonstrate that he is using similar techniques as appraisers to value properties and effectively utilize the appraisal process.

(6) through (7) No change.

Specific Authority 475.614, 475.615(2) FS. Law Implemented 455.213, 475.611(1)(q)(~~o~~), 475.615(2), 475.617, 475.628 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, 3-1-06,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-7.004	Appraisal Firm or Business Location and Office Location
61J1-7.0065	Signature on Appraisal Report and Certification

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-7.004, F.A.C., in order to implement the changes to Section 475.623, Florida Statutes, and to require an appraiser to designate a primary business address if the appraiser has several registered business addresses.

The Florida Real Estate Appraisal Board is promulgating new Rule 61J1-7.0065, F.A.C., to require each appraiser signing a certification of an appraisal report to sign the certification with the name that the licensee has registered with the Department of Business and Professional Regulation.

SUBJECT AREA TO BE ADDRESSED: Office Signature on Appraisal Report and Certifications.

SPECIFIC AUTHORITY: 475.613(2), 475.624(14) FS.

LAW IMPLEMENTED: 475.613(2), 475.624(14) 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-7.004 Appraisal Firm or Business Location and Office Location.

(1) All appraisers who have an active registration, license or certification pursuant to Part II, Chapter 475, Florida Statutes, shall furnish in writing to the Department of Business and Professional Regulation each business name, trade name, or firm name and address from which he or she operates in the performance of appraisal services.

(2) Each such appraiser must notify the Department of any change of business name, trade name, or firm name and address within 10 days of the change of name or address in such a manner as determined by the Department.

(3) In instances when an appraiser has registered more than one (1) business address, the appraiser must designate the primary business address.

Specific Authority 475.614 FS. Law Implemented 475.623 FS. History--New 10-15-91, Formerly 21VV-7.004, Amended 2-16-04, _____.

61J1-7.0065 Signatures on Appraisal Report and Certification.

Each appraiser signing a certification of an appraisal report must sign the certification with the name that the licensee has registered with the Department.

Specific Authority 475.613(2), 475.624(14) FS. Law Implemented 475.613(2), 475.624(14) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-8.001	Citation Authority
61J1-8.002	Disciplinary Guidelines
61J1-8.003	Notice of Noncompliance

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-8.001, F.A.C., to make failing to sign a certification with the same name registered with the Department and failing to timely notify the Department of any change in business location or change of business name, trade name, or firm name or who has failed to fully disclose all business locations from which the appraiser operates as an appraiser.

The Florida Real Estate Appraisal Board is amending Rule 61J1-8.002, F.A.C., in order to provide disciplinary guidelines for a supervisory appraiser being employed by a trainee appraiser.

The Florida Real Estate Appraisal Board is revising Rule 61J1-7.001, F.A.C., to eliminate some violations for which an appraiser can be issued a notice of non-compliance and also to update citations for offenses for which a notice of non-compliance may be issued to an appraiser.

SUBJECT AREA TO BE ADDRESSED: Citation Authority; Disciplinary Guidelines; Notice of Noncompliance.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.2245, 455.275, 475.622(1), 475.622(1), 475.624(14), (18) 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-8.001 Citation Authority.

(1) No change.

(2) The following violations with accompanying fine may be disposed of by citation:

(a) Section 475.624(4), F.S. – has violated any of the provisions of Chapter 455 or 475, Part II, F.S., by:

1. through 6. No change.

7. a. Failing to sign a certification pursuant to Section 475.624(14), F.S. \$~~5~~300.00

b. Failing to sign certification with same name registered with the Department. \$500.00

8. Failing to state reporting options as required by Section 475.624(14), F.S. \$300.00

(b) Failing to timely notify the department \$300.00

of any change in business location or change of business name, trade name, or firm name, or has failed to fully disclose all business locations from which he operates as an appraiser as required by Section 475.624(18), F.S., and Rule 61J1-7.004, F.A.C.

(3) through (5) No change.

Specific Authority 475.614 FS. Law Implemented 455.224, 455.275, 475.622(1), 475.622(1), 475.624(14), (18) FS. History--New 12-4-91, Amended 4-21-92, Formerly 21VV-8.001, Amended 8-8-93, 5-14-95, 3-26-96, 7-23-96, 7-10-97, 11-11-97, 11-20-05, _____.

61J1-8.002 Disciplinary Guidelines.

(1) through (2) No change.

(3)(a) through (aa) No change.

(bb) Section 475.622(3), F.S.

Supervisory appraiser employed by a trainee appraiser. The usual action of the Board shall be to impose a penalty of a 5 year suspension to revocation and an administrative fine of \$1,000.00

(4)(a) through (b)6. No change.

Specific Authority 455.2273, 475.614 FS. Law Implemented 455.227, 475.622, 475.624, 475.626 FS. History--New 1-7-92, Formerly 21VV-8.002, Amended 1-9-94, 8-17-97, 6-8-03, _____

61J1-8.003 Notice of Noncompliance.

(1) Pursuant to Sections 455.225(3) and 120.695, F.S., the board sets forth below those rules which are considered minor violations for which the DBPR shall provide a registrant,

licensee or certificate holder with a notice of noncompliance. A violation of a rule is considered a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. The notice of noncompliance shall only be issued for an initial offense of a listed minor violation.

(a) No change.

(b) ~~Section 475.622, F.S. Rule 61J1-7.002, F.A.C.~~ – Display of number.

(c) Rule 61J1-7.003, F.A.C. – Designation and number in advertising.

~~(d) Subsection 61J1-7.004(1), F.A.C. – Registration of business address.~~

~~(e) Subsection 61J1-7.004(2), F.A.C. – Change of business address.~~

~~(d)(f) Section 475.6221(1), F.S. Subsection 61J1-7.007(1), F.A.C.~~ – Registering the name of supervising appraiser; notification of termination of relationship with supervising appraiser.

~~(e)(g) Subsection 61J1-7.008(2), F.A.C.~~ – Registration or change of current mailing address as defined in Rule 61J1-7.008, F.A.C.

(2) through (3) No change.

Specific Authority 475.614 FS. Law Implemented 120.695, 455.225(3) FS. History–New 3-28-94, Amended 1-1-96,_____.

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 Psychology

RULE NO.: 64B19-11.004
 RULE TITLE: Licensure by Examination; Additional Educational Requirements for Initial Licensure

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: Licensure by Examination; Additional Educational Requirements for Initial Licensure.

SPECIFIC AUTHORITY: 456.013(7), 456.031, 490.004(4) FS.

LAW IMPLEMENTED: 456.013(7), 456.031 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-13.003
 RULE TITLE: Continuing Psychological Education Credit

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: Continuing Psychological Education Credit.

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-17.002
 RULE TITLE: Disciplinary Guidelines

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: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64E-3 Radiologic Technology

PURPOSE AND EFFECT: Review this Chapter and amend and/or adopt new rule language as necessary to ensure that all rules conform with statutory requirements and the current practices and procedures for radiological personnel.

SUBJECT AREA TO BE ADDRESSED: Fees; definitions; forms; application procedures and requirements; educational programs; examinations; endorsement; continuing education and providers; scope of practice and prohibited practices; training; remedial education; supervision; HIV/AIDS; certificate issuance, display, renewal, reactivation, resignation, and relinquishment; investigations; discipline guidelines; national organizations; speciality boards.

SPECIFIC AUTHORITY: 381.0034(4), 468.302(3)(a), (d), (h), 468.303, 468.304(1), (2), (3)(e), 468.305, 468.306, 468.3065, 468.307(1), 468.309(1)(a), (2), (3), (5), (6), (7), 468.3095(1), (2)(a), 468.3101(4), (6) FS.

LAW IMPLEMENTED: 381.0034, 468.3003, 468.301, 468.302, 468.303, 468.304, 468.305, 468.306, 468.3065, 468.307, 468.309, 468.3095, 468.3101 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: William A. Passetti, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266. 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: William A. Passetti, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-149.005
 RULE TITLE: Reasonableness of Benefits in Relation to Premiums

PURPOSE AND EFFECT: To implement guidelines for multiple year rate guarantees.

SUBJECT AREA TO BE ADDRESSED: Reasonableness of Benefits in Relation to Premiums.

SPECIFIC AUTHORITY: 624.308(1), 627.410(6)(d), (e) FS.

LAW IMPLEMENTED: 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 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 28, 2006, 9:30 a.m.

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, IF AVAILABLE, IS: Dan Keating, Life and Health Product Review, Office of Insurance Regulation, E-mail dan.keating@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.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-191.054
 RULE TITLE: Rates

PURPOSE AND EFFECT: To implement guidelines for multiple year guarantees for HMO's.

SUBJECT AREA TO BE ADDRESSED: Reasonableness of Benefits relative to premiums.

SPECIFIC AUTHORITY: 641.31, 641.36 FS.
 LAW IMPLEMENTED: 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.31074, 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 DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: August 28, 2006, 9:30 a.m.
 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, IF AVAILABLE, IS: Dan Keating, Life and Health Product Review, Office of Insurance Regulation, E-mail dan.keating@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.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
69P-2.001	Purpose
69P-2.002	Adoption of Property and Casualty Risk Apportionment Plan

PURPOSE AND EFFECT: To adopt a joint underwriting plan for commercial property insurance.
 SUBJECT AREA TO BE ADDRESSED: Property & Casualty Insurance Risk Apportionment Plan.
 SPECIFIC AUTHORITY: 624.308(1), 627.351(5) FS.
 LAW IMPLEMENTED: 624.307(1), 627.351(5) 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 28, 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: Abby London, Director, Legislative and Cabinet Affairs, Office of Insurance Regulation, E-mail: abby.london@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 AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-2.028	Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization; Records; Penalties

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to broaden the window of aldicarb application on citrus to alleviate time constraints on aldicarb applicators; add a requirement to be effective July 1, 2007 for intended application sites to be identified to the 1/4 of 1/4 section and drinking wells to be identified to the 1/4 of 1/4 section and with Global Positioning System (GPS) coordinates; clarify rule requirements regarding the 1,000-foot setback; specify requirements to be effective July 1, 2007 for cased well documentation for exemption from the 1,000-foot setback; abolish the 10-day waiting period for aldicarb application to start once a permit is approved to allow more flexibility for applicators; establish justification in rule for permit denials; correct website addresses that have changed; and update forms to match changes in the rule.

SUMMARY: The proposed rule amendment changes the time period for application of aldicarb on citrus from January 1 – April 30 to November 15 – April 30; adds a requirement to be effective July 1, 2007 that intended aldicarb application sites must be identified to the 1/4 of 1/4 section and drinking wells must be identified to the 1/4 of 1/4 section and with GPS coordinates in decimal degrees; clarifies that the 1,000-foot setback requirement in citrus applies only if restricted (highly permeable) soils occur within 1,000 feet of any drinking wells; specifies the information to be required effective July 1, 2007 on well construction documentation for exemption from the 1,000-foot setback; abolishes the 10-day waiting period after a permit application is filed before aldicarb application can begin; establishes justification for permit denials in areas where aldicarb or aldicarb residues have been detected in potable wells at concentrations exceeding water quality standards; and updates forms and website addresses.