

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES****Division of Plant Industry**

RULE NO.: 5B-63.001 RULE TITLE: Citrus Health Response Program

PURPOSE AND EFFECT: The purpose of this rule is to manage the impact of citrus canker and citrus greening in commercial citrus groves and to adopt the Citrus Health Response Plan. The effect will be to reduce the impact of citrus canker and citrus greening on commercial citrus production.

SUBJECT AREA TO BE ADDRESSED: Citrus Health Response Program.

SPECIFIC AUTHORITY: 570.07(21), (23), 581.031(1), (4), (5), 581.091(1), 581.101(1), 581.184 FS.

LAW IMPLEMENTED: 570.07(2), (13), (21), 581.031(6), (7), (9), (15), (17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 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: Connie Riherd, Assistant Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 SW 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-63.001 Citrus Health Response Program.

(1) Definitions. For the purpose of this rule, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(a) Approved landfill. A landfill that is fenced, that prohibits the removal of dumped material, and that requires that dumped material be covered at the end of every day on which dumping occurs.

(b) Asian citrus psyllid. The insect known as the Asian citrus psyllid, *Diaphorina citri*, classified in the order Homoptera, Family Psyllidae, and all of its life stages.

(c) Citrus Health Response Program (CHRP) Certificate. A document issued by an authorized representative of the department verifying compliance with the requirements of these rules.

(d) Citrus. All members and any hybrids of the family Rutaceae including any plants, plant parts, fruits, seeds and any other parts thereof.

(e) Citrus canker. A bacterial disease of citrus incited by the organism *Xanthomonas axonopodis* pv. *citri*, (formerly known as *Xanthomonas campestris* pv. *citri*), Asian strain.

(f) Citrus greening. A phloem-limited bacterial disease of citrus and citrus relatives incited by the organism *Candidatus Liberibacter asiaticus*, or *huanglongbing* (also known as yellow dragon disease or yellow shoot disease).

(g) Commercial citrus grove. A solid set planting of 40 or more citrus trees.

(h) Commercial citrus-producing area. American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States.

(i) Exposed. Determined by the department to likely harbor citrus canker bacteria but not expressing visible symptoms, or determined by the department to likely harbor citrus greening bacteria because of proximity to infected plants or infected psyllids.

(j) Foundation tree. A citrus tree owned and maintained by the department in accordance with Rule 5B-62.014, F.A.C., that is used for horticultural evaluation and to provide a source of budwood to nurseries, primarily for establishing scion and increase trees.

(k) Infected. Citrus trees harboring citrus canker bacteria and exhibiting visible symptoms of the disease or harboring citrus greening bacteria as confirmed by laboratory diagnostic tests conducted in laboratories approved by the department or the USDA.

(l) Regulated articles. Any article capable of transporting or harboring citrus canker, citrus greening or Asian citrus psyllid.

(2) Purpose. This rule is enacted to manage the impact of citrus canker and citrus greening in commercial citrus groves. To accomplish that purpose, this rule declares citrus canker, citrus greening and the Asian citrus psyllid to be plant pests and nuisances, sets forth procedures for establishing quarantine areas, identifies regulated articles, sets forth procedures for decontaminating regulated articles, and regulates the movement of citrus nursery stock from areas quarantined for citrus greening.

(3) Declaration of citrus canker, citrus greening and Asian citrus psyllid as plant pests. Pursuant to Section 581.031(6), F.S., citrus canker, citrus greening and Asian citrus psyllid are declared to be plant pests and nuisances capable of causing serious damage to citrus.

(4) Quarantine areas.

(a) Broward County, Martin County, Miami-Dade County, Monroe County, and Palm Beach County, in their entirety are declared quarantined because of the presence of citrus greening disease.

(b) Other areas around a site where an infestation of citrus greening is known to occur will also be quarantined. The geographical boundaries of the quarantine area will be based on the potential of citrus greening being present and will encompass an area around a citrus greening infected site of approximately six square miles. Affected businesses or residents will be notified in writing unless too numerous to contact individually. In those cases, the quarantine area will be published in a major newspaper of general distribution in each area affected and through other appropriate media.

(c) The entire state of Florida is under a federal quarantine for citrus canker.

(5) Hosts of citrus greening and hosts of Asian citrus psyllid listed below are regulated articles and will be subject to the provisions of this rule.

(a) Hosts of citrus greening.

1. Aeglopsis chevalieri (Chevalier's aeglopsis)
2. Balsamocitrus dawei (Uganda powder-flask)
3. Calodendrum capensis Thunb. (Cape chestnut)
4. X Citrofortunella microcarpa (calamondin)
5. X Citroncirus webberi (citrange)
6. Citrus spp. (orange, grapefruit, tangerine, etc.)
7. Clausena indica (clausena)
8. Clausena lansium (wampee, wampi)
9. Fortunella spp. (kumquat)
10. Limonia acidissima (Indian wood-apple)
11. Microcitrus australasica (finger-lime)
12. Murraya koenigii (curry-leaf)
13. Poncirus trifoliata (trifoliolate orange)
14. Severinia buxifolia (Chinese box-orange)
15. Swinglea glutinosa (tabog)
16. Toddalia lanceolata (toddalia)
17. Triphasia trifolia (trifoliolate lime-berry)

(b) Hosts of Asian citrus psyllid only

1. Aegle marmelos (bael, Bengal quince)
2. Afraegle gabonensis (Gabon powder-flask)
3. Afraegle paniculata (Nigerian powder-flask)
4. Atalantia sp. (atalantia)
5. Citropsis gilletiana (Gillet's cherry-orange)
6. Citropsis schweinfurthii (African cherry-orange)
7. Clausena anisum-olens (anis)
8. Clausena excavata (clausena)
9. Eremocitrus glauca (Australian desert-lime)
10. Eremocitrus hybrid (desert-lime)
11. Merrillia caloxylon (flowering merrillia)
12. Microcitrus australis (Australian round-lime)
13. Microcitrus papuana (desert-lime)
14. X Microcitronella 'Sydney' (faustrimedina)
15. Murraya paniculata (orange-jasmine)
16. Naringi crenulata (naringi)
17. Pamburus missionis (pamburus)

18. Toddalia asiatica (orange-climber)

19. Vepris lanceolata (white ironwood)

20. Zanthoxylum fagara (wild-lime)

(c) Hosts of citrus canker. All species of citrus in the subfamily Aurantioideae.

(6) Movement of regulated articles from or through a quarantine area.

(a) The movement or planting of citrus greening host plants as listed in paragraph (5)(a) from or within a citrus greening quarantine area is prohibited unless produced in compliance with Rule Chapter 5B-62, Florida Administrative Code.

(b) The movement of Asian citrus psyllid host plants that are not also hosts of citrus greening from a citrus greening quarantine area is prohibited unless treated under the supervision of the department and accompanied by an Asian citrus psyllid certificate (Temporary Certificate Of Inspection For Citrus Psyllid, DACS-08376, effective 10/05, and incorporated in this rule by reference.) and provided they are not destined to a commercial citrus producing area outside of Florida. A copy of Temporary Certificate Of Inspection For Citrus Psyllid, DACS-08376, effective 10/05, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

(c) The movement of citrus fruit from a citrus canker quarantine area is governed by USDA regulations contained in 7 CFR 301.75. There are no restrictions on citrus fruit movement from citrus greening quarantine areas.

(7) Regulated Areas. A regulated area, not to exceed a radius of one mile is hereby established around the perimeter of commercial citrus nurseries constructed on sites after April 1, 2006. A regulated area, not to exceed a radius of ten miles is hereby established around the perimeter of all sites on which foundation trees are maintained. The planting of citrus in these regulated areas is prohibited. Citrus plants within a regulated area that were planted prior to the establishment of the regulated area may remain unless they are determined to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, or citrus planted or citrus sprouted by natural means after the establishment of regulated areas. The property owner shall be responsible for the removal of such citrus. Notice of the removal of citrus trees, by immediate final order, shall be provided to the owner of the property on which such trees are located. An immediate final order issued by the department pursuant to this section shall notify the property owner that the citrus trees that are the subject of the immediate final order must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such

requests. The property owner shall not be required to seek a stay of the immediate final order by the department prior to seeking the stay from the district court of appeal.

(8) All citrus grove owners or caretakers, harvesters, haulers, packers, and processors must sign compliance agreements; Citrus Grower/Caretaker Compliance Agreement, DACS-08316, effective 6/06, and incorporated into this rule by reference. A copy of Grower/Caretaker Compliance Agreement, DACS-08316, effective 6/06, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. Processor Compliance Agreement, DACS-08356, effective 7/06, and incorporated into this rule by reference. A copy of Processor Compliance Agreement, DACS-08356, effective 7/06, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. Packinghouse Compliance Agreement, DACS-08358, effective 8/06, and incorporated into this rule by reference.

A copy of Packinghouse Compliance Agreement, DACS-08358, effective 8/06, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. Harvester/Handler Compliance Agreement, DACS-08359, effective 8/06, and incorporated into this rule by reference.

A copy of Harvester/Handler Compliance Agreement, DACS-08359, effective 8/06, may be obtained from the Citrus Health Response Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881. Fruit may not be harvested from a grove if a valid compliance agreement is not in place.

(9) Decontamination requirements. All harvesters, intermediate handlers, grove owners or caretakers, packers, and processors must decontaminate equipment, personnel, regulated articles in accordance with applicable compliance agreements listed in subsection (8), and have approved decontaminates on hand at all times when in a citrus grove.

(10) All non-production people entering commercial citrus groves must decontaminate equipment, personnel and regulated articles if contact with citrus does occur.

(11) Citrus grove surveys. In addition to the routine inspection of citrus groves by the department, citrus grove owners or caretakers should conduct a self-inspection of their groves every 60 days. If citrus canker or citrus greening is found, the department must be notified immediately. Failure to notify the department of citrus canker or citrus greening is a violation of Section 581.091, F.S., and this rule and is subject to penalties in accordance with Section 581.211, F.S.

(12) The Citrus Health Response Plan is hereby adopted by this rule.

Specific Authority 570.07(21), (23), 581.031(1), (4), (5), 581.091(1), 581.101(1), 581.184 FS. Law Implemented 570.07(2), (13), (21), 581.031(6), (7), (9), (15), (17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS. History—New

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5L-1 Comprehensive Shellfish Control Code

RULE NO.: RULE TITLE:

5L-1.003 Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: This amendment proposes to reclassify the Suwannee Sound shellfish harvesting area and the North St. Johns shellfish harvesting area. Sanitary surveys have been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommend reclassification of the Suwannee Sound shellfish harvesting area and the North St. Johns shellfish harvesting area. This amendment further proposes to amend the shellfish harvesting map for Apalachicola Bay Approved Summer.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Suwannee Sound shellfish harvesting area and the North St. Johns shellfish harvesting area for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources. The proposed amendment of the shellfish harvesting map for Apalachicola Bay Summer Approved is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE SUWANNEE SOUND SHELLFISH HARVESTING AREA AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 20, 2006, 5:00 p.m. – 6:00 p.m.

PLACE: Department of Agriculture and Consumer Services, Division of Aquaculture, 11350 Southwest 153rd Court, Cedar Key, Florida

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED RECLASSIFICATION OF THE NORTH ST. JOHNS SHELLFISH HARVESTING AREA AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 20, 2006, 5:00 p.m. – 6:00 p.m.

PLACE: Department of Agriculture and Consumer Services, Division of Aquaculture, 1378 Malabar Road, Palm Bay, Florida

A RULE DEVELOPMENT WORKSHOP WILL BE HELD FOR THE PROPOSED AMENDMENT OF THE APALACHICOLA BAY APPROVED SUMMER SHELLFISH HARVESTING AREA MAP AT THE DATE TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 20, 2006, 5:00 p.m. – 6:00 p.m.

PLACE: Department of Agriculture and Consumer Services, Division of Aquaculture, 260 7th Street, Apalachicola, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone: (850)488-4033

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09422
 RULE TITLE: Florida Comprehensive Assessment Test Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the writing grade-level scale scores for each achievement level for use in reporting student proficiency levels in writing as part of the Florida Comprehensive Assessment Test (FCAT). The effect of the rule development will be the establishment of the passing score on the grade 10 FCAT in writing in order to qualify for a standard high school diploma pursuant to Section 1008.22(3)(c)5., Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The inclusion of writing as part of the Florida Comprehensive Assessment Test (FCAT).

SPECIFIC AUTHORITY: 1001.02, 1008.22(11) FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS.

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

DATE AND TIME: October 24, 2006, 4:00 p.m. – 6:00 p.m.
 PLACE: DoubleTree Hotel, Florida Rooms, 101 South Adams Street, Tallahassee, Florida 32301

DATE AND TIME: November 8, 2006, 4:00 p.m. – 6:00 p.m.
 PLACE: Hyatt Regency Jacksonville Riverfront, River Terrace 2, 225 East Coast Line Drive, Jacksonville, Florida 32202

DATE AND TIME: November 9, 2006, 4:00 p.m. – 6:00 p.m.
 PLACE: Seminole County School Board, Board Meeting Room, 400 East Lake Mary Boulevard, Sanford, Florida 32773
 Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Dr. Cornelia S. Orr, Director, Assessment and School Performance, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
15A-9	Breath Alcohol Ignition Interlock Devices
RULE NOS.:	RULE TITLES:
15A-9.001	Authority
15A-9.002	Purpose
15A-9.003	Definitions
15A-9.004	When Ignition Interlock Devices Are Required
15A-9.0041	Medical Considerations
15A-9.005	Specifications
15A-9.006	Procedure for Ignition Interlock Device Approval
15A-9.007	Certification
15A-9.008	Installation and De-installation
15A-9.009	Servicing
15A-9.010	Monitoring
15A-9.011	Warning Label
15A-9.012	Liability
15A-9.013	Auditing of Administrative Offices and Service Providers
15A-9.014	Forms

PURPOSE AND EFFECT: The 2002 Legislature amended Section 316.193, F.S., to require the ignition interlock device to be installed on the vehicles used by certain persons convicted of driving under the influence (DUI). The purpose of the proposed rule action is to establish a process to review cases in which drivers with documented medical issues are unable to utilize the ignition interlock device at the designated setting.

SUBJECT AREA TO BE ADDRESSED: Breath Alcohol Ignition Interlock Devices.

SPECIFIC AUTHORITY: 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787.

LAW IMPLEMENTED: 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787.

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: Barbara Lauer, Bureau of Driver Education and DUI Programs, Division of Drivers Licenses, Department of Highway Safety and Motor Vehicles, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)617-2505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15A-9.001 Authority.

This chapter is promulgated pursuant to Sections 316.193, 316.1937, ~~and~~ 316.1938, 322.2715, and 322.16, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended 1-20-04, _____.

15A-9.002 Purpose.

The purpose of this chapter is to establish guidelines for certification and installation of Breath Alcohol Ignition Interlock Devices and implementing the use of such devices as required by Sections 316.193, 316.1937, ~~and~~ 316.1938, 322.2715, and 322.16 Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended 1-20-04, _____.

15A-9.003 Definitions.

(1) through (2) No change.

(3) Breath sample. The volume of breath to be exhaled by the convicted person for the accurate operation of the Ignition Interlock Device. This will be 1.5 litres of breath volume per blow into the device.

~~(4)(3)~~ Breath test. An analysis of the breath alcohol concentration of a deep lung breath sample.

~~(5)(4)~~ Calibration. The process which ensures an accurate alcohol concentration reading on an ignition interlock device.

~~(6)(5)~~ Certification. The testing and approval process required by the Department of Highway Safety and Motor Vehicles.

~~(7)(6)~~ Convicted person. The person required by the court or the department to drive only motor vehicles that have certified ignition interlock devices installed.

~~(8)(7)~~ Deep lung breath sample. Also called "alveolar breath sample." An air sample which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of alcohol concentration from which breath alcohol concentrations can be determined. "Alveolar"

refers to the aveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.

~~(9)(8)~~ Department. The Department of Highway Safety and Motor Vehicles.

~~(10)(9)~~ Device. A breath alcohol ignition interlock device.

~~(11)(10)~~ Emergency bypass. A one-time event, authorized by a service provider, that permits the ignition interlock device-equipped motor vehicle to be started without the requirement of passing the breath test.

~~(12)(11)~~ Fail point. A preset or predetermined breath alcohol level, defined in Section 316.1937, Florida Statutes.

~~(13)(12)~~ Free restart. The ability to start the engine again within three (3) minutes without completion of another breath test, when the condition exists where a breath test is successfully completed and the motor vehicle is started, but then the engine stops for any reason (including stalling).

~~(14)(13)~~ Ignition interlock device. A breath alcohol analyzer connected to a motor vehicle's ignition. In order to start the motor vehicle engine, a convicted person must blow a deep lung breath sample into the analyzer, which measures the breath alcohol concentration. If the breath alcohol concentration exceeds the fail point on the ignition interlock device, the motor vehicle engine will not start.

~~(15)(14)~~ Lockout. The ability of the ignition interlock device to prevent a motor vehicle's engine from starting.

~~(16)(15)~~ Manufacturer. The actual producer of the ignition interlock device who assembles the product and who may provide distribution and services.

~~(17)(16)~~ Motor vehicle. Any self-propelled motor vehicle not operated upon rails or guideway, but not including any motorcycle, bicycle, motorized scooter, electric personal assistive mobility device, or moped.

~~(18)(17)~~ Permanent lockout. A feature of the ignition interlock device in which a motor vehicle will not start until the ignition interlock device is reset by a service provider.

~~(19)(18)~~ Retest. An additional chance to provide a deep lung breath sample below the alcohol fail point.

~~(20)(19)~~ Rolling retest. Additional deep lung breath samples required while the motor vehicle is in operation.

~~(21)(20)~~ Service provider. The retail supplier of the approved ignition interlock devices.

~~(22)(21)~~ Tampering. An unlawful act or attempt to disable or circumvent the legal operation of the ignition interlock device.

~~(23)(22)~~ Temporary lockout. A feature of the ignition interlock device which will not allow the motor vehicle to start for time periods specified in Rule 15A-9.005, Florida Administrative Code, after a breath test result indicating a BrAC above the fail point.

~~(24)(23)~~-Violation. An event, such as two (2) breath tests above the fail point upon initial startup, a refusal to provide a rolling retest deep lung breath sample, a rolling retest above the fail point, or tampering, which breaches the guidelines for use of the ignition interlock device.

~~(25)(24)~~ Violation reset. A feature of the ignition interlock device in which a service reminder is activated due to a violation.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04,_____.

15A-9.004 When Ignition Interlock Devices Are Required.

Specific Authority 316.193, 316.1937, 316.1938, 322.271, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.16, 322.271, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.0041 Medical Considerations.

(1) In consideration of a medical condition, a minimum breath sample of 1.0 litres of breath volume per blow may be considered, if the convicted person is certified by a licensed pulmonologist to have a lung condition which will render the convicted person incapable of blowing a breath sample into an ignition interlock device, after appropriate review by the Medical Review Board of such medical condition and certification.

(2) When a medical condition exists in the convicted person which makes such person incapable of properly operating the ignition interlock device, the convicted person may submit a medical report from an appropriate specialist to the Medical Review Board who shall review and issue a finding of the medical incapacity. Pursuant to the authority under Section 322.2715, F.S., the use of the ignition interlock requirement may be waived or modified.

(a) If a medical waiver has been approved for a convicted person seeking a hardship license, the convicted person shall not be entitled to a hardship license until the required installation period of the ignition interlock device prescribed in Section 322.2715, F.S. expires, in addition to the time requirements outlined in Section 322.271, F.S.

(b) If a medical waiver has been approved for a convicted person seeking permanent reinstatement of the driver's license, the convicted person will not be entitled to such reinstatement until the required installation period of the ignition interlock device prescribed in Section 322.2715, F.S. expires.

Specific Authority 316.193, 316.1937, 316.1938, 322.271, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.16, 322.271, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New _____.

15A-9.005 Specifications.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.006 Procedure for Ignition Interlock Device Approval.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.007 Certification.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.008 Installation and De-installation.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, 1-20-04.

15A-9.009 Servicing.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.010 Monitoring.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.292, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.011 Warning Label.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.012 Liability.

Specific Authority 316.1938 FS., Federal Register Vol. 57, No. 67, page 11772. Law Implemented 316.1938 FS., Federal Register Vol. 57, No. 67, page 11772. History–New 10-12-92.

15A-9.013 Auditing of Administrative Offices and Service Providers.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended 1-20-04.

15A-9.014 Forms.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16, Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended 1-20-04.

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."

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.001 RULE TITLE: Application

PURPOSE AND EFFECT: To amend the New Enrollment Application and the Master Covenant with updated form numbers and effective dates.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan New Enrollment Application and Master Covenant.

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

LAW IMPLEMENTED: 1009.98 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: October 23, 2006, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 19B-4.001 Application.
- (1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2006-10, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2006-02, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.002 RULE TITLE: Contract Benefits

PURPOSE AND EFFECT: To amend the Contract Benefits to permit the use of prepaid benefits for graduate coursework.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan Contract Benefits.

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

LAW IMPLEMENTED: 1009.98 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: October 23, 2006, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.002 Contract Benefits.

(1) A qualified beneficiary may begin to receive benefits during the Summer Semester of the scheduled matriculation year. The fees contracted for by the purchaser shall be paid at the time of enrollment of the qualified beneficiary in a state postsecondary institution except in the event of legislative action pursuant to Section 1009.98(5), F.S. The credit hours purchased may be used during any semester of postsecondary ~~undergraduate~~ enrollment. To receive benefits under this program, a qualified beneficiary whose contract is in good standing will be issued an identification card prior to each postsecondary Fall enrollment period. No identification card will be issued to a beneficiary unless the beneficiary submits a social security number. Benefits under each contract are

available for use by the specified beneficiary for one matriculation each semester, however, a beneficiary may matriculate more than once a semester if required by law or policy of the postsecondary institution.

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

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-7.001 Beneficiary Defined

PURPOSE AND EFFECT: To amend the beneficiary definition to require beneficiaries to have a valid social security number for plan participation.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan definition and requirements for beneficiaries.

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

LAW IMPLEMENTED: 1009.98 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: October 23, 2006, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-7.001 Beneficiary Defined.

For each annual application period, a qualified beneficiary is defined as an individual who is under the age of 21 on the first day of the month in which the application period begins, has not completed the 11th grade, and is either:

- (1) A resident of Florida, or
- (2) A non-resident who is the child of a non-custodial parent who is a resident of this state. Documentation shall be in such form as required by the Board and may include a copy of the court order.

The qualified beneficiary must be either a United States citizen or a resident alien with a valid social security number.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98 FS. History–New 3-29-89, Amended 2-6-90, Formerly 4G-7.001, Amended 11-27-02,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-8.003 Scholarship Programs

PURPOSE AND EFFECT: To add a rule permitting the transfer of a prepaid college scholarship to any qualified beneficiary who meets the residency requirements at the time of substitution, and to codify the I.R.S. regulations permitting the transfer of a prepaid college scholarship to a qualified beneficiary who is not a member of the family of the original beneficiary.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan permitted substitutions of beneficiaries.

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

LAW IMPLEMENTED: 1009.98 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: October 23, 2006, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.003 Scholarship Programs.

Advance payment contracts purchased through an approved non-profit organization as provided in Rule 19B-5.007, F.A.C., or the Florida Prepaid College Foundation Inc., may transfer the Prepaid benefits to any qualified beneficiary who meets the residency requirements at the time of substitution. An authorized representative for the scholarship donor organization will be required to sign and notarize any request to substitute beneficiaries on advance payment contracts.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-16.002 Application for Participation in the Program

PURPOSE AND EFFECT: To amend the rule to require the applicant and beneficiary to have a valid social security number for program participation, and to update the New Account Application effective date and form number.

SUBJECT AREA TO BE ADDRESSED: The Florida College Savings Program application for participation.

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

LAW IMPLEMENTED: 1009.981 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: October 23, 2006, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) Any person may apply for participation in the Program by submitting a completed Florida Prepaid College Plan and Florida College Investment Plan New Account Application, along with an initial contribution to the Program that meets the requirements of Rule 19B-16.004, F.A.C. Benefactors and designated beneficiaries do not have to be residents of the State of Florida. Any natural person named as the benefactor in a completed application must have reached the age of majority and must be a citizen or resident alien of the United States with a valid social security number. Any person named as the beneficiary in a completed application must be a citizen or resident alien of the United States with a valid social security number.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2006-10, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.011
 RULE TITLE: Unclaimed Refunds

PURPOSE AND EFFECT: To amend the rule by correcting the references to the Florida Statutes which permit the transfer of unclaimed funds to the florida Prepaid Tuition Scholarship Program.

SUBJECT AREA TO BE ADDRESSED: The Florida College Savings Program's disposition of unclaimed refunds.

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

LAW IMPLEMENTED: 1009.981(4) 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: October 23, 2006, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.011 Unclaimed Refunds.

(1) The Board shall mail written notice to any benefactor of an account terminated pursuant to Rule 19B-16.010, F.A.C., when the benefactor has not negotiated the refund check for such account after a period of six (6) years. The notice shall indicate the procedure which the benefactor must follow to obtain a refund of the monies held by the Board for said accounts and that if a claim for a refund is not made within seven (7) years of the termination of the account that the funds shall be subject to disposition as provided under Chapter 1009.981(2)(b)10, 747, F.S. An alphabetical list of the names of the account owners of such accounts shall be posted on the Board's website on the Internet. Any such refund for any account terminated pursuant to Rule 19B-16.010, F.A.C., which remains unclaimed after seven (7) years shall be subject to disposition pursuant to Chapter 1009.981(2)(b)10, 747, F.S.

(2) The Board shall annually review and approve the list of unclaimed refunds which have remained unclaimed for the periods required under this rule and are subject to disposition pursuant to Chapter 1009.981(2)(b)10, 747, F.S.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(4) FS. History--New 5-30-02, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.300
 RULE TITLE: Targeted Case Management for Children at Risk of Abuse and Neglect

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Coverage and Limitations Handbook, August 2006. The

handbook contains the policies and procedures for the Targeted Case Management for Children at Risk of Abuse and Neglect Program. The effect will be to incorporate the Florida Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Coverage and Limitations Handbook, August 2006, into rule.

SUBJECT AREA TO BE ADDRESSED: Targeted Case Management for Children at Risk of Abuse and Neglect.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.

IF REQUESTED WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.

DATE AND TIME: Tuesday, October 24, 2006, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Erica Carpenter, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-2617

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.330 Targeted Case Management for Children at Risk of Abuse and Neglect.

(1) This rule applies to all targeted case management providers enrolled in the Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Program.

(2) All Medicaid-enrolled targeted case management for children at risk of abuse and neglect providers must be in compliance with the Florida Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Coverage and Limitations Handbook, August 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at 800-377-8216.

(3) The following forms that are included in the Florida Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Coverage and Limitations Handbook are incorporated by reference: Agency Certification, Targeted Case Management for Children at Risk of Abuse and Neglect, AHCA Med-Serv Form 005, August 2006, in Appendix B, one page; Case Management Supervisor Certification, Targeted Case Management for Children at Risk of Abuse and Neglect, AHCA Med-Serv Form 006, August 2006, in Appendix C, one page; Case Manager Certification, Targeted Case Management

for Children at Risk of Abuse and Neglect, AHCA Med-Serv Form 007, August 2006, in Appendix D, one page; Child Certification, Targeted Case Management for Children at Risk of Abuse and Neglect, AHCA Med-Serv Form 008, August 2006, in Appendix E, one page.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.010
RULE TITLE: Provider Enrollment

PURPOSE AND EFFECT: The purpose of this rule workshop is to discuss the amendment to rule 59G-5.010, Provider Enrollment, subsections (1) and (6), F.A.C. The Florida Medicaid Enrollment Application for participating in the Medicaid Program is incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Provider Enrollment.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907(9)(a) FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.

DATE AND TIME: October 24, 2006, 10:00 a.m.

PLACE: 2727 Mahan Drive, Bldg. 3, Conf. Rm. D, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT IS: Shawn McCauley, Medicaid Contract Management, 2308 Killearn Center Boulevard, Suite B200, Tallahassee, Florida 32309, (850)922-7344

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in Chapter 59G-4, F.A.C., all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid Provider Enrollment Application AHCA Form 2200-0003 (January 2006 ~~December 2004~~), which is available from the fiscal agent and incorporated in this rule by reference.

(2) through (5) No change.

(6) ~~Enrollment of a Medicaid provider applicant is effective no earlier than the date of the approval of the provider application.~~ "Approved application" means an accurately and fully completed application with all the requirements, including, but not limited to background screenings and onsite inspections resolved and completed.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.9071, 409.908 FS. History—New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, 7-10-00, 5-7-03, 7-7-05.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE CHAPTER NO.: RULE CHAPTER TITLE:

59G-14 Florida Kidcare

RULE NOS.: RULE TITLES:

59G-14.001 Florida KidCare Definitions

59G-14.002 Florida KidCare Grievance Process

PURPOSE AND EFFECT: Section 409.818(3)(e), F.S. directs the Agency for Health Care Administration to establish a mechanism for investigating and resolving complaints and grievances for the Florida KidCare Program. The purpose of the proposed rule is to establish the Agency's Florida KidCare grievance process in rule.

SUBJECT AREA TO BE ADDRESSED: Florida KidCare.

SPECIFIC AUTHORITY: 409.818 FS.

LAW IMPLEMENTED: 409.818 FS.

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

DATE AND TIME: Monday, October 23, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Blvd., Bldg. 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Angela Wiggins, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7313

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-14.001 Florida KidCare Definitions.

The following definitions are applicable to all sections of Chapter 59G-14, F.A.C. These definitions do not apply to any Medicaid program rules other than those in Chapter 59G-14, F.A.C.

(1) "Complaint" may be either written or verbal. A complaint is an expression of dissatisfaction.

(2) "Problem" may be either written or verbal. It is a question offered for consideration, discussion or solution.

(3) "Grievance" is a formal complaint process initiated only after all other forms of resolution have been exhausted and the complainant has not obtained relief. A grievance must be submitted in writing and must be signed by the complainant.

(4) "Florida KidCare Grievance Committee" or "Committee" is the entity responsible for hearing and resolving complaints and grievances related to the Florida KidCare program as delineated in these procedures.

(5) "Florida KidCare Partners" include the Agency for Health Care Administration, the Department of Children and Families, the Department of Health, and the Florida Healthy Kids Corporation.

Specific Authority 409.818 FS. Law Implemented 409.818 FS. History—New _____.

59G-14.002 Florida KidCare Grievance Process.

(1) The following provisions apply to the Florida KidCare Grievance Committee:

(a) The Florida KidCare Grievance Committee consists of one representative from each of the following Florida KidCare partners, appointed by their respective organization's agency head:

1. Agency for Health Care Administration.

2. Department of Children and Families.

3. Department of Health.

4. Florida Healthy Kids Corporation.

5. A family representative nominated by the KidCare Partners.

(b) The Agency for Health Care Administration's representative will serve as the committee chairperson. The committee members will elect a co-chair, who will serve as the chairperson in the absence of the Agency's representative.

(c) A quorum of at least three appointed members, or their designated representative (proxy), is required to make decisions on grievance cases the committee hears. Committee members or their designated representative must be present at the meeting to review documentation.

(d) Staff from the Agency for Health Care Administration will serve as committee staff, prepare committee minutes, and prepare communications to affected parties on behalf of the committee.

(e) Unless otherwise specified, committee meetings will be held in Tallahassee at the Agency for Health Care Administration's Headquarters offices.

(2) Initial complaints and problems will be routed to the appropriate KidCare partner for resolution. All initial complaints and problems must be answered within a reasonable length of time, not to exceed ten (10) business days from initial filing by the complainant, unless the complainant and affected KidCare partner mutually agree to extend the time. Emergency issues will be addressed within twenty-four (24) hours. Only when the affected KidCare partner has failed to provide relief may the issue be elevated to the form of a formal grievance for review by the committee.

(3) Florida KidCare Grievance Procedures.

(a) A formal grievance must be submitted to the committee in writing and signed by the complainant. The complainant may submit the request on the KidCare Formal Grievance Request Form, AHCA Med-Serv Form 009, Sept. 06, which is incorporated by reference. In the event that a complainant is unable to submit a request in writing, assistance

will be provided and a dictation of the grievance will be accepted. All formal grievances must be sent to: Florida KidCare Grievance Committee, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308.

(b) In the event a formal grievance is submitted by someone other than the custodial parent or legal guardian, no confidential information will be released to the complainant. The grievance will be investigated and notification will be sent to the custodial parent or legal guardian.

(c) Upon receipt of a formal grievance, the Agency for Health Care Administration staff will send a letter of acknowledgement to the complainant informing them of the process, established time frames, and any additional information needed to proceed. If additional information is necessary, the KidCare Formal Grievance Request Form, AHCA Med-Serv Form 009, will be sent to the complainant for completion.

(d) Agency for Health Care Administration staff will review the grievance and determine if the affected KidCare partner used appropriate measures in handling the previous problem and complaint phases of resolution. When necessary, the appropriate KidCare partner will be contacted and asked to provide information relevant to the case. If the affected KidCare partner used appropriate action in handling the grievance, the complainant will be notified in writing.

(e) If it is determined that further remedy is warranted, the committee will be required to hear the grievance. The committee shall hear the grievance at its next regularly scheduled meeting.

(f) The committee shall meet the second Monday of each month. The committee will not meet if there are no pending grievances. Additional meetings to resolve a grievance will be scheduled, as needed. If further documentation is necessary for the committee to reach a decision, extensions of thirty (30) days will be granted. The complainant will be notified in writing of each extension. When a decision is rendered by the committee, the complainant will be notified in writing within thirty (30) calendar days.

(g) The committee members will review all pertinent information. When committee members have assessed the grievance information presented, the committee members will verbally vote to render a decision. The committee's decision will be based on a majority vote. The decision of the committee is final and all KidCare partners will abide by such decision.

(h) The KidCare grievance process will comply with Section 409.821, Florida Statutes, with regard to confidentiality of records for the Florida KidCare program.

(4) The Florida KidCare Grievance Committee will hear grievances for which no other vehicle of remedy exists. Grievances heard by the committee shall include eligibility issues relating to Healthy Kids, MediKids or the Children's Medical Services Network. Grievances involving more than

one KidCare program will be addressed by this committee. Complaints, problems or grievances associated with the following issues will not be heard by the Florida KidCare Grievance Committee:

(a) Quality of care. When contacted with quality of care complaints, problems or grievances, the Florida KidCare partners will make appropriate referrals to existing mechanisms to address these issues.

(b) Benefits disputes. Each Florida KidCare partner is responsible for resolving disputes about benefits relating to its own program.

(c) Medicaid eligibility issues. All decisions made by the Department of Children and Families with respect to Medicaid eligibility are final and may not be appealed beyond the Department's own fair hearing process.

Specific Authority 409.818 FS. Law Implemented 409.818 FS. History--New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-18.0055
 RULE TITLE: Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: To address the requirements for the supervised practice of license applicants.

SUBJECT AREA TO BE ADDRESSED: Supervised Cosmetology Practice Exception.

SPECIFIC AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF 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 ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-345 Uniform Mitigation Assessment Method

RULE NOS.: RULE TITLES:
 62-345.300 Assessment Method Overview and Guidance
 62-345.400 Qualitative Characterization – Part I
 62-345.500 Assessment and Scoring – Part II
 62-345.600 Time Lag, Risk, and Mitigation Determination
 62-345.900 Forms

PURPOSE AND EFFECT: This proposed rulemaking will amend the rule to provide clarification and guidance on establishing the reference community in Part I, assessing current condition in Part II, and determining time lag. In addition, the mathematical formula will be modified to better address multiple impact and mitigation sites and sites with known mitigation acreage.

SUBJECT AREA TO BE ADDRESSED: Minor clarifications to the use of the Uniform Mitigation Assessment Method.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.414(9), (18) FS.

LAW IMPLEMENTED: 373.414(18) FS.

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

DATE AND TIME: October 25, 2006, 10:00 a.m. (ET)

PLACE: Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Beth Saska at (850)245-8486. 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: Constance Bersok, Environmental Administrator, Office of Submerged Lands and Environmental Resources at 2600 Blair Stone Road – MS 2500, Tallahassee, FL. 32399-2400, by e-mail at connie.bersok@dep.state.fl.us, or by phone at (850)245-8479

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons With Disabilities

RULE CHAPTER NO.: RULE CHAPTER TITLE:

65G-6 Crisis Enrollment

PURPOSE AND EFFECT: Currently procedures relating to the crisis enrollment of eligible person with developmental disabilities in the Medicaid Home and Community-Based Services waiver in are included in the *Florida Medicaid Developmental Disabilities Waiver Services Coverage & Limitations Handbook*, incorporated by reference in Rule 59G-13-080, F.A.C. During the 2006 legislative session (ch. 2006-227, Laws of Florida), Section 393.065, Florida Statutes, was amended to authorize the Agency for Persons with Disabilities to promulgate rules relating to crisis enrollment for waiver services. The purpose of the proposed rule development is to adopt rule providing a procedure for persons with developmental disabilities to be considered for enrollment on a Medicaid Home and Community-Based Services waiver if the applicant demonstrates an immediate need for services. The proposed rule development will address procedures for requesting crisis enrollment, the criteria for assessment, and for approving or denying waiver enrollment.

SUBJECT AREA TO BE ADDRESSED: Crisis enrollment on the Florida Supported Living or Developmental Disabilities Home and Community-Based Medicaid Waivers.

SPECIFIC AUTHORITY: 393.501(1), 393.065 FS.

LAW IMPLEMENTED: 20.197(3), 393.065 FS.

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

DATE AND TIME: Tuesday, October 24, 2006, 10:00 a.m.

The workshop will be held in conjunction with the Agency for Health Care Administration's proposed rule development workshop on Rule 59G-13-080, F.A.C., Home and Community-Based Services, to amend Appendix F of the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, to remove the provisions relating to crisis enrollment and provide edits updating the remaining Appendix F provisions.

PLACE: Conference Room A and B, Hurston Building South Tower, 400 West Robinson Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Terri McGarrity, Senior Management Analyst Supervisor, Division of Operations, Suite 360, 4030 Esplanade Way, Tallahassee, Florida 32399-0950; e-mail: terri_mcgarrity@apd.state.fl.us

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
67-21	Multifamily Mortgage Revenue Bonds (MMRB)
RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, and make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Sections 142 and 145 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2007 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 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: October 20, 2006 following the Board Meeting at a time to be announced at the conclusion of the Board Meeting.

PLACE: Hilton Garden Inn, 12 Via de Luna, Pensacola Beach, FL 32561

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 Valerie Turner at (850)488-4197. 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: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Refinancing or Transfer of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale or Transfer of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing

- 67-48.023 Housing Credits General Program
Procedures and Requirements
- 67-48.027 Tax-Exempt Bond-Financed
Developments
- 67-48.028 Carryover Allocation Provisions
- 67-48.029 Extended Use Agreement
- 67-48.030 Sale or Transfer of a Housing Credit
Development
- 67-48.031 Termination of Extended Use
Agreement and Disposition of
Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2007 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2006 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 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: October 20, 2006, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: Hilton Garden Inn, 12 Via de Luna, Pensacola Beach, FL 32561

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: Valerie Turner at (850)488-4197 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: Vicki Robinson, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE NO.:	RULE TITLE:
68D-24.144	Monroe County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose of this rule is to reduce the incidence of vessel masts coming into contact with high tension power lines. Masts of sailboats and other masted vessels typically contact the high tension power lines when vessels drag anchor during storm events (hurricanes, winter storms, severe local thunderstorms), presenting grave danger to all persons aboard the vessel and to the vessel itself. These events also have caused power outages affecting thousands of customers in the Lower Keys and present life-threatening dangers to persons in hospitals and to other special-needs patients in the Lower Keys. The effect of this rule will be to prohibit the anchoring of sailboats and other vessels with masts within a portion of Pine Channel adjacent to high tension power lines.

SUBJECT AREA TO BE ADDRESSED: No Anchoring by sailboats and other vessels with masts within the area between Pine Key and Little Torch Key South of US 1, for distance of approximately 6,000 feet.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, (850)410-0656, extension 17169, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

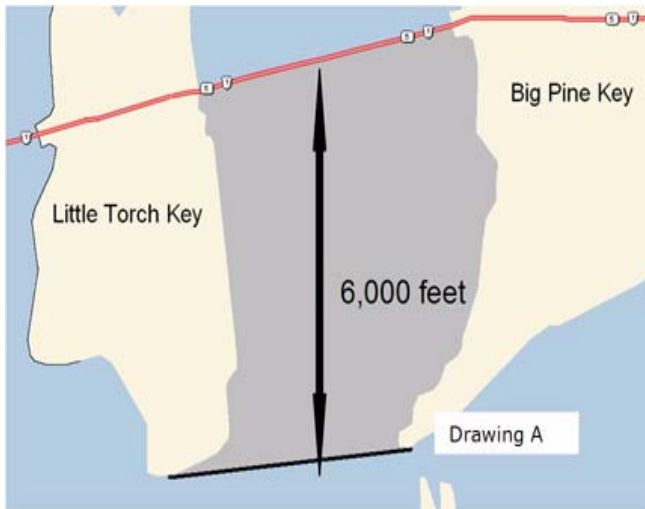
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.144 Monroe County Boating Restricted Areas.

(1) For the purpose of regulating the anchoring of vessels in and adjacent to the Pine Channel within Monroe County, the following boating restricted area is established:

Pine Channel – Anchoring of all sailboats and other vessels with masts is prohibited in Pine Channel, shoreline to shoreline, between Big Pine Key and Little Torch Key, from the centerline of U. S. Highway 1 south to a line drawn from the southernmost point on Little Torch Key to the southernmost point on Big Pine Key (a distance approximately 6,000 feet south of the centerline of U. S. Highway 1). If the overhead power lines are removed the zone established in this paragraph shall no longer be in force or effect.

(2) The boating restricted area is depicted in drawing A:



Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE CHAPTER NO.: 69J-7
 RULE CHAPTER TITLE: Florida Comprehensive Hurricane Damage Mitigation Program (My Safe Florida Home Program)

RULE NO.: 69J-7.004
 RULE TITLE: Participating Contractors

PURPOSE AND EFFECT: This rule implements Section 215.5586 F.S., by incorporating a pamphlet which contains procedures relating to participation as a Participating Contractor under the Florida Comprehensive Hurricane Damage Mitigation Program.

SUBJECT AREA TO BE ADDRESSED: The Florida Comprehensive Hurricane Damage Mitigation Program.

SPECIFIC AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 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: Wednesday, October 25, 2006, 12:00 Noon

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ray Wenger, (850)413-5660 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ray Wenger, 4th Floor Larson Building, 200 E. Gaines St., Tallahassee FL 32399-0333; Email ray.wenger@FLDFS.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-7.004 Participating Contractors.

The standards and procedures for participation as a Participating Contractor pursuant to Section 215.5586(2)(c) F.S. are set forth in Florida Department of Financial Services Florida Comprehensive Hurricane Damage Mitigation Program My Safe Florida Home Program Guide for Participating Contractors and Applicants for Participating Contractor Status (Eff. _____), which is hereby incorporated by reference into this rule.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History–New _____.

FINANCIAL SERVICES COMMISSION

OFR Administrative Rules

RULE CHAPTER NO.: 69T-1
 RULE CHAPTER TITLE: Organizational Structure of the Office of Financial Regulation

RULE NO.: 69T-1.001
 RULE TITLE: Organizational Structure

PURPOSE AND EFFECT: The purpose of the rule is to establish the organizational structure of the Office of Financial Regulation as required by Section 20.121(3)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: The organizational structure of the Office of Financial Regulation.

SPECIFIC AUTHORITY: 20.121(3)(b) FS.

LAW IMPLEMENTED: 20.121(3)(b) 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: Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, Room 118K, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0370, Telephone: (850)410-9662 e-mail: andrea.moreland@fldfs.com 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: Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, Room 118K, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0370, Telephone: (850)410-9662, e-mail:andrea.moreland@fldfs.com

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

Section II Proposed Rules

DEPARTMENT OF REVENUE

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

PURPOSE AND EFFECT: (A) The purpose of the proposed amendments to Rule 12-2.022, F.A.C., is to provide guidance to the public regarding inspection and copying of final orders pertaining to the Child Support Enforcement Program. The effect is to provide information to the public concerning the location, inspection and copying of final orders issued by the Child Support Enforcement Program, as well as the responsibilities of the Deputy Agency Clerks for the Program. (B) The purpose of the proposed amendments to Rule 12-2.023, F.A.C., is to inform the public of final orders required to be indexed by the Child Support Enforcement Program. The effect is to ensure the public understands that final orders issued by the Child Support Enforcement Program will be excluded from indexing, unless the final order is of precedential value. (C) The purpose of the proposed amendments to Rule 12-2.025, F.A.C., is to inform the public that administrative child support final orders will be indexed,

listed and maintained by the child support enforcement Deputy Agency Clerks. The effect is to ensure the public understands which child support enforcement final orders will be listed and maintained by the Deputy Agency Clerks. (D) The purpose of the proposed amendments to Rule 12-2.026, F.A.C., is to inform the public of the Department’s numbering of final orders issued by the Child Support Enforcement Program. The effect is to create two agency prefix designations and eleven sub-suffix designations for use in numbering final orders issued by the Child Support Enforcement Program.

SUMMARY: A) The proposed amendments to Rule 12-2.022, F.A.C., conform this rule to the proposed changes in Rules 12-2.023, 12-2.025, and 12-2.026, F.A.C. Also, these proposed amendments clarify how the public can seek information or copies of child support enforcement (CSE) final orders from the Department. B) The proposed changes to Rule 12-2.023, F.A.C., add final orders issued to administratively establish a support order or to determine paternity to the list of agency final orders that do not have to be indexed, unless such support or paternity order has precedential value as discussed in paragraphs (a) through (d) of subsection (1) of this rule. C) The proposed revisions to Rule 12-2.025, F.A.C., specify which office will list and maintain final orders pertaining to CSE. D) The proposed amendments to Rule 12-2.026, F.A.C., add several child support enforcement final order categories to the list used by the Department, including “Paternity Only Orders” and “Paternity and Support Orders”, and revises the index numbering structure to enable the various types of child support orders to be specifically identified.

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

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

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

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

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, October 31, 2006, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Larry Green at (850)922-4830. A person who is hearing-impaired or speech-impaired, should contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).