

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-8.005
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent change in the Consumer Price Index.

SUBJECT AREA TO BE ADDRESSED: Benefits to be paid beginning July 1, 2007.

SPECIFIC AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2007 ~~2006~~ was 2.8 ~~3.4~~ percent. Therefore, the statutory amount for the period July 1, 2007 ~~2006~~ through June 30, 2008 ~~2007~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$57,398.52 ~~\$55,835.12~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$57,398.52 ~~\$55,835.12~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$172,195.47 ~~\$167,505.33~~.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.: 5C-27.001
 RULE TITLE: OCVI for Sale of Dog or Cat

PURPOSE AND EFFECT: The purpose and effect of this rule development is to develop a form for the Official Certificate of Veterinary Inspection (OCVI) required by Section 828.29, Florida Statutes, which is required to be provided by the Florida Department of Agriculture and Consumer Services, and related requirements with respect to the use of the OCVI.

SUBJECT AREA TO BE ADDRESSED: State law provides the requirements for an OCVI in connection with dogs and cats transported or offered for sale in Florida.

SPECIFIC AUTHORITY: 570.07(23) FS.

LAW IMPLEMENTED: 828.29 FS.

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

DATE AND TIME: May 15, 2007, 10:00 a.m.

PLACE: The Eyster Auditorium, Conner Building, 3125 Conner Boulevard, Tallahassee, FL 32399-1650

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 2 days before the workshop/meeting by contacting: Ms. Anne Vuxton, Bureau of Animal Disease Control, Division of Animal Industry, Phone: (850)410-0900. 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: Dr. Wm. C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 332, 407 S. Calhoun St., Tallahassee, FL 32399-0800; Phone: (850)410-0900

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09441
 RULE TITLE: Requirements for Programs and Courses Which are Funded

Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule development is to add a 2007 Supplement to the Course Code Directory to remove Performing Fine Arts (PF) designations from certain courses that are no longer determined to be PF, conforming with legislative action through House Bill 7078 in

2006 requiring one credit of Fine Arts in order to earn a Standard Florida diploma, and with the definition of "Fine Arts" being as follows: Courses listed in the Course Code Directory under Art, Dance, Drama/Theater, and Music meet the Fine Arts Requirement.

SUBJECT AREA TO BE ADDRESSED: Course Code Directory.

SPECIFIC AUTHORITY: 1001.02(1), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1011.62(1) 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: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03012
 RULE TITLE: Special Programs for Students Who Are Speech and Language Impaired

PURPOSE AND EFFECT: The purpose of these rule development workshops is to ensure that the program for students who are speech and language impaired is consistent with the amendments to the federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing regulations and to update rule language to reflect current knowledge in the field. The effect of this rule development will be the promulgation of a rule which will be consistent with the federal requirements and current knowledge in the field.

SUBJECT AREA TO BE ADDRESSED: Federal and state requirements for programs for students who are speech and language impaired to include the definition, criteria for eligibility, procedures for screening, student evaluation, determination of eligibility, and instructional program.

SPECIFIC AUTHORITY: 1001.02(1), 1003.57(1) FS.

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

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

DATES AND TIME: May 16, 2007, 8:00 a.m. – 5:00 p.m., May 30, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, FL 32399-0400

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

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-7.0100
 RULE TITLE: Merit Award Program for Instructional Personnel and School-Based Administrators

PURPOSE AND EFFECT: The purpose of the rule development is to develop rule language to administer the "Merit Award Program for Instructional Personnel and School Based Administrators" created by Chapter 2007-3, Laws of Florida. The rule will address the calculation of average teacher salaries per district, reporting formats, and the review of plan procedures.

SUBJECT AREA TO BE ADDRESSED: The Merit Award Program for Instructional Personnel and School-Based Administrators.

SPECIFIC AUTHORITY: Chapter 2007-3, Section 1, Laws of Florida; 1012.225(7) FS.

LAW IMPLEMENTED: Chapter 2007-3, Laws of Florida; 1012.225 FS.

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

DATES AND TIMES: May 16, 2007, 4:00 p.m. – 6:00 p.m.; May 17, 2007, 4:30 p.m. – 6:30 p.m.; May 23, 2007, 4:00 p.m. – 6:00 p.m.

PLACE: 16th – School Board Room, Orange County Public Schools, 445 West Amelia Street, Orlando, Florida 32801
 17th – Miami Edison Middle School, 6101 N.W. 2nd. Ave., Miami, Florida

23rd – Panhandle Area Educational Consortium, 753 West Boulevard, Chipley, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Stewart, Deputy Chancellor, K-12 Educator Quality, 325 West Gaines, Street, Room 514, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:

RULE TITLES:

- 12A-19.070 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods
- 12A-19.071 Department of Revenue Electronic Database
- 12A-19.100 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-19.070, 12A-19.071, and 12A-19.100, F.A.C., is to provide updated provisions regarding the Department of Revenue’s Address/Jurisdiction Database for purposes of determining the applicable communications services tax rate to be applied to sales of communications services or for purposes of assigning insurance policies and premiums to local taxing jurisdictions.

The purpose of the proposed amendments to Rule 12A-19.070, F.A.C. (Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods) is to clarify that the pending file containing approved address additions and the pending file containing approved address deletions are separate files maintained by the Department that may be used by dealers to update their databases more frequently than the statutory requirement to update their databases.

The purpose of the proposed amendments to Rule 12A-19.071, F.A.C. (Department of Revenue Electronic Database), is to: (1) clarify that when changes to the Department’s Address/Jurisdiction Database have been approved, the approved address additions are stored in a pending file, and the approved address deletions are stored in a separate pending file; (2) specify the time periods during which requests for address changes are under review by the Department for inclusion in the next update to the database and the time periods during which the Department is unable to accept new submissions for address changes; (3) clarify that the list of authorized local government contact persons is available to those persons who have local government access; (4) adopt, by reference, updates to the on-line Guide for Address Change Requests used by local taxing jurisdictions in the maintenance of the Department’s Address/Jurisdiction Database; (5) remove provisions regarding notification by the Department to requesting jurisdictions of file errors when submitting a change that are no longer necessary, because the local jurisdictions now upload their batch files through the Department’s website and receive on-line notification whether the batch file contains formatting errors or has been accepted; (6) provide that an

objection to the Address/Jurisdiction Database must be filed no later than August 3 for an assignment that became effective on July 1 or no later than February 1 for an assignment that became effective on January 1; and (7) provide technical changes to the Department’s website address for the Address/Jurisdiction Database and to the titles of forms used to administer the database.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to incorporate, by reference, changes to forms used by the Department in the administration of the Department’s electronic Address/Jurisdiction Database. **SUBJECT AREA TO BE ADDRESSED:** The subject of this rule development workshop is the proposed changes to provisions regarding the Department’s electronic Address/Jurisdiction Database.

SPECIFIC AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (b), (c), (d), (f), (g), 202.28(1) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), 202.22(1), (2), (4)-(6), (8), 202.23, 202.27, 202.28, 202.30, 202.33, 202.34(1)(a), (3), (4)(c), 202.35(1), (2), (3) FS.

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

DATE AND TIME: May 15, 2007, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.070 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1) No change.

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

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer

service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one or more of the described methodologies. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person, under the circumstances, when ascertaining the correct local taxing jurisdiction to which the purchaser's service address should be assigned.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement one or more of the methods described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors by any person. A dealer's internal controls must ensure that procedures are in place to prevent the recurrence of errors that the dealer was previously notified of and has previously corrected. A dealer may choose to update its database more frequently than once every six months, as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The file containing approved pending address additions and the file containing approved pending address deletions ~~auxiliary file~~ described in paragraph (1)(b) of Rule 12A-19.071, F.A.C., that are ~~is~~ maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months. However, the availability of the pending files ~~auxiliary file~~ on the Department's website does not constitute notice to a dealer of errors in the dealer's assignments of service addresses contained in the pending files ~~auxiliary file~~.

b. No change.

2. through 3. No change.

(d) through (e) No change.

(3) No change.

Specific Authority 202.26(3)(b), (f), (g), 202.28(1) FS. Law Implemented 202.22(1), (4), (5), (6), (8), 202.23, 202.28(1), ~~(2)~~, 202.34(1)(a), 202.35(3) FS. History—New 11-14-05, Amended.

12A-19.071 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at <http://geotax.state.fl.us> ~~the address inside the parentheses (www.myflorida.com/dor)~~. An updated

Address/Jurisdiction Database is posted to the Department's website 90 days prior to adoption of the Address/Jurisdiction Database. The updated Address/Jurisdiction Database is adopted and becomes effective every January 1 or July 1. References to the effective Address/Jurisdiction Database refer to the official database that is available on the website and conclusive for purposes of communications services tax, which was adopted the previous January 1 or July 1. The effective Address/Jurisdiction Database does not include the information contained in the pending files ~~auxiliary file~~ described in paragraph (b).

(b) When a change to the Address/Jurisdiction Database has been approved, the approved pending address additions and approved pending address deletions are ~~it is~~ stored in separate files until they are included ~~an auxiliary file pending its inclusion~~ in the next scheduled update of the database ~~to become effective the next January 1 or July 1~~. These pending files include corrections of any errors discovered since the last preceding update, as well as changes in addresses or jurisdictional boundaries, that are based on information provided by local taxing jurisdictions and have been approved by the Department. These pending files contain ~~The auxiliary file is maintained by the Department and contains~~ the most recent ~~service address~~ local taxing jurisdictional assignment information. The individual address lookup feature searches the current database and the pending files and may reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and insurers. Dealers may use the pending files ~~auxiliary file~~ to update their service address assignments between the January 1 and July 1 effective ~~dates~~ ~~date~~ of the Address/Jurisdiction Database even though such use of the pending files ~~auxiliary file~~ is not required to satisfy due diligence requirements. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(c) through (d) No change.

(e) The Department's website also has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration. The individual address lookup feature searches the pending files, ~~auxiliary file~~ as well as the effective database, and may therefore reflect information that has not yet been incorporated into the effective database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(f) through (g) No change.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in

service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters. Local taxing jurisdictions are limited to two (2) authorized contact persons; however, local taxing jurisdictions may provide updated contact person information as frequently as necessary to ensure that the appropriate contact person can be reached by the Department to administer database matters. The contact list of authorized local government contact persons for all local taxing jurisdictions is located on the Department's website and is available to those persons who have local government ~~an~~ access code.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (February 7, 2007 R-08/26/05, hereby incorporated by reference). Only local taxing jurisdictions that are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdiction contact persons may access the login screen for registered users at <http://geotax.state.fl.us/dorPublic.jsp>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, ~~Local Communications Services Tax~~ Notification of Jurisdiction Change for Local Communications Services and Local Insurance Premium Tax (incorporated by reference in Rule 12A-19.100, F.A.C.).

~~(e) In the event that a local taxing jurisdiction improperly formats its batch submission, the Department will notify the requesting jurisdiction of its error and designate the file as a pending submission until such time as a corrected submission is received. If the corrected submission is not received in time to be included in the next update, the pending submission will be denied and the local taxing jurisdiction should provide a new submission for those addresses or address ranges. Local taxing jurisdictions should not submit jurisdiction changes between the last date of submission for the next update and the posting of that update of the Address/Jurisdiction Database on the Department's website. Submissions initiated during this time frame will be denied, and a new submission will be necessary.~~

~~(c)(4)~~ The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July

1 on which changes are to be effective. The Department will review the information provided in the requests for change and store the approved changes in the approved pending files. Local governments, including special fire districts, should not submit changes during the periods September 4 to October 3 and March 4 to April 2. The Department completes its review of pending submissions for the next database update during these periods and is unable to process new submissions. Submissions of information initiated during these time periods will be denied, and a new submission will be necessary.

(e) through (f) renumbered (d) through (e) No change.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting Form DR-700025, ~~Objection to Communications Services Tax Electronic Database Service Address/Jurisdiction Database for Local Communications Services Tax and Local Insurance Premium Tax Service Address~~ Assignment (incorporated by reference in Rule 12A-19.100, F.A.C.), along with competent evidence to support the party's objection. Only objections to the effective Address/Jurisdiction Database can be considered; those objections that are not objections to the effective Address/Jurisdiction Database will be denied. Before submitting an objection, a person should check the effective Address/Jurisdiction Database ~~and the auxiliary file~~ to determine whether the contemplated objection is necessary. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, the Department of Revenue, and local taxing jurisdictions. However, local taxing jurisdictions should use Form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the consent of an affected jurisdiction will be required.

(b) through (d) No change.

(e) When the Department believes that addresses or address ranges have been assigned to an incorrect local taxing jurisdiction, the Department will initiate the change by using Form DR-700025. The Department will use any information at its disposal, including enhanced 911 Master Street Address Guide MSAG database address information and information supplied by any dealer, as a basis for initiating an objection; however, in no event, will the Department change any address assignment without providing notice to the affected jurisdictions in the manner provided in paragraph (3)(f). If the change is approved, it would be included in the pending files ~~auxiliary file~~ with other approved changes for inclusion in the next update of the database.

(f) Upon receipt of an objection on a completed Form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation, to the database

contact person in each affected taxing jurisdiction. The Department will provide to the affected local taxing jurisdictions Form DR-700026, Local Government Authorization for Address Changes Described on Form DR-700025 (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree, disagree, or partially agree with the address jurisdiction changes proposed by the attached completed Form DR-700025. The Department will provide to the affected local taxing jurisdiction Form DR-700027, Local Government Authorization for Omission of Address or Range or Incorrect Address Identification (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree or disagree with the inclusion of a service address or address range or with changing non-jurisdictional information about a service address or address range proposed by the attached completed Form DR-700025. In case the forms become separated, the Department will include on the bottom portion of each form the same tracking number and date to identify which forms belong together. The Department will, when practicable, provide the information electronically for review by the local taxing jurisdictions. These forms will not be sent to the local taxing jurisdictions between February 1 and April 2 nor between August 4 and October 3 due to the inability of local taxing jurisdictions to make on-line changes during the updating and posting of the next effective Address/Jurisdiction Database. The local taxing jurisdictions should review the specific address(es) at issue as well as the address range(s) that will be impacted by the change to ensure that each local taxing jurisdiction retains all of the addresses that it believes are within its jurisdictional boundaries. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection by completing utilizing the provided authorization form, which will be either Form DR-700026 or Form DR-700027, and filing the form with the Department. If the affected local taxing jurisdictions both indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

(g) No communications services provider who relies on the assignment of a service address in the effective Address/Jurisdiction Database will be held liable for any additional local communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. All requests by a purchaser for a refund or credit must comply with the requirements of Section 202.23, F.S. When a substantially

affected person files an objection to the Address/Jurisdiction Database no later than August 3 ~~31~~ for an assignment that became effective on July 1 or no later than February 1 ~~28~~ ~~(February 29 in a leap year)~~ for an assignment that became effective on January 1 that is approved, the substantially affected person's local taxing jurisdiction will be changed in the effective Address/Jurisdiction Database. Such a person would be entitled to a refund or credit of any local communications services taxes overcollected during the period of time that the incorrect assignment occurred in accordance with the documentation provided by the Department demonstrating approval of the objection and the date from which the change to the Address/Jurisdiction Database is effective, as long as the claim for refund or credit complies with the provisions of Section 202.23, F.S.

Specific Authority 202.26(3)(b), (g) FS. Law Implemented 202.22(2), 202.23 FS. History--New 11-14-05, Amended.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department's electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) No change.

Form Number	Title	Effective Date
(3) through (7)	No change.	
(8) DR-700022	Local Communications Services Tax Notification of Jurisdiction Change for <u>Local Communications Services and Local Insurance Premium Tax</u> (R. 10/06 08/05) <u>11/05</u>	
(9) DR-700025	Objection to <u>Address/Jurisdiction Database for Local Communications Services Tax and Local Insurance Premium Tax Electronic Database</u> Service Address Assignment (R. 10/06 10/05) <u>11/05</u>	
(10) DR-700026	Local Government Authorization for Address Changes Described on Form DR-700025 (R. 10/06 10/05) <u>11/05</u>	
(11) DR-700027	Local Government Authorization for Omission of Address or Range or Incorrect Address Identification (R. 10/06 10/05) <u>11/05</u>	
(12)	No change.	

Specific Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d) FS. Law Implemented 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06,_____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
12B-8.0016 Department of Revenue Electronic Database

PURPOSE AND EFFECT: Chapter 2004-21, L.O.F., requires the Department of Revenue to create and maintain a database for use by insurers that report and remit an excise tax on property insurance premiums or on casualty insurers premiums, and requires local governments to provide information for inclusion in the database. The promulgation of this rule will ensure that the procedures used by the Department and local governments to maintain the accuracy of the Insurance Premium Tax Address/Jurisdiction Database on an on-going basis are available, and that the applicable forms and on-line instructions that are used to maintain the database are made available to the local taxing jurisdictions and are incorporated into and made a part of this rule.

The proposed creation of Rule 12B-8.0016, F.A.C. (Department of Revenue Electronic Database), provides procedures regarding: (1) the Department of Revenue's electronic Insurance Premium Tax Address/Jurisdiction Database maintained by the Department of Revenue and used to assign insurance policies and premiums to local taxing jurisdictions; (2) requests by local taxing jurisdictions to make changes to the database; and (3) how any substantially affected person may object to the assignment of a customer service address in the database. The proposed amendments adopt, by reference, changes to the on-line Guide for Address Change Requests (February 7, 2007) submitted by local taxing jurisdictions and changes to forms used by the Department in the maintenance of the database.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the implementation of procedures and requirements regarding the Department's electronic Insurance Premium Tax Address/Jurisdiction Database.

SPECIFIC AUTHORITY: 175.1015(5), 185.085(5) FS.

LAW IMPLEMENTED: 175.1015, 185.085 FS.

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

DATE AND TIME: May 15, 2007, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-8.0016 Department of Revenue Electronic Database.

(1)(a)1. The Department maintains an electronic database that is for use by insurers to assign insurance policies and premiums to local taxing jurisdictions. The electronic database, referred to as the Insurance Premium Tax Address/Jurisdiction Database ("database"), is maintained on the Department's website at <http://geotax.state.fl.us>. An updated database is posted to the Department's website by November 1 of each year to be used in assigning policies and premiums to the proper local taxing jurisdictions for the insurance premium tax return due for the tax year beginning on or after the January 1 following the posting of the database; however, insurers may use the updated database when it is posted to assign policies and premiums to the proper local taxing jurisdiction for the current tax year. The database available for downloading does not include the information contained in the pending changes described in paragraph (b).

2. The database also has a single address lookup feature that permits any person to enter an address and ascertain to which local taxing jurisdiction, if any, the address is assigned.

3. Local taxing jurisdictions are provided with access codes to permit them to register as users of the database and to request changes in address assignments. Local taxing jurisdictions may register on the Department's website at <http://geotax.state.fl.us>.

4. When the Department is notified by the Division of Retirement, Department of Management Services, that a local taxing jurisdiction is to be added or deleted, the Department will update the database based upon existing database addresses within that jurisdiction. However, for the addition of special fire control districts, whose boundaries do not follow municipal or county lines, the special fire control district must identify the addresses within its local taxing jurisdiction.

(b) When a change to the database has been approved, the approved pending address additions and approved pending address deletions are stored in separate files maintained by the

Department in the next scheduled update of the database. These pending files include corrections of any errors discovered since the last update, as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions and approved by the Department. These pending files contain the most recent local taxing jurisdictional assignment information. The individual address lookup feature searches the current database and the pending files and may reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and insurers. Insurers may use the information contained in the address look-up feature to assign policies and premiums to the proper local taxing jurisdictions. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(c) To fulfill its statutory responsibility to maintain the database, when the Department notices apparent errors, such as an address that is assigned to multiple jurisdictions, the Department will initiate an objection to the database in accordance with subsection (3) and will process the objection in the same manner as other objections.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department all information needed to update the database, such as changes in addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters. Local taxing jurisdictions are limited to two authorized contact persons; however, local taxing jurisdictions may provide updated contact person information as frequently as necessary to ensure that the appropriate contact person can be reached by the Department. The contact list of authorized local government contact persons for all local taxing jurisdictions is located on the Department's website and is available to those persons who have local government access.

(b) Local taxing jurisdictions must submit information requesting changes to the database electronically following the on-line Guide for Address Change Requests (February 7, 2007, hereby incorporated by reference). Only local taxing jurisdictions that are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdiction contact persons may access the login screen for registered users at <http://geotax.state.fl.us>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Notification of Jurisdiction Change for Local Communications Services and Local Insurance Premium Tax (incorporated by reference in Rule 12A-19.100, F.A.C.),

with the exception of Special Fire Control Districts, which must use Form DR-350907, Local Insurance Premium Tax Special Fire Control Districts Notification of Jurisdiction Change (R. 10/06, hereby incorporated by reference, effective _____).

(c) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the database. Information must be submitted by September 3 of each year to be included in the next updated database posted to the Department's website by November 1 of each year. The Department will review the information provided in the requests for change and store the approved changes in the approved pending files. Local governments, including special fire districts, should not submit changes during the periods September 4 to October 3 and March 4 to April 2. The Department completes its review of pending submissions for the next database update during these time periods and is unable to process new submissions. Submissions of information initiated during these time periods will be denied, and a new submission will be necessary.

(d)1. Any requested changes or additions to the database must be supported by competent evidence. Competent evidence to support a change to the database is documentation establishing that the addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, the plat filed for a newly approved subdivision, or the enhanced 911 Master Street Address Guide database information relating to local law enforcement responders issued by the local jurisdiction coordinator's office. Competent evidence must clearly designate the addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should obtain a written consent to the change signed by an authorized contact person of the nonrequesting jurisdiction. Forms DR-700022 and DR-350907 contain an authorization statement that will serve as the written consent of the nonrequesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of Form DR-700022 or Form DR-350907 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence. In such instances, the Department will make the change based upon the representations on the form. A local taxing jurisdiction that objects to this change should use Form DR-700022 or Form DR-350907 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that

must be resolved by the local taxing jurisdictions involved as provided in this paragraph. Identification of the case number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request.

3. If the requesting jurisdiction has not obtained the written consent of the nonrequesting jurisdiction, the Department will contact the nonrequesting jurisdiction before making the change. Based upon the response of the nonrequesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the nonrequesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the nonrequesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the nonrequesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This does not preclude the nonrequesting jurisdiction from subsequently objecting to the new address assignments after they have been processed.

4. If a requested change affects only the requesting local taxing jurisdiction and does not affect another local taxing jurisdiction, the Department will consider receipt of an affidavit signed by the authorized contact person for that local taxing jurisdiction that identifies the addresses or address ranges and states that the change affects only the requesting local taxing jurisdiction to be sufficient competent evidence. The use of an affidavit is not required but, at the option of the requesting local taxing jurisdiction, may be used in lieu of providing other documentation such as subdivision plats. In such instances, the Department will make the change based upon the representations on the form and the affidavit. A local taxing jurisdiction that objects to the change should use Form DR-700022 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

(e) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2007. The plat indicates street names, but no address numbers have yet been assigned. In order for the addresses to be added to the next electronic database, the local taxing jurisdiction must file Form DR-700022 or Form DR-350907, as appropriate, with a copy of the approved subdivision plat or an affidavit indicating that the change affects only the requesting local taxing jurisdiction and submit

on-line address change information by September 3, 2007. If that deadline is not met, the address cannot be added until the following year's database (database created by November 1, 2008). In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requesting jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 addresses that were formerly in another incorporated area. The annexation will be effective November 1, 2006. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a Form DR-700022 on June 15, 2006. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The other incorporated area database contact person has not signed the Form DR-700022 or otherwise given written consent to the changes. On July 15, 2006, the Department notifies the other incorporated area of the requested changes and provides copies of the municipality's Form DR-700022, annexation ordinance, and map. The other incorporated area does not respond with written consent or a written objection. On August 6, 2006, the Department processes the changes, and they are included in the database available by November 1, 2006. The other incorporated area's database contact person notifies the Department on September 1, 2006, that the other incorporated area believes the database now incorrectly assigns 25 service addresses to the municipality. The other incorporated area should submit Form DR-700022 to move the 25 services addresses to its incorporated area. The Department will handle this as a change to the database.

3. A municipality annexes an area with 1500 service addresses that was formerly in another incorporated area. The annexation will be effective November 1, 2006. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the other incorporated area's contact person requesting that consent be indicated by signing the Form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The other incorporated area's contact person signs the Form DR-700022. The municipality submits the form to the Department on June 15, 2006. The Department will approve the changes and include them in the database available by November 1, 2006.

(3)(a)1. Any substantially affected party may object to information contained in the database by submitting Form DR-700025, Objection to Address/Jurisdiction Database for Local Communications Services Tax and Local Insurance

Premium Tax (incorporated by reference in Rule 12A-19.100, F.A.C.), along with competent evidence to support the party's objection. Only objections to the current effective database can be considered; objections that do not relate to the current effective database will be denied. Before submitting an objection, a person should check the effective database to determine whether the contemplated objection is necessary. Examples of substantially affected parties include police officers and firefighters from local taxing jurisdictions that impose the excise taxes under Chapter 175 and/or Chapter 185, F.S., local taxing jurisdictions that impose the excise taxes under Chapter 175 and/or Chapter 185, F.S., insurers who are required to pay the excise taxes under Chapter 175 and/or Chapter 185, F.S., individuals whose policies are being assigned via the database, and local taxing jurisdictions.

2. Local taxing jurisdictions should use Form DR-700022, and special fire control districts should use Form DR-350907, to create addresses in the database or to request address assignment changes. The consent of any other jurisdiction affected by the requested change will be required.

3. Firefighters and police officers, including pension board members, who wish to object to information contained within the database, should do so through the appropriate official within their local taxing jurisdiction.

(b) Multiple address submissions affecting multiple jurisdictions should be segregated, based on the specific combinations of the affected jurisdictions. For example, changes from City A to City B should be segregated from changes from City B to City A.

(c) In the event that an insurer that is required to pay taxes under Chapter 175 and/or 185, F.S., elects to formally object to information contained in the database, the insurer must file Form DR-700025. This requirement is not intended to interfere with any procedures implemented by insurers to inform local taxing jurisdictions of errors in the database.

(d) Examples of competent evidence that supports an inquiry into a substantially affected party's objection include a voter registration card indicating that the voter residing at the address is entitled to vote in municipal elections or only in county elections, the enhanced 911 Master Street Address Guide database property tax bill showing assessment by local taxing jurisdiction, or a map that includes the boundaries of a local taxing jurisdiction and clearly places the address for the property that is being insured inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that an address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(e) When the Department believes that addresses or address ranges have been assigned to an incorrect local taxing jurisdiction, the Department will initiate a change by using

Form DR-700025. The Department will use any information at its disposal, including enhanced 911 Master Street Address Guide database address information and information supplied by any insurer, as a basis for initiating an objection; however, the Department will not change an address assignment without providing notice to the affected jurisdiction(s) in the manner provided in paragraph (3)(f). If the change is approved, it will be included with other approved changes for inclusion in the next update of the database.

(f) Upon receipt of an objection on a completed Form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation, to the database contact person in each affected taxing jurisdiction. The Department will provide to the affected local taxing jurisdictions Form DR-700026, Local Government Authorization for Address Changes Described on Form DR-700025 (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree, disagree, or partially agree with the address jurisdiction changes proposed by the attached Form DR-700025. The Department will provide the affected local taxing jurisdiction a Form DR-700027, Local Government Authorization for Omission of Address or Range or Incorrect Address Identification (incorporated by reference in Rule 12A-19.100, F.A.C.), to use to agree or disagree with the inclusion of an address or address range or with changing nonjurisdictional information about an address or address range proposed by the attached Form DR-700025. The Department will include a tracking number and date on the bottom portion of each form to identify which forms belong together. The Department will, when practicable, provide the information electronically for review by the local taxing jurisdictions. The local taxing jurisdictions should review the specific address(es) at issue, as well as the address range(s) that will be impacted by the change, to ensure that each local taxing jurisdiction retains all of the addresses that it believes are within its jurisdictional boundaries. The Department will instruct each local taxing jurisdiction to indicate its determination in regard to the objection by utilizing the provided authorization form, Form DR-700026 or Form DR-700027, as applicable. If the affected local taxing jurisdictions indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the Form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(4) All forms referenced in this rule are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority 175.1015(5), 185.085(5) FS. Law Implemented 175.1015, 185.085 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."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.003
 RULE TITLE: Range of Disciplinary Actions
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to include the offense of not reporting for duty when instructed to do so in time of emergency or potential emergency and impose a range of penalties to include written reprimand, up to 30 days of suspension or dismissal.
 SUBJECT AREA TO BE ADDRESSED: Employee disciplinary actions.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 944.09, 944.14, 944.34, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 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: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental, and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, reassignment, transfer in excess of 50 miles, suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given, has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving reassignment, transfer in excess of 50 miles, suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Career Service Commission. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel Manager.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

Offense or Deficiency	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence
(1) Gambling	Oral or Written Reprimand 10 days	Written Reprimand or up to or	Up to 30 days Suspension	Dismissal

	Suspension	Dismissal		
(2) Horseplay or Fighting	Same	Same	Same	Same
(3) Loafing	Same	Same	Same	Same
(4) Tardiness (With a 2-month period)	Same	Same	Same	Same
(5) Excessive Absenteeism	Same	Same	Same	Same
(6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision	Same	Same	Same	Same
(7) Absence Without Authorized Leave	Same	Same	Same	Same
(8) Unauthorized Distribution of Written or Printed Material of any Description	Same	Same	Same	Same
(9) Unauthorized Solicitations or Sales on DC Premises or While on Duty	Same	Same	Same	Same
(10) Substandard Quality and/or Quantity of Work	Same	Same	Same	Same
(11) Reporting to Work Improperly Dressed for Job Assignment	Same	Same	Same	Same
(12) Sleeping on Job	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal		
(13) Negligence	Same	Same		
(14) Revealing Confidential Information in DC records to unauthorized person	Same	Same		
(15) Possession of an Unauthorized Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, Central nervous system stimulant, Weapon or Firearm on DC Property	Same	Same		
(16*) Reporting to Work under the Influence of an Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant	Same	Same		
(17*) Drinking an Intoxicant or using a Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant on the job	Same	Same		

*The Governor and Cabinet by Resolution adopted July 17, 1973, have established the State Policy on Alcoholism which recognized alcoholism as treatable illness, a medical and public health problem and an employment problem. When an employee drinks to the extent that it affects his or her work performance, the employee is a problem drinker. As with any health liability, alcoholism is of serious concern to the employee and employer alike. Therefore, it is the policy of this state to recognize alcoholism as a disease. The Career Service

Personnel Rules and Regulations (Rule 60K-4.010, F.A.C.) requires that a dismissal action taken against an employee for habitual drunkenness shall be in accordance with the State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Administration.

(18) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter	Written Reprimand, up to 30 days of Suspension or Dismissal	Dismissal
(19) Leaving the Assigned Work Station without Authorization	Same	Same
(20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate	Same	Same
(21) Falsification of Forms or Records	Same	Same

(22) Conduct Unbecoming a Public Employee	Same	Same
(23) Stealing DC Property, Property of an Inmate Visitor or Employee	Same	Same
(24) Willful Violation of Rules, Regulations, Directives or Policy Statements	Same	Same
(25) Unauthorized Use of DC Equipment or Property	Same	Same
(26) Insubordination	Same	Same
(27) Destruction or Abuse of DC Property or Equipment	Same	Same
(28) Destruction of Evidence or Giving False Testimony	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal
(29) Unlawfully Obtaining Money from or on behalf of an Inmate or Person under Supervision	Same	Same
(30) Failure to Report and Turn in Without Delay all Property Found, Seized, or Taken Officially	Same	Same
(31) Failure to Submit to a Required Physical Exam	Same	Same
(32) Failure to follow Oral or Written Instructions	Same	Same
(33) Abuse of Sick Leave Privileges	Same	Same
(34) Careless or Unsafe Handling of Firearms or Other Weapons	Same	Same
(35) Cowardice	Same	Same
<u>(36) Failure to report for duty when instructed to do so in time of emergency or potential emergency</u>	<u>Same</u>	<u>Same</u>

Specific Authority ~~20.315, 944.09, 945.21~~ FS. Law Implemented 944.09, 944.14, ~~944.34, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47, 945.14, 945.15, 945.21~~ FS. History—New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: To update information on how to obtain District forms and to update forms incorporated by reference to reflect changes to the District’s service centers.

SUBJECT AREA TO BE ADDRESSED: The District’s forms rule and various environmental resource permitting forms containing service center information.

SPECIFIC AUTHORITY: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 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: Clerk of the South Florida Water Management District, 1(800)432-8045, ext. 2087 or (561)682-2087. 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: Anita R. Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov. Copies of the proposed forms are also available upon request.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(4) The following forms and instructions are hereby incorporated by reference into this chapter and may be obtained without cost by contacting the Records Management Specialist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-8045, ext. 6436, or (561)682-6436 or at any of the

District's Regional Service Centers. These forms and information on the District's Service Center locations may also be obtained from the District's website at <http://www.sfwmd.gov>.

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188-QMQ	8-03	Quarterly Report of Withdrawals
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells
0188-QMON	8-03	Quarterly Report of Monitoring Requirements
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0645-G60	8-03	Table A Descriptions of Wells
0645-G61-1	8-03	Table B Description of Surface Water Pumps
0645-G61-2	8-03	Table C Description of Culverts
0645-G65	8-03	Table D Crop Information
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0645-G71	8-03	Table I Water Treatment Method and Losses
0645-G72	8-03	Table J Aquifer Storage and Recovery
0645-G73	8-03	Table K Water Supply System Interconnections
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/ Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification
0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification For Projects Permitted Prior to October 3, 1995
0889	9-04	Certification of Waiver of Permit Application Processing Fee
0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0941	8-95	Environmental Resource Standard/Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.

0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0970	_____	Applicant Transmittal Form for Requested Additional Information
0971	2-04	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance
1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance
1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
1105	6-02	Performance Bond to Demonstrate Financial Assurance
1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
1109	8-03	Water Use General Permit
1189	2-06	Notice of Environmental Resource or Surface Water Management Permit
1190	1-07	Deed of Conservation Easement (Standard)
1191	1-07	Deed of Conservation Easement (Standard Passive Recreational)
1192	1-07	Deed of Conservation Easement (Standard Riparian)
1194	1-07	Deed of Conservation Easement (Third Party Standard)
1195	1-07	Deed of Conservation Easement (Third Party Passive Recreational)
1196	1-07	Deed of Conservation Easement (Third Party Riparian)
1197	1-07	Restrictive Covenant (Standard)

~~(2) The forms and instructions listed in subsection (1) are available without cost from the following District Service Centers upon request:~~

~~(a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036;~~

~~(b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901;~~

~~(c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033;~~

~~(d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809;~~

~~(e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130;~~

~~(f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109; and~~

~~(g) West Palm Beach Service Center, 3301 Gun Club Road, West Palm Beach, FL 33406.~~

Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.041	Permits Required
40E-4.042	Formal Determination of Wetlands and Other Surface Waters
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.301	Conditions for Issuance of Permits
40E-4.302	Additional Conditions for Issuance of Permits

40E-4.361 Conversion from Construction Phase to Operation Phase

40E-4.381 General Conditions

PURPOSE AND EFFECT: The purpose of this rulemaking is: 1) to update rules referencing the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District” to incorporate the current version as incorporated in Rule 40E-4.091, F.A.C.; 2) to correct clerical errors to Section 4.2.8 and Appendix 2 of the Basis of Review; and 3) to update Figure 4.4-1 of the Basis of Review to accurately reflect basin boundaries that were incorrectly transcribed from an outdated software package.

SUBJECT AREA TO BE ADDRESSED: Section 4.2.8, Figure 4.4-1 and Appendix 2 of the Basis of Review, and rules referencing the Basis of Review.

SPECIFIC AUTHORITY: 373.043, 373.044, 373.103(8), 373.113, 373.171, 373.406(5), 373.413, 373.414(9), 373.421(2), 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.103, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 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: Clerk of the South Florida Water Management District, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Anita R. Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov. A copy of the corrected Figure 4.4-1 is also available upon request.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40E-4.041 Permits Required.
- (1) through (3) No change.

(4) The District issues two types of mitigation bank environmental resource permits: conceptual approvals and individual permits, pursuant to Section 4.4 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – ~~November 1996~~”, incorporated by reference in Rule 40E-4.091, F.A.C. A conceptual approval does not authorize the establishment or operation of the mitigation bank. A mitigation bank individual permit authorizes the establishment and operation of a mitigation bank and constitutes authorization pursuant to Chapters 40E-4, 40E-40, or 40E-400, F.A.C., as applicable, to construct any surface water management system proposed as part of the mitigation bank.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.103, 373.413, 373.416, 373.426 FS. History–New 9-3-81, Amended 12-1-82, Formerly 16K-4.03(1), 16K-4.07(1), 16K-4.09(1), Amended 1-23-94, 4-20-94, 10-3-95, 4-1-96, 1-7-97, _____.

40E-4.042 Formal Determination of Wetlands and Other Surface Waters.

- (1) through (2) No change.

(3) The process and procedures for filing a petition for a formal determination of wetlands and other surface waters are set forth in Section 4.5 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~August 1995~~”, and are incorporated by reference in Rule 40E-4.091, F.A.C. this rule.

- (4) through (5) No change.

Specific Authority 373.043, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History–New 10-3-95, Amended _____.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ April 23, 2007”.

- (b) through (k) No change.
- (2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1) Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, _____.

(The following are proposed changes to the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C.)

4.2.8 Cumulative Impacts

1st paragraph – No change.

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface water, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, than an applicant must

provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

(a) through (b) No change.

Paragraphs 3 and 4 – No change.

Appendix 2

SFWMD – ALLOWABLE DISCHARGE FORMULAS
Allowable Runoff

<u>Canal</u>	<u>Allowable Runoff</u>	<u>Design Frequency</u>
C-1	$Q = \frac{(112 + 31) A}{\sqrt{A}}$	10 year
C-2	Essentially unlimited inflow by gravity connections southeast of Sunset Drive: 54 CSM northwest of Sunset Drive	200 year +
C-4	Essentially unlimited inflow by gravity connections east of S.W. 87th Avenue	200 year +
C-6	Essentially unlimited inflow by gravity connections east of FEC Railroad	200 year +
C-7	Essentially unlimited inflow by gravity connection	100 year +
C-8	Essentially unlimited inflow by gravity connection	200 year +
C-9	Essentially unlimited inflow by gravity connection east of Red Road; 20 CSM pumped, unlimited gravity with development limitations west of Red Road or Flamingo Blvd.	100 year +
C-10	-----	200 year +
C-11	20 CSM west of 13A; 40 CSM east of 13A	-----
C-12	90.6 CSM	25 year
C-13	75.9 CSM	25 year
C-14	69.2 CSM	25 year
C-15	70.0 CSM	25 year
C-16	62.6 CSM	25 year
C-17	62.7 CSM	25 year
C-18	41.6 CSM	25 year
C-19	57.8 CSM	-----
C-23	31.5 CSM	10 year
C-24	30.25 CSM	10 year
C-25	$Q = \frac{(47 + 28) A}{\sqrt{A}}$ $Q = (47 + 28) A$ (Under Review)	10 year
C-38	31.1 CSM (subject to restrictions of Basin Rule)	10 year
C-40, 41, 41A	35.4 CSM	10 year
Hillsboro Canal (east of S-39)	35 CSM	25 year
North New River (east of S-34)	70.8 CSM	25 year
Everglades Ag. Area (all canals)	20 CSM	5 year
L-28	11.8 CSM	-----
C-51	35 CSM east of Turnpike; 27 CSM west of Turnpike (subject to restrictions of Basin Rule)	10 year

C-100, 100A, 100B, 100C, 100D:	$Q = \frac{(104 + 43) A}{\sqrt{A}}$	10 year
	$Q = (104 + 43) A$	
	A	
C-102	$Q = \frac{(119 + 25) A}{\sqrt{A}}$	10 year
	$Q = (119 + 25) A$	
	A	
C-103N, C103-S	$Q = \frac{(107 + 39) A}{\sqrt{A}}$	10 year
	$Q = (107 + 39) A$	
	A	
C-110	$Q = \frac{(137 + 9) A}{\sqrt{A}}$	10 year
	$Q = (137 + 9) A$	
	A	
C-111	$Q = \frac{(117 + 29) A}{\sqrt{A}}$	10 year
	$Q = (117 + 29) A$	
	A	
C-113	$Q = \frac{(104 + 3) A}{\sqrt{A}}$	10 year
	$Q = (104 + 3) A$	
	A	

Definitions:

Q = Allowable runoff in cfs
(cubic feet per second)

CSM = cfs per square mile

A = Drainage area in square miles

40E-4.301 Conditions for Issuance of Permits.

(1) No change.

(2) If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the applicant must comply with the requirements set forth in subsection 4.2.4.5 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~November 1996~~”, incorporated by reference in Rule 40E-4.091, F.A.C.

(3) The standards and criteria, including the mitigation provisions, and the provisions for elimination or reduction of impacts, contained in the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~November 1996~~”, incorporated ~~adopted~~ by reference in Rule 40E-4.091, F.A.C., shall determine whether the reasonable assurances required by subsection 40E-4.301(1) and Rule 40E-4.302, F.A.C., have been provided.

(4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(2), 16K-4.30, Amended 7-1-86, 3-24-87, 4-14-87, 7-9-87, 4-21-88, 4-20-94, 10-3-95, 4-1-96, 1-7-97,

40E-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such an activity significantly degrades or is within an Outstanding Florida Water, that the activity will be clearly in the public interest, as determined by balancing the following criteria as set forth in subsections 4.2.3. through 4.2.3.7 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C.

1. through 7. No change.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in subsections 4.2.8. through 4.2.8.2 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department as approved, restricted or conditionally restricted for shellfish harvesting as set forth and incorporated in Chapter 62R-7, F.A.C., will comply with the additional criteria in subsection 4.2.5 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated ~~adopted~~ by reference in Rule 40E-4.091, F.A.C.

(d) Which constitute vertical seawalls in estuaries or lagoons, will comply with the additional criteria provided in subsection 4.2.6 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated adopted by reference in Rule 40E-4.091, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History—New 10-3-95, Amended 1-7-97, 12-3-98, 5-28-00,_____.

40E-4.361 Conversion from Construction Phase to Operation Phase.

(1) No change.

(a) through (b) No change.

(2) No change.

(a) No change.

(b) The professional engineer or other individual authorized by law shall certify that:

1. The system has been constructed substantially in accordance with approved plans and specifications, or;

2. Any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the requirements of this rule and Section 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District ~~April 2003~~”, incorporated by reference in Rule 40E-4.091, F.A.C. The professional engineer or other individual authorized by law shall note and explain substantial deviations from the approved plans and specifications and provide two copies of as-built drawings to the District; and

(c) No change.

(3) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in Section 9.0, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District ~~April 2003~~”, incorporated by reference in Rule 40E-4.091, F.A.C., has been established to operate and maintain the system. The entity must be provided with sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416 FS. History—New 10-3-95, Amended 1-7-97, 4-14-03, 9-16-03,_____.

40E-4.381 General Conditions.

(1) (a) through (f) No change.

(g) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of paragraph (f) above, has submitted a Request

for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity Form No. 0920, incorporated by reference in Rule 40E-1.659, F.A.C.; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C., accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(h) No change.

(i) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C., prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(j) through (s) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 668.003, 668.004, 668.50 FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, 4-14-03, 9-16-03, 10-1-06,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-40.051	Standard General Permit Authorization
40E-40.061	Delegation of Authority Pertaining to General Environmental Resource Permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations

PURPOSE AND EFFECT: To include Regulatory Manager as one of those delegated or appointed by the Governing Board to review and take final agency action on all general environmental resource and surface water management permits applications issued under Chapters 40E-1, 40E-40 and 40E-400, F.A.C., and associated Sovereign Submerged Lands authorizations.

SUBJECT AREA TO BE ADDRESSED: Standard General Permits and associated Sovereign Submerged Lands Authorizations.

SPECIFIC AUTHORITY: 120.53(1), 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 120.53, 373.016, 373.103(2), 373.103(6), 373.118, 373.427 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: Clerk of the South Florida Water Management District, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Anita R. Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-40.051 Standard General Permit Authorization.

(1) through (3) No change.

(4) For applications for standard general permits, the Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Environmental Resources Regulation Department Director, Environmental Resources Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, Regulatory Managers and Service Center Directors, as its agents for the purposes of reviewing and issuing these permits.

(5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(2), 373.103(6), 373.427 FS. History–New 10-3-95, Amended 4-1-96, 5-28-00,_____.

40E-40.061 Delegation of Authority Pertaining to General Environmental Resource Permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations.

(1) The Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Environmental Resources Regulation Department Director, Environmental Resources Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, Regulatory Managers and Service Center Directors, as its agents to review and take final action on all general environmental resource and surface water management permit applications issued under Chapter 40E-40, F.A.C. However, staff recommendations for denial of general permit applications shall be considered by the Governing Board.

(2) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision-making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, Deputy Executive Director, Regulation Department Director, Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, Regulatory Managers and Service Center Directors, when an application to use sovereign submerged lands involves an activity which is to be reviewed pursuant to the general permit procedures of Chapters 40E-1, 40E-40, or 40E-400, F.A.C.

Specific Authority 120.53(1), 373.044, 373.113, 373.118 FS. Law Implemented 120.53, 373.016, 373.118 FS. History–New 4-1-96, Formerly 40E-1.6015, Amended 5-28-00,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-26.001	Purpose and Intent
59A-26.002	Definitions
59A-26.003	License Required
59A-26.004	Classification of Deficiencies
59A-26.005	Licensure Procedure, Fees and Exemptions
59A-26.006	Responsibilities for Operation
59A-26.007	Fiscal Standards
59A-26.0075	Fiscal Prohibitions, Kickbacks and Referrals
59A-26.008	Admission Policies and Requirements
59A-26.009	Personnel Standards
59A-26.010	Training, Habilitation, Active Treatment Professional, and Special Programs and Services
59A-26.011	Dietary Services
59A-26.012	Dental Services
59A-26.013	Psychological Services
59A-26.014	Drugs and Pharmaceutical Services
59A-26.015	Administration of Medications to ICF/DD Residents by Unlicensed Medication Assistants
59A-26.016	Requirements for Administration of Medication to Residents by Unlicensed Medication
59A-26.017	Training and Validation Required for Unlicensed Medication Assistants
59A-26.018	Plant Maintenance and Housekeeping
59A-26.019	Fire Protection, Life Safety, Systems Failure and External Emergency Communication
59A-26.020	Plans Submission and Fees Required
59A-26.021	Physical Plant Codes and Standards for ICF/DD
59A-26.022	Construction and Physical Environment Standards
59A-26.023	Disaster Preparedness

PURPOSE AND EFFECT: The Agency proposes to establish a rule consistent with provisions of Section 400.967(2), Florida Statutes, which became effective May 7, 1999. The legislation provides for the development of rules regarding specific criteria including minimum standards of program development and quality of care of Intermediate Care Facilities for the Developmentally Disabled.

SUBJECT AREA TO BE ADDRESSED: Specific criteria pertaining to licensure requirements including procedures for licensing, fees and exemptions, classification of deficiencies, responsibility of operation, fiscal standards, fiscal prohibitions,

kickbacks and referrals, admission policies, personnel standards, training, habilitation, active treatment professional and specific program services, dietary, dental and psychological standards, drugs and pharmaceutical services, administration of medications by unlicensed medication assistants, including training and validation of the unlicensed medication assistants, plant maintenance and housekeeping, fire protection, life safety, systems failure, and external communications, plans submission and fee requirements, physical environment standards and disaster preparedness for Intermediate Care Facilities for the Developmentally Disabled. **SPECIFIC AUTHORITY:** 400.967(2) FS.

LAW IMPLEMENTED: 400.967 FS.

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

DATE AND TIME: May 22, 2007, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. #3, Conference Rm. C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kimberly Smoak, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, or call (850)488-5861

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.033 **RULE TITLE:** Marine Specialty Contractor
PURPOSE AND EFFECT: The Board proposes to promulgate the rule in order to create a marine specialty contractor.
SUBJECT AREA TO BE ADDRESSED: Marine Specialty Contractor.

SPECIFIC AUTHORITY: 455.213, 489.108, 489.113(6) FS.

LAW IMPLEMENTED: 489.105(3)(q), 489.113(6) 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-21.002
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to make a clarification of the definition of damages.

SUBJECT AREA TO BE ADDRESSED: The definition of damages.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.141, 489.143 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.: 61H1-22.006, 61H1-22.007, 61H1-22.008
RULE TITLES: Governmental Accounting Standards, Governmental Auditing Standards, Standards for Local Governmental Audits

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the language consistent with terms of practice and to include language controlling single audit requirement.

SUBJECT AREA TO BE ADDRESSED: Government Accounting Standards; Government Auditing Standards; Standards for Local Governmental Audits.

SPECIFIC AUTHORITY: 473.304, 473.315 FS., Chapter 79-202, Laws of Florida.

LAW IMPLEMENTED: 473.315 FS., Chapter 79-202, Laws of Florida.

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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-23.002
RULE TITLE: Records Disposition Responsibility

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide clarification for records retention.

SUBJECT AREA TO BE ADDRESSED: Records Disposition Responsibility.

SPECIFIC AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315, 473.318 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-24.001
RULE TITLE: Advertising

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of deletion of the asterisk requirement.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 473.304, 473.323 FS.

LAW IMPLEMENTED: 473.323(1)(f) 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
 61J2-3.010 License Reactivation Education for Brokers and Sales Associates

PURPOSE AND EFFECT: To bring the rule into compliance with statutory changes, which took effect July 1, 2006, relating to reactivation education.

SUBJECT AREA TO BE ADDRESSED: Rule provisions relating to the content of reactivation education for real estate licensees.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS

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

DATE AND TIME: May 15, 2007, 8:30 a.m., or as soon thereafter as possible

PLACE: Stetson University College of Law, "Great Hall", 1401 61st Street South, Gulfport, Florida 33707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite 801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
 61J2-14.008 Definitions

PURPOSE AND EFFECT: To clarify the Division's lack of jurisdiction over escrow funds placed with a title company or attorney and not held by a licensed real estate broker.

SUBJECT AREA TO BE ADDRESSED: Escrow funds held by a title company or attorney.

SPECIFIC AUTHORITY: 475.05, 475.25(1)(k) FS.

LAW IMPLEMENTED: 475.25(1)(k) FS.

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

DATE AND TIME: May 15, 2007, 8:30 a.m., or as soon thereafter as possible

LOCATION: Stetson University College of Law, "Great Hall", 1401 61st Street South, Gulfport, Florida 33707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite 801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE SEVEN DAYS PRIOR TO THE MEETING.

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 JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.001	Purpose and Scope
63E-7.002	Definitions
63E-7.003	Youth Admission
63E-7.004	Youth Intake
63E-7.005	Youth Orientation

PURPOSE AND EFFECT: The rule establishes the requirements for the administration and operation of state operated and contracted residential commitment programs for juvenile offenders.

SUBJECT AREA TO BE ADDRESSED: The rule governs residential commitment programs, with the exception of serious habitual offender programs, intensive residential treatment programs, sex offender programs, and sheriff's training and respect programs, all of which are specifically addressed elsewhere in this rule subtitle.

SPECIFIC AUTHORITY: 985.64, 985.601, 20.316 FS.

LAW IMPLEMENTED: 985.601, 985.03(44), 985.441 FS.

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

DATE AND TIME: Friday, May 11, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., Ste. 312, General Counsel's Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-40.003
 RULE TITLE: Delegation of Powers and Duties
 PURPOSE AND EFFECT: The Council proposes the rule amendment to add language delegating preliminary review of petitions for waiver or variances.

SUBJECT AREA TO BE ADDRESSED: Add to delegation of powers and duties for initial review of petitions for waivers and variances.

SPECIFIC AUTHORITY: 468.507 FS.

LAW IMPLEMENTED: 468.507 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, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-41.001
 RULE TITLE: Fees
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the fee paid to remove a license from delinquent status.

SUBJECT AREA TO BE ADDRESSED: Fee to be paid to remove a license from delinquent status.

SPECIFIC AUTHORITY: 456.036(3), (13), 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.013, 456.036(4)(b), 456.065, 468.508 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, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.001	Definitions
64E-2.002	Basic Life Support Service License – Ground
64E-2.003	Advanced Life Support Service License – Ground
64E-2.007	Vehicle Permits
64E-2.008	Emergency Medical Technician
64E-2.009	Paramedic
64E-2.009A	Voluntary Inactive Certification
64E-2.009S	Involuntary Inactive Certification
64E-2.036	Training Programs

PURPOSE AND EFFECT: Announce workshop to open discussion with the Emergency Medical Services (EMS) community regarding rule promulgation. This workshop is a follow-up to the February workshops in Miami. The Bureau of EMS will facilitate further discussions on updating Emergency Medical Technician and Paramedic applications for certification, updating the application process, bulk renewals, permitting EMS watercraft, and updating applications for Training Centers. These discussions will allow for the development of revised language for Chapter 64E-2, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Definitions, Basic Life Support Service License – Ground, Advanced Life Support Service License – Ground, Vehicle Permits, Emergency Medical Technician, Paramedic, Voluntary Inactive Certification, Involuntary Inactive Certification, and Training Programs. Please note, not all of these areas may be affected by the proposed rewrite.

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 395.405, 401.121, 401.23, 401.25, 401.265, 401.27, 401.2715, 401.34, 401.35, 401.411 FS.

LAW IMPLEMENTED: 381.001, 381.0011, 381.0205, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

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

DATE AND TIME: May 7, 2007, 12:30 p.m. – 4:30 p.m. EST
 PLACE: Tampa Airport Fire Station (Station #2), 5405 W. Spruce Street, Tampa, FL 33607 (Southeast of the airport terminal), (813)274-7005

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 2 days before the workshop/meeting by contacting: Alexander Macy at (850)245-4440 ext. 2735 or Alexander_Macy@doh.state.fl.us. 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: Lisa Walker, Deputy Chief – Government Affairs, (850)245-4440 ext. 2733 or Lisa_Walker2@doh.state.fl.us. This information is also available on the Bureau of Emergency Medical Services’ website at <http://www.fl-ems.com> and has been posted on the Bureau's listserv. You may subscribe to the Bureau’s listserv at <http://ww7.doh.state.fl.us/mailman/listinfo/flemscomm>

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

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.301	Citizenship
65A-1.704	Family-Related Medicaid Eligibility Determination Process
65A-1.705	Family-Related Medicaid General Eligibility Criteria

PURPOSE AND EFFECT: Amendments to the proposed rules will align citizenship requirements for Medicaid applicants and recipients in accordance with the federal law, the Deficit Reduction Act of 2005, Public Law 109-171 (DRA) and as amended by H.R.6111.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments will revise language to be consistent with federal requirements for individuals who declare to be a U.S. citizen or national. These individuals are required to provide proof of U.S. citizenship and identity.

SPECIFIC AUTHORITY: 409.918, 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.818, 409.919, 410.033, 414.095(3), 414.31 FS.

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

DATE AND TIME: May 15, 2007, 3:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-1.301 Citizenship.

(1) The individual whose needs are included must meet the citizenship and noncitizen status established in: P.L. 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996; P.L. 105-33, the Balanced Budget Act of 1997; P.L. 105-185, the Agricultural Research, Extension, and Education Reform Act of 1998; P.L. 105-306, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998; P.L. 109-171, the Deficit Reduction Act of 2005; and, the Immigration and Nationality Act.

(2) For Medicaid, individuals who indicate they are a U.S. citizen must provide proof of U.S. citizenship and identity as specified in P.L. 109-171, the Deficit Reduction Act of 2005 as amended by H.R.6111. The Department will assist with obtaining documentation if requested.

(3)~~(2)~~ The eligibility specialist must verify ~~confirm~~ the immigration status of ~~all non-U.S.~~ citizens through the United States Citizenship and Immigration and Naturalization Service (USCIS) (INS). ~~Verification will be requested electronically using the alien number, or based on a USCIS or prior Immigration and Naturalization Services (INS)) document provided by the applicant.~~ The system of verification is known as the Verification Information System-Customer Processing System (VIS-CPS) Systematic Alien Verification for Entitlement System (SAVE) Program. ~~SAVE verification must be obtained when the alien provides an INS document that does not clearly indicate alien status.~~ When the noncitizen alien provides neither an alien number nor an USCIS INS document to indicate their status, the noncitizen alien must contact the USCIS INS to obtain documentation or verification of noncitizen alien status. The department will assist in obtaining documentation ~~this effort~~ if requested ~~to do so~~. If the noncitizen alien provides any form of USCIS INS documentation, regardless of the expiration date, showing an eligible Immigration Act section, the eligibility specialist must accept the documentation and verify the individual's status ~~through SAVE~~. Electronic verification of an eligible immigrant status ~~through SAVE~~ is acceptable proof documentation of the individual's eligible status for all programs. Automated verification ~~by telephone~~ is attempted first. If automated verification cannot be obtained, noncitizenship status must be verified manually (i.e., secondary verification) through use of an USCIS INS form. Benefits will not be withheld when VIS-CPS SAVE indicates secondary (i.e., manual) verification is required and response from the secondary verification is pending, provided all other

technical factors of eligibility are met. Benefit recovery is required when such individuals are determined to not have been ~~no longer~~ in an eligible noncitizen alien status.

~~(4)(3)~~ Noncitizens who would experience an undue hardship in obtaining current USCIS ~~INS~~ documentation, hospitalized noncitizens or noncitizens with a medical disability will be considered eligible for benefits on the noncitizen factor of eligibility while awaiting the return of USCIS ~~INS~~ secondary or manual verification. Undue hardship includes living a prohibitive distance from the USCIS ~~INS~~ office, lack of transportation, inability to travel to or attend appointments due to a medical condition, or a long waiting period for an appointment with the USCIS ~~INS~~. However, these individuals are subject to recoupment for any benefits issued while verification is pending should they subsequently be determined to have been in an ineligible noncitizen ~~alien~~ status.

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 410.033, 414.095(3), 414.31 FS. History–New 4-9-92, Amended 11-22-93, Formerly 10C-1.301, Amended 4-18-99,_____.

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

- (1) No change.
- (2) Simplified Eligibility for Pregnant Women.
 - (a) through (b) No change.
 - (c) The following information must be verified or obtained, as indicated below, prior to approval for Medicaid for a pregnant woman.

1. through 3. No change.

4. A declaration of citizenship is required. The applicant’s statement on the Health Insurance Application for Pregnant Woman, CF-ES 2700, 08/2006, is acceptable as a declaration of citizenship. U.S. citizens must provide proof of their U.S. citizenship and identity. Non-citizens must provide proof of immigration status through the USCIS. The department will request verification of immigration status of noncitizens electronically through the VIS-CPS using the noncitizen’s alien number. If the pregnant woman is a non-citizen, she may provide her ~~a~~ Alien nNumber to the ~~eligibility public assistance~~ specialist on the application. If the information is not on the application, it may be provided ~~obtained~~ by telephone. The pregnant woman’s eligibility as a non-citizen will be determined in accordance with Section 1137 of the Social Security Act. ~~As a non-citizen, she will be requested to provide verification of her immigration status and the SAVE system will be used to verify this information.~~

5. through 6. No change.

(d) No change.

(3) through (5) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History–New 10-8-97, Amended 2-7-01, 10-21-01, 4-1-03, 2-4-04,_____.

65A-1.705 Family-Related Medicaid General Eligibility Criteria.

- (1) through (7) No change.
- (8) Medicaid Applications Due to KidCare.
 - (a) through (b) No change.

(c) Prior to approval for Medicaid, children who are U.S. citizens must have their citizenship and identity verified. Prior to approval for Medicaid, verification of immigration status will be required for children who are not citizens. Immigration status will be verified. This requirement will be met through the VIS-CPS SAVE system and completion of a KidCare Program Immigration Status Statement, CF-ES 2083, Oct. 2002 (incorporated by reference). Information about immigration status and the receipt of Medicaid will be sent to parents when they are asked to complete the Immigration Status Statement form. If the requested information is not provided within thirty (30) days, the application will be denied, unless a request for an extension is made or there are extenuating circumstances known to the department justifying an extension. If the verification or information is difficult for the parent or caretaker to obtain, the eligibility specialist must provide assistance obtaining the verification or information when requested.

(d) through (h) No change.

(9) No change.

Specific Authority 409.918, 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.818, 409.919 FS. History–New 10-8-97, Amended 9-28-98, 4-5-99, 11-23-99, 2-15-01, 9-24-01, 4-1-03,_____.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.302

RULE TITLE: Copying Services for Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates shall be charged for copying services related to civil or administrative legal actions. The cost of providing the copies shall be collected from any existing balance in the inmate’s bank trust fund account and a hold will be placed on the inmate’s account for unpaid costs until the debt has been paid.