

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:
5B-57.011 Biomass Plantings

PURPOSE AND EFFECT: The purpose of this amendment is to require that a new application for a Biomass Permit be submitted if the original permitted acreage is increased by more than 5%. It also requires permission of the landowner for the life of the biomass planting and allows a fallow area of more than 25 feet to serve as a containment mechanism.

SUBJECT AREA TO BE ADDRESSED: Biomass Permit Requirements.

SPECIFIC AUTHORITY: 570.07(13), (23) FS.

LAW IMPLEMENTED: 581.031(4), (5), (6), 581.083, 581.091 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard Gaskalla, Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S. W. 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-57.011 Biomass Plantings.

(1) Biomass Permit Requirements. It shall be unlawful to establish a biomass planting greater in size than two contiguous acres except under a biomass permit (Biomass Planting Permit, DACS-08382, revised 07/06) issued by the department for this purpose and is incorporated herein by reference. An application for new biomass permit will be required if the planting (contiguous or noncontiguous) will exceed five percent (5%) of the acreage of the original permit. No biomass permit shall be issued for any planting of plants on the state noxious weed list or the federal noxious weed list. No biomass permit shall be issued unless the applicant is the owner of the property or has written permission from the property owner to utilize the land for biomass plantings for the duration of the life of the permit. Applications for biomass permits shall be made on Biomass Planting Permit Application, DACS-08381, revised 08/06, and submitted to the Division of Plant Industry, P. O. Box 147100, Gainesville, FL

32614-7100, for this purpose and is incorporated herein by reference. Separate applications for biomass permits shall be required for each noncontiguous growing location and must include a complete description of the nonnative plant to be grown and an estimated cost of removing and destroying the subject plant including the basis for calculating or determining that estimate. The applications must be submitted with the permit fee of \$50 and proof that a bond in the form approved by the department and issued by a surety company admitted to do business in Florida or a certificate of deposit has been obtained as described in Section 581.083(4), F.S. The application forms can be obtained from the same address or from the Division of Plant Industry website, <http://www.doacs.state.fl.us/~pi/>. In evaluating the permit application, the department shall visit the proposed growing location and determine if feasible measures can be taken to prevent the spread of the plant into neighboring ecosystems. The permit will include the following requirements as a minimum:

(a) A system of traps or filters shall be required to prevent plants or plant parts from spreading through ditches, natural waterways or other drainage. A fallow area in excess of 25' may be considered as a trap.

(b) Measures will be required to prevent spread by seed.

(c) A fallow area, wide enough to prevent plant spread into adjacent areas, shall be required. The fallow area may be used singularly or in combination with a berm ~~will be on both sides of a berm~~ surrounding the biomass planting.

(d) Any equipment used on the site must be cleaned of all plant debris before being moved from the property.

(e) Wildfire protection measures will be required to mitigate fire risk and damages to surrounding areas.

(f) A compliance agreement (Compliance Agreement, Biomass, DACS-08383, revised 07/06) containing any additional requirements needed to prevent plant spread shall be signed and will be an addendum to the permit for this purpose and is incorporated herein by reference. Copies of Compliance Agreement, Biomass, DACS-08383, revised 07/06, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100. Failure to abide by the permit stipulations or the compliance agreement is considered to be a violation of these rules.

(2) Bonds or Certificates of Deposit. Each permit holder shall maintain for each separate growing location a bond or a certificate of deposit in an amount of not less than 150 percent of the estimated cost of removing and destroying the plants as described in Section 581.083(4), F.S. The bond or certificate of deposit may not exceed \$5,000 per acre except as allowed by statute.

(3) Abandoned Biomass Plantings. It shall be unlawful for any person to abandon a biomass planting. It is the responsibility of the property owner or permit holder to

completely destroy the planting prior to vacating the property or stopping commercial production. If the department determines that the permit holder is no longer maintaining or cultivating the plants subject to the special permit and has not removed and destroyed the plants authorized by the special permit or has exceeded the conditions of the biomass permit, the department shall take action to initiate the removal of the plants through the issuance of an immediate final order and execution of the bond or certificate of deposit as described in Section 581.083(4), F.S.

(4) Exemptions. A biomass permit is not required for plants produced for purposes of agriculture as defined in Section 570.02(1), F.S., or if the department in consultation with the University of Florida, Institute of Food and Agricultural Sciences has determined that the nonnative plant is not invasive and specifically exempts it in this rule. The following plants or groups of plants are exempt:

- (a) Any plant that is produced for purposes of human food consumption.
- (b) Any plant that is commonly grown for commercial feed, feedstuff or forage for livestock.
- (c) *Pinus* spp.

Specific Authority 570.07(13), (23) FS. Law Implemented 581.031(4), (5), (6), 581.083, 581.091 FS. History—New 10-1-06, Amended.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.:	RULE TITLES:
5C-24.001	Definitions
5C-24.002	General Requirements
5C-24.003	Official Certificate of Veterinary Inspection (OCVI)

PURPOSE AND EFFECT: The purpose and effect of this rule is to update references to the current code of federal regulations referenced in current rules, to revise the definition of official certificate of veterinary inspection (OCVI) to be consistent with Florida Statutes, to delete unnecessary language in current rules, and to clarify the OCVI required for the intrastate sale of dogs and cats in Florida. This rule also corrects an erroneous form number contained in the current rules.

SUBJECT AREA TO BE ADDRESSED: To revise the definition of official certificate of veterinary inspection (OCVI) to be consistent with Florida Statutes.

SPECIFIC AUTHORITY: 585.002(4) FS.

LAW IMPLEMENTED: 585.145(2) 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: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 332, 407 South Calhoun Street, Tallahassee, FL 32399-0800; (850)410-0900; fax: (850)410-0957

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.:	RULE TITLE:
5C-28.001	Dog and Cats – Intrastate Transfer of Ownership

PURPOSE AND EFFECT: The purpose and effect of this rule is to adopt the requirements necessary to transfer the ownership of a dog or cat by sale within Florida.

SUBJECT AREA TO BE ADDRESSED: To adopt the specific official certificate of veterinary inspection (OCVI) that must be obtained before ownership of a dog or cat can be transferred by sale within Florida.

SPECIFIC AUTHORITY: 585.002(4) FS.

LAW IMPLEMENTED: 585.145(2) 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: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 332, 407 South Calhoun Street, Tallahassee, FL 32399-0800; (850)410-0900; fax: (850)410-0957

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09981	Implementation of Florida’s System of School Improvement and Accountability

PURPOSE AND EFFECT: The purpose of the rule development is to amend the adequate progress provision of school grades to accommodate schools that improve the percentage of their lowest performing students who make

learning gains, yet fall below the currently specified minimum requirement of at least fifty (50) percent of such students making learning gains.

SUBJECT AREA TO BE ADDRESSED: Adequate Progress of the Lowest Performing Students in School Grades.

SPECIFIC AUTHORITY: 1008.34 FS.

LAW IMPLEMENTED: 1008.34 FS.

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

DATE AND TIME: February 4, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1703/07, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juan C. Copa, Bureau Chief, Research and Evaluation, Division of Accountability, Research, and Measurement, Department of Education, 325 West Gaines Street, Room 844, Tallahassee, Florida 32399; (850)245-0429

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.

(1) through (7) No change.

(8) Planned System Enhancements. As indicated in this subsection, planned enhancements will occur in Florida’s System of School Improvement and Accountability. The Commissioner of Education will periodically recommend additional changes to the system to the State Board of Education as necessary to ensure that continuous improvements are made in the educational programs of the state.

(a) No change.

(b) Math lowest twenty-five (25) percent will be added as an additional category of performance beginning in 2006-07. For this category of achievement, one (1) point for each percent of students in the lowest twenty-five (25) percent in reading in the school as defined in paragraph (5)(c) of this rule who make learning gains as defined in paragraph (5)(b) of this rule.

1. Schools designated as Performance Grade “C” or above shall be required to demonstrate that adequate progress in mathematics, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year’s FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of

this rule. If the percent of such students making learning gains is below fifty (50) percent in the current year, adequate progress can be met if:

a. Schools demonstrate a one (1) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is at least forty (40) percent in the current year;

or

b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year.

If the minimum requirement for adequate progress in mathematics among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade “B” or “C” does not make adequate progress, ~~as defined above demonstrate learning gains for at least half of the lowest performing students~~, in at least one (1) of two (2) consecutive years, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the adequate progress criterion in mathematics, learning gains for at least half of the lowest performing students, is met each year.

(c) through (d) No change.

(9) through (15) No change.

Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History—New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.03012	Special Programs for Students Who Are Speech and Language Impaired
6A-6.030121	Exceptional Education Eligibility for Students with Language Impairments
6A-6.03018	Exceptional Education Eligibility for Students with Specific Learning Disabilities

PURPOSE AND EFFECT: The purpose of these rule development workshops is to ensure that the programs for students who have specific learning disabilities or who are speech or language impaired are 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/or to update rule language to reflect current knowledge in the field. The effect of these rule

developments will be the promulgation of rules 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 have specific learning disabilities or who are speech or language impaired to include the definition, criteria for eligibility, student evaluation, and determination of eligibility as applicable to each of these programs. Additionally the rule related to language impairments addresses the requirements for speech-language associates.

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

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

DATES AND TIMES: 10:00 a.m. – 1:00 p.m., February 1, 2008; 10:00 a.m. – 1:00 p.m., February 7, 2008; 10:00 a.m. – 1:00 p.m., February 8, 2008; 10:00 a.m. – 1:00 p.m.; February 15, 2008

PLACES: February 1, 2008 – Florida Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, FL 32399; (850)245-0478

February 7, 2008 – Florida Diagnostic and Learning Resources Center/Manhattan Center, 4210 W. Bay Villa Avenue, Tampa, FL 33611; (813)837-7777

February 8, 2008 – Fullerwood Center, 10 Hildreth Drive, St. Augustine, FL 32084; (904)819-3947

February 15, 2008 – Nob Hill Hall at Soccer Club Park, 10400 Sunset Strip, Sunrise, FL 33322; (754)321-2205

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 7 days before the workshop/meeting by contacting: Cathy Bishop, Bureau of Exceptional Education and Student Services, (850)245-0478, or via electronic mail at cathy.bishop@fldoe.org. 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: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

Written comments regarding the preliminary text of the proposed rules will be accepted through February 25, 2008

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6A-6.03012 follows. See Florida Administrative Code for present text).

6A-6.03012 ~~Special Programs~~ ~~Exceptional Education Eligibility~~ for Students Who are ~~Speech and Language Impaired with Speech Impairments~~.

(1) Definitions. Speech impairments are defined as disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance and/or functioning in the educational environment, and result in the need for specially designed instruction and related services.

(a) Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, and/or omissions that interferes with intelligibility. A speech sound disorder is not primarily the result of factors related to age, culture, gender, or ethnicity.

1. Phonological disorder. A phonological disorder is impairment in the system of phonemes and phoneme patterns within the context of spoken language.

2. Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

(b) Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, and/or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to age, culture, gender, or ethnicity.

(c) Voice disorder. A voice disorder is characterized by the atypical production and/or absence of vocal quality, pitch, loudness, resonance, and/or duration of phonation that that are not primarily the result of factors related to age, culture, gender, or ethnicity.

(2) Activities prior to referral. Prior to referral for evaluation, the requirements in Rule 6A-6.0331, F.A.C., must be met.

(3) Evaluation. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation also must include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. In addition, minimum student evaluations shall include the following:

(a) Speech evaluation. A speech sound evaluation must include the following:

1. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

2. Documented and dated observations of the student's speech characteristics must be conducted to examine the student's speech characteristics during connected speech or conversation. Activities conducted prior to referral may be used to meet this criterion.

3. An examination of the oral mechanism structure and function must be conducted.

4. One or more standardized, norm-referenced instruments designed to measure speech sound production must be administered to determine type and severity of speech sound errors and whether the errors are articulation (phonetic) and/or phonological (phonemic) in nature.

5. An assessment of stimulability must be conducted to examine the student's ability to produce a correct or improved production of a misarticulated sound.

(b) Fluency evaluation must reflect a multidimensional process and must include the following:

1. An assessment of all of the following areas:

- a. Motor aspects of the speech behaviors,
- b. Student's attitude regarding the speech behaviors,
- c. Social impact of the speech behaviors, and
- d. Educational impact of the speech behaviors.

2. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, to address the areas identified in subparagraph (3)(b)1. of this rule. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

3. Documented and dated observations of the student's speech and secondary behaviors must be conducted in more than one setting, including the educational setting. Activities conducted prior to referral may be used to meet this criterion, if the activities address the areas identified in subparagraph (3)(b)1. of this rule.

4. An examination of the oral mechanism structure and function must be conducted.

5. A speech sample of a minimum of 200 syllables must be collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors.

(c) Voice evaluation must include all of the following:

1. Information must be gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

2. Documented and dated observations of the student's voice characteristics must be conducted. Activities conducted prior to referral may be used to meet this criterion.

3. An examination of the oral mechanism structure and function must be conducted.

4. A report of a medical examination of laryngeal structure and function conducted by a physician licensed to practice in Florida, to include a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

(4) Criteria for eligibility. A student is eligible for special programs for speech impairments if the student meets the following criteria as determined by the procedures prescribed in this rule and Rules 6A-6.0331 and 6A-6.03411, F.A.C. A student with a speech impairment is eligible for exceptional student education if the student meets all of the eligibility criteria for one or more of the following disorders:

(a) Speech sound disorder. A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological and/or articulation disorder that is characterized by the atypical production of speech sounds. The atypical production of speech sounds may be characterized by substitutions, distortions, additions, and/or omissions. Evaluation results must reveal all of the following:

1. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts.

2. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data.

3. The student's sound errors must not be readily stimuable.

4. The speech sound disorder must have an adverse effect on the student's ability to perform and/or function in the educational environment, thereby demonstrating the need for specially designed instruction and related services. It also may have an effect on the student's attitude and/or social/emotional development.

5. The speech sound disorder is not primarily the result of factors related to age, culture, gender, or ethnicity.

(b) Fluency disorder. A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

1. The student must exhibit significant and persistent dysfluent speech behaviors on a consistent basis. The dysfluency may include, but not be limited to, repetition of phrases, whole words, syllables, and phonemes, prolongations, blocks, and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

2. The fluency disorder must have an adverse effect on the student's ability to perform and/or function in the educational environment, thereby demonstrating the need for specially

designed instruction and related services. It also may have an effect on the student's attitude and/or social/emotional development.

3. The dysfluency is not primarily the result of factors related to age, culture, gender, or ethnicity.

(c) Voice disorder. A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

1. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, and/or duration of phonation. The atypical voice characteristics may include, but not be limited to, inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, and/or harshness.

2. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform and/or function in the educational environment and is amenable to improvement with therapeutic intervention.

3. The voice disorder must have an adverse effect on the student's ability to perform and/or function in the educational environment, thereby demonstrating the need for specially designed instruction and related services. It also may have an effect on the student's attitude and/or social/emotional development.

4. The atypical voice characteristics are not primarily the result of factors related to age, culture, gender, or ethnicity.

Specific Authority 1012.44, 1012.55, 1012.56 FS. Law Implemented 1001.42(1) FS. History—New 7-1-77, Amended 7-13-83, Formerly 6A-6.3012, Amended 8-1-88, 9-17-01, _____

6A-6.030121 Exceptional Education Eligibility for Students with Language Impairments.

(1) Definition. Language impairments are defined as disorders of language that interfere with communication, adversely affect performance and/or functioning in the educational environment, and result in the need for specially designed instruction and related services.

(a) A language impairment is defined as a disorder in one or more of the basic processes involved in understanding or in using spoken and/or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the rules that govern the sound combinations;

2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms;

3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence;

4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences; and/or

5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

(b) The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, and/or spelling. A language impairment is not primarily the result of factors related to age, culture, gender, ethnicity, or limited English proficiency.

(2) Activities prior to referral for students in kindergarten through grade twelve. In addition to the requirements in Rule 6A-6.0331, F.A.C., and in order to ensure that the decreased performance and/or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the parents and group of qualified professionals must consider the following:

(a) Data that demonstrate that the student was provided appropriate instruction delivered by qualified personnel in general education settings; and

(b) Data-based documentation of repeated measures of performance and/or functioning at reasonable intervals, graphically reflecting the student's response to intervention during instruction, must be provided to the student's parent(s).

(3) Evaluation procedures for children in prekindergarten. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation also must include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. In addition, the minimum evaluation for a prekindergarten child shall include the following:

(a) Information gathered from the child's parent(s) or guardian(s) and others as appropriate, such as teacher(s), service providers, and caregivers regarding the concerns and description of language skills. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

(b) Documented and dated observations of the child's language skills must be conducted in one or more setting(s). Settings may include, but are not limited, to the home environment and/or classroom. Observations may be conducted by various individuals, including, but not limited to, the speech-language pathologist, psychologist, teacher, and/or parent(s).

(c) One or more standardized norm-referenced instruments designed to measure language skills must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the evaluator is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. Rationale for use of an alternative instrument must be provided in the evaluation report.

(4) Evaluation procedures for students in kindergarten through grade twelve.

(a) The school district must promptly request parental consent to conduct an evaluation to determine if the student needs specially designed instruction and related services described in Rule 6A-6.0331, F.A.C., in the following circumstances:

1. If, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or

2. If prior to a referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services; and

3. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and related services and the existence of a disability.

(b) In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.03411, F.A.C., unless extended by mutual agreement of the student's parents and a group of qualified professionals. In addition, minimum student evaluations shall include the following:

1. Information gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, regarding the concerns and a description of language skills. This may be completed through a variety of methods, including, but not limited to, interviews, checklists, and/or questionnaires.

2. Documented and dated observations of the student's language skills must be conducted in one or more setting(s).

3. One or more standardized norm-referenced instruments designed to measure language skills must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the evaluator is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. Rationale for use of an alternative instrument must be provided in the evaluation report.

If any of these evaluation components were conducted during activities prior to referral, they may be used to meet these criteria.

(5) Criteria for eligibility for prekindergarten children. A prekindergarten child is eligible for special programs for language impairments if the child meets all of the following criteria as determined by the procedures prescribed in this rule and Rules 6A-6.0331 and 6A-6.03411, F.A.C.:

(a) There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, and/or emergent literacy skills, such as vocabulary development, phonological awareness, and narrative concepts. It also may have an effect on the student's attitude and/or social/emotional development.

(b) Documented and dated behavioral observations reveal significant language deficits that interfere with performance and/or functioning in the educational environment.

(c) Results of standardized norm-referenced instruments reveal a significant language deficit in one or more of the areas listed in subsection (1) of this rule, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in subsection (1) of this rule. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

(d) Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, and/or caregivers, as well as information revealed through the language sample, must support the results of the standardized instruments and observations conducted.

(e) The language impairment must have an adverse effect on the student's ability to perform and/or function in the educational environment, thereby demonstrating the need for specially designed instruction and related services.

(f) The language impairment is not primarily the result of age, gender, ethnicity, culture, or Limited English proficiency.

(6) Criteria for eligibility for students in kindergarten through grade twelve.

(a) The determination of whether a student suspected of having a language impairment is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents and a team of qualified professionals, which, in addition to those required by Rule 6A-6.0331, F.A.C., must include the following:

1. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age; and

2. A speech-language pathologist and other professionals, as appropriate, such as a school psychologist or reading specialist, qualified to conduct and interpret individual diagnostic examinations of students.

(b) The student's parent(s) and group of qualified professionals may determine that a student has a language impairment if there is evidence of all of the following:

1. Due to deficits in the student's language skills, the student does not perform and/or function adequately for the student's chronological age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

- a. Oral expression;
- b. Listening comprehension;
- c. Social interaction;
- d. Written expression;
- e. Phonological processing;
- f. Reading comprehension.

2. Evidence of a language impairment is documented, based on a comprehensive language evaluation including all evaluation components as specified in paragraph (4)(b). Evaluation results must reveal all of the following:

a. Documented and dated behavioral observations reveal significant language deficits that interfere with performance and/or functioning in the educational environment.

b. Results of standardized norm-referenced instruments reveal a significant language deficit in one or more of the areas listed in subsection (1) of this rule, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in subsection (1). Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

c. Information gathered from the student's parent(s) or guardian(s), teacher(s), and the student must support the results of the standardized instruments and observations conducted.

3. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or State-approved grade-level standards in one or more of the areas identified in subparagraph (6)(b)1. of this rule when using a process based on the student's response to scientific, research-based intervention; and

4. The group determines that its findings under subparagraph (6)(b)1.-2. of this rule are not primarily the result of age, culture, gender, ethnicity, irregular patterns of attendance, or limited English proficiency.

(c) Specific documentation for the eligibility determination. For a student suspected of having a language impairment, the documentation of the determination of eligibility must include the following information:

1. The student's response to intervention data confirms all of the following:

a. Performance/functioning discrepancies. The student displays significant discrepancies in level of performance and/or functioning based on multiple sources as compared to

typical peers or expectations at the peer subgroup, classroom, school, district, and/or state level for the chronological age or grade level in which the student is enrolled; and

b. Rate of progress. The student's rate of progress indicates that when provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration, the rate of progress is insufficient and/or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled; and

c. Educational need. The student's educational need is evidenced by a continued need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for specially designed instruction and related services due to the adverse effect of the language impairment on the student's ability to perform and/or function in the educational environment.

2. Evidence of a language impairment, based on the results of a comprehensive language evaluation, including all evaluation components as specified in paragraph (4)(b) of this rule. Documentation of the evaluation results must include statements revealing the evidence of the language impairment as specified in paragraph (6)(b) of this rule.

3. The educationally relevant medical findings, if any;

4. The determination of the student's parents and group of qualified professionals concerning the effects of age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance and/or functioning; and

5. Documentation based on data derived from a process that assesses the student's response to scientific, research-based intervention including:

a. Documentation of the specific interventions used, the intervention support provided, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected; and

b. Documentation that the student's parent(s) were notified about the state's policies regarding the amount and nature of student performance and/or functioning data that would be collected and the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental right to request an evaluation.

(7) Speech-language services.

(a) A speech-language pathologist shall be a member of any eligibility staffing committee reviewing speech and language evaluation data and shall be involved in the development of the individual educational plan for students eligible for speech and language services.

(b) Speech-language services shall be provided by a speech-language pathologist, pursuant to Rule 6A-4.0176, F.A.C., a licensed speech-language pathologist pursuant to Section 468.1185, Florida Statutes, or a speech-language associate, pursuant to Rule 6A-4.01761, F.A.C.

(c) Speech-language associate.

1. Speech-language services provided by a speech-language associate, as specified in Rule 6A-4.01761, F.A.C., must be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher. Services under this subsection can be provided for a period of three (3) years as described in Section 1012.44, Florida Statutes, in districts that qualify for the sparsity supplement as described in Section 1011.62(7), Florida Statutes.

2. Districts shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:

a. The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction;

b. The rationale for using this model;

c. The manner in which the associate will be required to demonstrate competency;

d. The process for monitoring the quality of services;

e. The process for measuring student progress; and

f. The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel.

Specific Authority 1012.44, 1012.55, 1012.56 FS. Law Implemented 1001.42(1) FS. History—New _____.

(Substantial rewording of Rule 6A-6.03018 follows. See Florida Administrative Code for present text).

6A-6.03018 Exceptional Education Eligibility ~~Special Programs~~ for Students with Specific Learning Disabilities.

(1) Definition. A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, and/or to do mathematics. Associated conditions include, but are not limited to, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dyscalculia, dysgraphia, and developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disability, emotional/behavioral disability, limited English proficiency, or of environmental, cultural, or economic factors.

(2) General education intervention procedures and activities prior to requesting an eligibility determination. In addition to the requirements in Rule 6A-6.0331, F.A.C., and in order to ensure that lack of academic progress is not due to lack of appropriate instruction, the group must consider:

(a) Data that demonstrate that the student was provided appropriate instruction delivered by qualified personnel in general education settings; and

(b) Data-based documentation of repeated measures of achievement at reasonable intervals, graphically reflecting student's response to intervention during instruction, must be provided to the student's parent(s).

(3) Evaluation. The student evaluation procedures shall include the following:

(a) The school district must promptly request parental consent to conduct an evaluation to determine if the student needs specially designed instruction as described in Rule 6A-6.0331, F.A.C., in the following circumstances:

1. If, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or

2. If, prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services; and

3. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

(b) In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the procedures identified in the district's Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.03411, F.A.C., unless extended by mutual written agreement of the student's parents and a group of qualified professionals.

(4) Additional members of the multidisciplinary team. The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents and a team of qualified professionals, which, in addition to those required by Rule 6A-6.0331, F.A.C., must include the following:

(a) The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age; and

(b) At least one person qualified to conduct and interpret individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, or reading specialist.

(5) Criteria for eligibility. A student is eligible for special programs for specific learning disabilities if the student meets all of the following criteria as determined by the procedures prescribed in Rules 6A-6.0331 and 6A-6.03411, F.A.C.

(a) In determining whether a student needs specially designed instruction and has a specific learning disability, the team must:

1. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

2. Have at least one member of the eligibility team conduct an observation of the student's academic performance in the student's least restrictive academic setting after referral for an evaluation and parental consent has been obtained to determine the relationship between the student's classroom behavior and academic performance.

3. In the case of a student out of school, a group member must observe the student in an environment appropriate for a student of that chronological age.

(b) The student's parent(s) and group of qualified professionals may determine that a student has a specific learning disability if there is evidence of the following:

1. The student does not achieve adequately for the student's chronological age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

a. Oral expression;

b. Listening comprehension;

c. Written expression;

d. Basic reading skills;

e. Reading fluency skills;

f. Reading comprehension;

g. Mathematics calculation; and/or

h. Mathematics problem solving.

2. The student does not make sufficient progress to meet chronological age or State-approved grade-level standards in one or more of the areas identified in subparagraph (5)(b)1. of this rule when using a process based on the student's response to scientific, research-based intervention; and

3. The group determines that its findings under paragraphs (a) and (b) of this section are not primarily the result of the following:

a. A visual, hearing, or motor disability;

b. Intellectual disability;

c. Emotional/behavioral disability;

d. Cultural factors;

e. Irregular pattern of attendance and/or high mobility rate;

f. Classroom behavior;

g. Environmental or economic factors; or

h. Limited English proficiency.

(c) For a student suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in 34 CFR §300.306(a)(2), must include the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with 34 CFR §300.306(c)(1);

2. The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;

The educationally relevant medical findings, if any;

4. Whether the student has a specific learning disability as evident by response to intervention data confirming the following:

a. Performance discrepancy. The student displays significant discrepancies in level of academic performance based on multiple sources as compared to typical peers and/or academic expectations at the peer subgroup, classroom, school, district, and/or state level for the chronological age or grade level in which the student is enrolled consistent with 34 CFR §300.309(a)(1); and

b. Rate of progress. When provided with effective implementation of appropriate research-based general education instruction and interventions of reasonable intensity and duration, the student's rate of progress is insufficient and/or requires sustained and substantial effort to close the achievement gap with typical peers and/or academic expectations for the chronological age or grade level in which the student is currently enrolled consistent with 34 CFR §300.309(a)(2)(i); and

c. Educational need. The student continues to need interventions that significantly differ in intensity and duration from what can be provided solely through general education resources.

5. The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional/behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance and/or high mobility rate; classroom behavior; or limited English proficiency on the student's achievement level; and

6. Documentation based on data derived from a process that assesses the student's response to scientific, research-based intervention including:

a. Documentation of the specific instructional interventions used, the intervention support provided, the duration and frequency of intervention implementation (e.g. number of weeks, minutes per week, sessions per week), and the student-centered data collected; and

b. Documentation that the student’s parent(s) were notified about the state’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student’s rate of progress; and the parental right to request an evaluation.

7. The signature of each group member certifying that the report reflects the member’s conclusion. If it does not reflect the member’s conclusion, the group member must submit a separate statement presenting the member’s conclusions.

Specific Authority 1000.01, 1001.42(4)(1), 1003.57 FS. Law Implemented 1000.01, 1001.42(4)(1), 1003.57(5), 1011.62(1)(c) FS. History–New 7-1-77, Amended 7-2-79, 7-14-82, Formerly 6A-6.3018, Amended 1-11-94.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0573
 RULE TITLE: Industry Certification Process

PURPOSE AND EFFECT: The purpose of this rule will be to implement requirements of Section 1003.492(2), F.S., that requires the Department to “use the expertise of Workforce Florida, Inc., and Enterprise Florida, Inc., to develop and adopt rules for implementing an industry certification process” essential to statewide implementation of the Career and Professional Education Act of 2007. This section of Florida Statutes provides that “. . .industry certification shall be defined by the Agency for Workforce Innovation, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends.”

SUBJECT AREA TO BE ADDRESSED: Industry certification for students enrolled in career academies that meet the requirements of Section 1003.493, F.S.

SPECIFIC AUTHORITY: 1003.492(2) FS.

LAW IMPLEMENTED: Chapter 2007-216, 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: 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 LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-14.002	General Program Provisions
11B-14.005	Annual Salary Incentive Compensation Report

PURPOSE AND EFFECT: To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual’s full social security number unless a list of the documents or forms are filed with the state: Rule 11B-14.002, F.A.C.: Forms CJSTC-63 and CJSTC-67.

New Fingerprint Process. To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. Rule 11B-14.005, F.A.C.: To update the inactive advanced training program courses list.

SUBJECT AREA TO BE ADDRESSED: Commission forms and advanced training program courses.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h),(i) FS.

LAW IMPLEMENTED: 943.22 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: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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: Donna Hunt at (850)410-8615. 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors

- 11B-20.0012 Denial and Revocation of Instructor Certification
- 11B-20.0013 Commission Instructor Certification Categories
- 11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification
- 11B-20.0016 Inspection of Instructor Certification Applications
- 11B-20.0017 Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. Rule 11B-20.001, F.A.C.: To allow a professional or technical certification plus three years experience in a specified subject matter to be instructed for exemption from General Instructor Certification. Rule 11B-20.0013, F.A.C.: To retire the Radar Instructor Certification and Laser and Radar Instructor Certifications and creating the Speed Measurement Instructor Certification for both certifications. The following Commission forms were revised to comply with the proposed rule revisions: Rule 11B-20.001, F.A.C.: To require an instructor applicant to attach the required documentation to form CJSTC-71 prior to submitting to Commission staff; to revise forms CJSTC-61 and CJSTC-61A to require that an instructor shall not instruct in Commission-approved courses if his/her certificate has been revoked, relinquished, or suspended. Rule 11B-20.0014, F.A.C.: To revise form CJSTC-10 to reflect the new requirements for obtaining a Speed Measurement Instructor Certification.

Pursuant to Section 943.12(1) to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Rule 11B-20.001, F.A.C.: To repeal the High-Liability Instructor Internship form CJSTC-81A and transfer the internship requirements to form CJSTC-81. Rules 11B-20.001 and 11B-20.0014, F.A.C.: To revise the General Instructor Certification requirements and retire the Traditional General Instructor Certification and Traditional Instructor Techniques Course. Rule 11B-20.0013, F.A.C.: To retire the Traditional High-Liability Instructor Certifications and remove the “CMS” designation from the existing high-liability certifications. Rule 11B-20.0014, F.A.C.: To require three years experience versus three years work experience for instructor certification. To require student evaluation of an instructor. To update the law topics in the Commission’s Basic Recruit Training Programs. Rule 11B-20.0016, F.A.C.: To

update the instructor certification topics. Rule 11B-20.0017, F.A.C.: To revise the names of the general and high-liability instructor certifications.

New Fingerprint Process. To revise form CJSTC-67 to comply with the revision of Section 943.13(5), F.S., for processing an officer’s fingerprints for employment or appointment.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual’s full social security number unless a list of the documents or forms are filed with the state: Rule 11B-20.001, F.A.C.: CJSTC-71, CJSTC-61, CJSTC-81; Rule 11B-20.0016, F.A.C.: CJSTC-271; Rule 11B-20.0017, F.A.C.: CJSTC-84; Rule 11B-20.0014, F.A.C.: CJSTC-10.

Clarify and restructure existing rule language to comply with the Governor’s plain language policy:

Rule 11B-20.001, F.A.C.: To create a new rule paragraph for “instructor separation from affiliation.” To create a new rule paragraph for equivalent instructor training. To update the required instructor competencies and internship requirements by creating a new rule paragraph for instructor exemption from the Instructor Techniques Courses. To create a new rule paragraph for Exemption from General Instructor Certification. Rule 11B-20.0012, F.A.C.: To create a new paragraph for disciplinary guidelines and penalties to impose on Commission-certified instructors for violation of statute or Commission rules. Rule 11B-20.0014, F.A.C.: To create new rule paragraphs for high-liability instructor certifications for vehicle, firearms, defensive tactics, first aid, specialized instructor certifications for law topics, speed measurement, canine, and breath test. Rule 11B-20.0017, F.A.C.: To create a new rule paragraph for “lapse of instructor certifications” and to clarify the period for maintaining an instructor certification.

SUBJECT AREA TO BE ADDRESSED: Commission forms; minimum requirements for general certification of instructors; denial and discipline of instructor certifications; instructor certification categories; minimum requirements for high-liability and specialized topics instructor certifications; inspection of instructor certification applications; and maintenance and duration of instructor certifications.

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), (2), 943.14, 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3), (9), 943.13(6), 943.14(3) FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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: Donna Hunt at (850)410-8615. 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification
11B-21.018	Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification
11B-21.019	Criminal Justice Training School Inspections

PURPOSE AND EFFECT: Pursuant to Section 943.12(1), F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement Basic Recruit Training Program: Rule 11B-21.005, F.A.C.: To update the instructor to student ratio requirements and/or equipment to ratio requirements and update items in the first aid kit on the equipment and facility requirement forms CJSTC-202; CJSTC-203; CJSTC-201; and CJSTC-208.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. Rule 11B-21.005, F.A.C.: To revise the instructor staffing requirements for training schools with a Type "B" or "C" certification to allow training schools to have a least one full-time instructor or instructor coordinator that will report solely to the training center director. To increase the years from two to four for maintaining a valid Basic Abilities Test. To update rule references.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: Rule 11B-21.019, F.A.C.: Form CJSTC-200.

SUBJECT AREA TO BE ADDRESSED: Commission forms and requirements for certification and recertification of criminal justice training schools.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (7), 943.14, 943.17(1)(g) 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: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.0021	High School Graduation or Equivalent
11B-27.00211	Fingerprint Processing and Criminal Record Results
11B-27.00212	Maintenance of Officer Certification
11B-27.00213	Temporary Employment Authorization
11B-27.0022	Background Investigations
11B-27.003	Duty to Report, Investigations, Procedures
11B-27.004	Probable Cause Determination
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
11B-27.013	Canine Team Certification

PURPOSE AND EFFECT: To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: Rules 11B-27.002, 11B-27.00212, 11B-27.003, F.A.C.: CJSTC-63; CJSTC-67; CJSTC-75; CJSTC-75A; CJSTC-68; CJSTC-60; CJSTC-59; CJSTC-78, CJSTC-79; CJSTC-207; CJSTC-259; CJSTC-77; CJSTC-65; CJSTC-76; CJSTC-76A; CJSTC-61; CJSTC-61A; CJSTC-74; CJSTC-86; CJSTC-86A; 11B-27.013; CJSTC-70; CJSTC-83; and CJSTC-270.

Clarify and restructure existing rule language to comply with the Governor's plain language policy: High School Diploma. Rule 11B-27.0021, F.A.C.: To clarify the requirements for obtaining proof of compliance and authenticity of a high school diploma and college transcript, and to list the allowable degree granting institutions. Rule 11B-27.00211, F.A.C.: To create a separate rule paragraph for correctional institutions.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. Rule 11B-27.002, F.A.C.: Military Status. To allow other official documentation from the United States Military denoting the individual's discharge status.

Rule 11B-27.0022, F.A.C.: To revise the Authority for Release of Information form CJSTC-58 to allow other official documentation from the United States Military for verifying an individual's discharge status and to require an agency to document its contact with the applicant's commanding officer or designee to verify the applicant is compliant with military regulations. Background Investigations – Rule 11B-27.002, F.A.C.: To require that all documents collected during a background investigation shall be made available for review by Commission staff and to clarify the "type" of investigative findings collected on form CJSTC-77 and Rule 11B-27.0022, F.A.C.: To require verification of the applicant's response through a FCIC and NCIC records warrants check regarding prior history of unlawful conduct and to require verification of the applicant's response regarding unlawful drug use. Rule 11B-27.003, F.A.C.: To revise the Internal Investigation Report form CJSTC-78 to include Section 112.532(6), F.S., "limitation for disciplinary action during an internal investigation." Rule 11B-27.00213, F.A.C.: To make formatting changes. Rule 11B-27.002, F.A.C.: To revise form CJSTC-61 and CJSTC-61A to require training schools and agencies to report an instructor's separation from employment to Commission staff.

Pursuant to Section 943.12(1) F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training

Programs: Rule 11B-27.0011, F.A.C.: To revise existing rule references and remove obsolete rule language. Rule 11B-27.00213, F.A.C.: To revise the performance requirements on the CMS Firearms Performance Evaluation form CJSTC-4 CMS.

Pursuant to Section 943.1395(8)(b)2., F.S., on or before July 1 of each odd-numbered year, the commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties: To comply with statutory requirements by updating the Commission's rules regarding moral character violations, probable cause determinations, revocation or disciplinary actions, disciplinary guidelines, and range of penalties in Rules 11B-27.0011, 11B-27.004 and 11B-27.005, F.A.C.

To comply with the statutory revisions of Section 943.13(6), F.S., that requires an officer to give prior knowledge of tuberculosis, hypertension, and heart disease in Rule 11B-27.002, F.A.C.

To comply with statutory revisions to Section 943.13(5), F.S. Rule 11B-27.002, F.A.C.: To provide that the Applicant Fingerprint Card FD-258 is no longer required for processing an officer's employment or appointment. Rule 11B-27.00211, F.A.C.: To remove the requirement that Commission staff notify agencies via the Fingerprint Notification form CJSTC-62 when an applicant's file does not contain documentation of processed fingerprints. To change the required receipt date of processed fingerprints by the agency from the FBI or FDLE from 3 months to 30 days.

SUBJECT AREA TO BE ADDRESSED: Commission forms; update of moral character violations; requirements for certification, employment or appointment, reactivation, terminating employment or appoint of officers; high school diploma and college transcript; officer fingerprint process; maintenance of officer certification; high-liability performance evaluations; background investigation requirements; officer revocation or disciplinary actions, disciplinary guidelines and range of penalties; and canine team certification.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS.

LAW IMPLEMENTED: 943.12, 943.13, 943.131, 943.133, 943.135, 943.139, 943.1395, 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 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: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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: Donna Hunt at (850)410-8615. 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.0062	State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing a Basic Recruit Training Program
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.012	Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key

PURPOSE AND EFFECT: To comply with statutory revisions in Section 943.13(5), F.S., for processing an officer’s fingerprints for employment or appointment. To revise form CJSTC-67 incorporated in Rule 11B-30.006, F.A.C.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual’s full social security number unless a list of the documents or forms are filed with the state: Forms CJSTC-67, CJSTC-76; CJSTC-500; CJSTC-502 incorporated in Rules 11B-30.006, 11B-30.0071, and 11B-30.012, F.A.C.

Pursuant to Section 943.12(1) F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following form revisions were made to implement the new Florida CMS Law

Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Rules 11B-30.006 and 11B-30.0071, F.A.C.: Forms CJSTC-76 and CJSTC-500.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. Rule 11B-30.0062, F.A.C.: To change the rule section name to correspond with the content of the revised rule language. Rule 11B-30.007, F.A.C.: To require that applicants are prohibited from registering for and taking more than one State Officer Certification Examination monthly and to add “traffic crash” to the list of acceptable reasons for an applicant to reschedule to take the State Officer Certification Examination. Rules 11B-30.0071 and 11B-30.012, F.A.C.: To make housekeeping revisions. To remove the provision of providing a live reader for basic recruit students during the SOCE. To remove the provision of allowing flexible recording of an individual’s test responses by a proctor or marked on the test booklet. To allow assistive devices during the State Officer Certification Examination. To grant Commission staff authority to request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation. To remove the provision that requires the Commission to pay for medical evaluations for individuals requesting accommodations that does not substantiate the need for the requested accommodation. Rule 11B-30.008, F.A.C.: To update rule references and clarify that an applicant shall not be admitted to the examination after the administrator closes the registration process. Rule 11B-30.012, F.A.C.: To reformat existing rule language. To update applicant requirements at an Examination Review Session. To allow Commission staff to dismiss an individual from an Examination Review Session if the student violates applicant conduct pursuant to Rule 11B-30.009, F.A.C. To update the contents of the examination review packet on form CJSTC-511.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual’s full social security number unless a list of the documents or forms are filed with the state: Forms CJSTC-67, CJSTC-76; CJSTC-500; CJSTC-502 incorporated in Rules 11B-30.006, 11B-30.0071 and 11B-30.012, F.A.C.

Pursuant to Section 943.12(1) to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following form revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Rules 11B-30.006 and 11B-30.0071, F.A.C.: Forms CJSTC-76 and CJSTC-500.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. Rule 11B-30.0062, F.A.C.: To change the rule section name to correspond with the content of the revised rule language. Rule 11B-30.007, F.A.C.: To require that applicants are prohibited from registering for and taking more than one State Officer Certification Examination monthly and to add "traffic crash" to the list of acceptable reasons for an applicant to reschedule to take the State Officer Certification Examination. Rules 11B-30.0071 and 11B-30.012, F.A.C.: To make housekeeping revisions. To remove the provision of providing a live reader for basic recruit students during the SOCE. To remove the provision of allowing flexible recording of an individual's test responses by a proctor or marked on the test booklet. To allow assistive devices during the State Officer Certification Examination. To grant Commission staff authority to request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation. To remove the provision that requires the Commission to pay for medical evaluations for individuals requesting accommodations that does not substantiate the need for the requested accommodation. Rule 11B-30.008, F.A.C.: To update rule references and clarify that an applicant shall not be admitted to the examination after the administrator closes the registration process. Rule 11B-30.012, F.A.C.: To reformat existing rule language. To update applicant requirements at an Examination Review Session. To allow Commission staff to dismiss an individual from an Examination Review Session if the student violates applicant conduct pursuant to Rule 11B-30.009, F.A.C. To update the contents of the examination review packet on form CJSTC-511.

SUBJECT AREA TO BE ADDRESSED: Commission forms; Examination general eligibility requirements; Examination assignment and retake eligibility requirements; application examination requirements and notification process; examination accommodations for applicants with disabilities; examination site administration requirements; and review of examination questions, answers, papers, grades, and grading key.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (17), 943.1397 FS.

LAW IMPLEMENTED: 943.12(17), 943.13(10), 943.131(2), 943.1397, 943.1397(3), 943.173 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: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Donna Hunt at (850)410-8615. 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training
11B-35.0023	Student Transfers within Basic Recruit Training Programs
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Program
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT: Pursuant to Section 943.12(1), F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and

evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: Instructor Requirements – Rule 11B-35.001, F.A.C.: To remove the requirement for an instructor to be CMS certified to teach high-liability courses in basic recruit training programs. To remove the CMS Application-Based Law Enforcement Curriculum and test specifications. To include exceptions for field delivery of the new Florida CMS Law Enforcement Basic Recruit Training Program. Training school requirements – Rule 11B-35.001, F.A.C.: To require training schools to provide the student with a current paper version of the curriculum prior to or at the beginning of the basic recruit training program and to require instruction of the curriculum in compliance with Commission rules and delivery guidelines. To allow training center directors to deliver basic recruit training program courses in a shorter time frame if the total program hours are successfully completed. To require 100% participation in Criminal Justice Officer Physical Fitness Training. Commission forms – Rule 11B-35.001, F.A.C.: To create the Role Play Practicum Check Sheet form CJSTC-3, Academy Physical Fitness Standards Report form CJSTC-67A, and Basic Recruit Student Physical Fitness and Chemical Agent Contamination form CJSTC-75B. Retired Basic Recruit Training Programs – Rule 11B-35.001, F.A.C.: To provide a timeline for students enrolled in the retired CMS Application-Based Law Enforcement and Traditional Correctional Probation Basic Recruit Training Programs to complete the program and take the State Officer Certification Examination. Physical Fitness Training – Rule 11B-35.0011, F.A.C.: To require that a basic recruit student shall participate in the physical fitness test and chemical agent exposure prior to beginning and prior to completing the Florida CMS Law Enforcement, Traditional Correctional, and Florida Correctional Probation Basic Recruit Training Programs. Basic Recruit Training Programs – Rule 11B-35.002, F.A.C.: To retire the CMS Application-Based Law Enforcement Basic Recruit Training Program effective 3/31/08; to add the new CMS Florida Law Enforcement Basic Recruit Training Program effective 4/1/08. To update the Traditional Correctional Probation Basic Recruit Training Program to reflect the new requirements for high-liability training and physical fitness training effective 8/31/07. To add the Florida Correctional Probation Basic Recruit Training Programs effective 4/1/08. High-liability Training – Rules 11B-35.002 and 11B-35.0023, F.A.C.: To require that an officer who transfers high-liability training from one school to another shall complete the CMS “new” training specified on the CJSTC high-liability forms. Rule 11B-35.0021, F.A.C.: To delete the obsolete high-liability proficiency and instructor courses and add the new high-liability proficiency and instructor courses. To remove the CMS high-liability instructor transition courses and update the instructor to student ratio

requirements for the high-liability courses. Rule 11B-35.007, F.A.C.: To create the CMS General Update Instructor Course and CMS Defensive Tactics Update Instructor Course to prepare Commission-certified instructors to deliver the new Florida CMS Curriculum. To retire the Traditional Instructor Techniques Course and the Radar Speed Measurement Instructor Course for Law Enforcement Officers. High-Liability Proficiency Requirements/Forms. Rule 11B-35.0024, F.A.C.: To retire the CMS Defensive Tactics Instructor Transition course, CMS First Aid Instructor Transition Course, and CMS Vehicle Operation Instructor Transition Course. To add the new high-liability proficiency requirements on high-liability forms CJSTC-4 CMS, CJSTC-5 CMS, CJSTC-6 CMS, and CJSTC-7 CMS. To repeal form CJSTC-6A CMS. To retire the CMS Firearms Instructor Transition Course.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes and clarify and restructure existing rule language to comply with the Governor’s plain language policy: Exemption from Basic Recruit Training. Rule 11B-35.009, F.A.C.: To revise the list of required topics required for completion prior to receiving an exemption from a basic recruit training program. Rule 11B-35.007, F.A.C.: To require the training schools to attach the goals and objectives to form CJSTC-16. Rule 11B-35.001, F.A.C.: To change the instructor exemption requirements on form CJSTC-82 for instructors who have a professional or technical certification or experience in the specific subject matter. Housekeeping – Rule 11B-35.001, F.A.C.: To clarify existing rule language regarding student academic performance in courses and end-of-course examinations for Specialized Instructor Training Courses. To retire the Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators effective 12/31/08. To add the required hours for Crimes Against Children, Domestic Violence, and Violent Crime Investigator specialized training program courses. To clarify existing rule language and update rule references. To require a training center director to sign a student’s make-up work. Rule 11B-35.002, F.A.C.: To delete redundant rule language. Rule 11B-35.0021, F.A.C.: To comply with nationally recognized organizations and remove the specific instructor levels for CMS First Aid Instructors who possess a valid CPR Instructor Certification from an entity referenced in Rules 64E-2.038 and 11B-35.0023, F.A.C.: To remove the definition of “good standing.” Rule 11B-35.003, F.A.C.: To update rule references. Rule 11B-35.006, F.A.C.: To require that form CJSTC-11 shall be completed for the Speed Measurement Course number 1158 and for the Laser Speed Measurement Operators Course for Law Enforcement Officers. To allow a Speed Measurement Device Operator to instruct the practical exercises in the Speed Measurement Course while under the supervision of a certified Speed Measurement Instructor. To add “reviewing the student’s course score to form CJSTC-67. To move the inactive

Advanced Training Program Courses from Rule 11B-35.006 to subsection 11B-14.005(4), F.A.C. To clarify existing rule language. Rule 11B-35.009, F.A.C.: To clarify that an individual who receives an exemption from a basic recruit training program shall become employed four years from the date the individual demonstrated the required proficiency skills. Rule 11B-35.006, F.A.C.: To add new advanced training program courses. Basic Abilities Test. Rule 11B-35.0011, F.A.C.: Pursuant to the provisions of Section 943.17(1)(g), F.S., the rules were revised to restrict an applicant from taking more than three Basic Abilities Tests, from a single provider within a 12-month period. To clarify that the Basic Abilities Test shall be administered in Florida. To remove obsolete rule language. To revise the number of years, from two to four years, that a passing Basic Abilities Test is valid.

To revise the following forms to comply with the revision of Section 119.071, F.S., that precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: Rule 11B-35.009, F.A.C.: Forms CJSTC-76 and CJSTC-76A.

SUBJECT AREA TO BE ADDRESSED: Commission forms; general training programs, requirements and specifications; basic abilities requirements of basic recruit training programs, changes in the basic recruit program curriculum; high-liability proficiency courses for basic recruit and instructor training; student transfers within basic recruit training programs; student performance in basic recruit and instructor high-liability training courses; and advanced and specialized training program courses.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.17(1), 943.17(1)(a), 943.175, 943.25 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: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Donna Hunt at (850)410-8615. 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: Donna

Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.:	RULE TITLES:
11C-4.003	Arrest Fingerprint Card Submission
11C-4.006	Final Disposition Reporting

PURPOSE AND EFFECT: Rule 11C-4.003, F.A.C. – updates bureau name change and deletes references to an obsolete manual.

Rule 11C-4.006, F.A.C. – updates procedures for clerk of courts regarding disposition submissions

SUBJECT AREA TO BE ADDRESSED: Fingerprint cards and criminal disposition submission procedures.

SPECIFIC AUTHORITY: 943.03(4), 943.051(2), 943.052, 943.05(2)(d) FS.

LAW IMPLEMENTED: 943.05, 943.051, 943.052 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: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Petrina Herring at (850)410-7978. 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: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL 32308, (850)410-7978

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DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.:	RULE TITLES:
11C-6.004	Procedures for Requesting Criminal History Records
11C-6.010	Retention of Applicant Fingerprints

PURPOSE AND EFFECT: Rule 11C-6.004, F.A.C. – Updates procedures for electronic submission of fingerprint cards.

Rule 11C-6.010, F.A.C. – Updates procedures for retention of applicant fingerprint information to FDLE.

SUBJECT AREA TO BE ADDRESSED: Criminal history records and new fingerprint procedures.

SPECIFIC AUTHORITY: 943.03(4), 943.053(3), 943.0542, 943.056, 987.407(4), 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 943.053(3), 943.0542, 943.056, 987.407, 1012.32(3), 1012.465, 1012.56 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: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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 hours before the workshop/meeting by contacting: Petrina Herring at (850)410-7978. 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: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.:	RULE TITLES:
11C-7.006	Procedures on Court-Ordered Expunctions
11C-7.007	Procedures on Court-Ordered Sealings
11C-7.009	Procedures on Juvenile Diversion Expunctions

PURPOSE AND EFFECT: To update dates, website information and procedures.

SUBJECT AREA TO BE ADDRESSED: Sealing and expunction of criminal history records.

SPECIFIC AUTHORITY: 943.03(4), 943.0582 943.058(2), 943.059 FS.

LAW IMPLEMENTED: 943.03(4), 943.058(2) 943.0585, 943.059 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: Tuesday, February 8, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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: Petrina Herring at (850)410-7978. 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: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7978

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.:	RULE TITLE:
11C-8.001	Review Procedures

PURPOSE AND EFFECT: Deletes reference to an obsolete manual.

SUBJECT AREA TO BE ADDRESSED: Personal review of criminal history records.

SPECIFIC AUTHORITY: 943.03(4), 943.05(2)(d), 943.056 FS.

LAW IMPLEMENTED: 943.056 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:

TIME AND DATE: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Petrina Herring at (850)410-7978. 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: Petrina Herring, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL, (850)410-7978

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NOS.:	RULE TITLES:
11D-8.002	Definitions
11D-8.003	Approval of Breath Test Methods and Instruments
11D-8.0035	Approval of Alcohol Reference Solution and Sources
11D-8.004	Department Inspection and Registration of Breath Test Instruments
11D-8.006	Agency Inspection of Breath Test Instruments
11D-8.007	Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures
11D-8.0075	Agency Retention of Records
11D-8.008	Breath Test Operator and Agency Inspector
11D-8.011	Approval of Blood Alcohol Test Methods
11D-8.012	Blood Samples – Labeling and Collection
11D-8.013	Blood Alcohol Permit – Analyst
11D-8.014	Blood Alcohol Permit – Analyst: Renewal
11D-8.015	Denial, Revocation, and Suspension of Permits
11D-8.017	Forms

PURPOSE AND EFFECT: To conform and comply with new developments in the field of alcohol testing and with the needs of those affected by these rules.

SUBJECT AREA TO BE ADDRESSED: Florida’s implied consent and alcohol testing program. The program rules govern definitions of terminology; issuance and regulation of alcohol test permits; approval and evaluation of breath and blood alcohol test methods; approval, use and inspection of breath test instruments and records; collection and preservation of blood samples for alcohol testing; training requirements and qualifications for alcohol test permit holders.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

DATE AND TIME: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2729 Ft. Knox Boulevard, Building 2, Suite 1200, Conference Room, Tallahassee, FL

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: Sharon S. Traxler at (850)617-1290. 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: Sharon S. Traxler, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, (850)617-1290

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

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NO.:	RULE TITLE:
11G-2.001	Determination of Jurisdiction, Preliminary Procedures

PURPOSE AND EFFECT: To develop procedures for cooperative agreements, associate medical examiner appointment, record keeping duties, and workload reporting duties involving autopsies.

SUBJECT AREA TO BE ADDRESSED: Procedures for cooperative agreements between medical examiner districts, appointment of associate medical examiners, record keeping duties, and workload reporting duties.

SPECIFIC AUTHORITY: 406.04, 406.05, 406.08 FS.

LAW IMPLEMENTED: 406.02, 406.05, 406.08, 406.11, 406.13 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: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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 hours before the workshop/meeting by

contacting: Jim Luten at (850)410-8609. 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: Jim Luten, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8609

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

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE NOS.:	RULE TITLES:
11N-1.002	Criteria
11N-1.004	Procedures for Emergency Violent Crime Investigative Funding
11N-1.005	Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding
11N-1.0051	Procedures for Funding Requests for Matching Drug Control Investigative Funding
11N-1.007	Annual Audit
11N-1.009	Victim/Witness Protection Program

PURPOSE AND EFFECT: To clarify and simplify the application process for agencies receiving funding from the Violent Crime and Drug Control Strategy Implementation Account.

SUBJECT AREA TO BE ADDRESSED: Procedures for funding by the Violent Crime and Drug Control Council.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 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:

TIME AND DATE: Tuesday, February 5, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

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: Joyce Gainous-Harris at (850)410-7096. 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: Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7096

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

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-13.0074	Willful Negligence and Willful Neglect
12-13.0076	Calculation of Penalty Subject to Compromise for Reasonable Cause

PURPOSE AND EFFECT: The purpose of the creation of Rule 12-13.0074, F.A.C. (Willful Negligence and Willful Neglect), is to incorporate the provisions of the Expert System for Determining Willful Negligence or Willful Neglect. This system is currently under development by the Department for purposes of determining whether a taxpayer's noncompliance was not due to willful negligence or willful neglect based on the facts and circumstances of the specific case. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Willful Negligence or Willful Neglect will be incorporated into the guidelines for determining the amount of compromise of penalty established in this administrative rule.

The purpose of the creation of Rule 12-13.0076, F.A.C. (Calculation of Penalty Subject to Compromise for Reasonable Cause), is to incorporate the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise. This system is currently under development by the Department for purposes of providing guidelines for determining the amount of compromise of penalty. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise will be incorporated into the guidelines for determining the amount of compromise of penalty established in this administrative rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the development of proposed Rules 12-13.0074 and 12-13.0076, F.A.C., for purposes of including the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise and the Expert System for Determining Willful Negligence or Willful Neglect currently under development by the Department.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.21(3) FS.

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

DATE AND TIME: February 19, 2008, 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, IF AVAILABLE, IS: Thomas K. Butscher, Senior Counsel, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT "www.myflorida.com/dor/rules" NO LATER THAN JANUARY 31, 2008.

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

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.: 33-401.401
 RULE TITLE: Use of Tobacco Products

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to restrict possession of tobacco products by inmates in special housing statuses.

SUBJECT AREA TO BE ADDRESSED: inmate possession of tobacco products.

SPECIFIC AUTHORITY: 944.09, 944.115 FS.

LAW IMPLEMENTED: 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.401 Use of Tobacco Products.

(1) through (5) No change.

(6) Inmates in administrative confinement, disciplinary confinement, close management, and maximum management housing at all institutions shall not be allowed to possess any tobacco products or lighters.

(7) Inmates on death row at Union Correctional Institution shall be limited to purchase of 2 packages of tobacco products (cigarettes or smokeless tobacco) per week, and shall not exceed the possession limit of 2 packages. Inmates on death row at Union Correctional Institution shall not be allowed to possess lighters; lighting devices are available on the recreation yards. Inmates on death row at Florida State Prison shall not be allowed to possess lighted tobacco products or lighters, and shall be limited to purchase of 1 package of smokeless tobacco per week, with a possession limit of 1 package.

~~(8)~~(6) No change.

~~(9)~~(7) No change.

Specific Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History--New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00, 10-1-03,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-402.101
 RULE TITLE: Dental Services – General

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines for the provision of dental services to inmates.

SUBJECT AREA TO BE ADDRESSED: Inmate dental services.

SPECIFIC AUTHORITY: 944.09, 945.6034, 945.6037 FS.

LAW IMPLEMENTED: 466.001, 466.003, 466.017, 466.023, 466.024, 944.09, 945.6034, 945.6037 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-402.101 Dental Services – General.

(1) The Department of Corrections Office of Health Services shall ensure that a comprehensive program of dental services, supervised by a dentist, is available to all inmates

under its jurisdiction. The dental services program shall include emergency dental services, urgent dental services, preventative dental services and routine dental services.

(2) Definitions.

(a) Emergency dental services include treatment for trauma, emergency tooth extractions, severe tooth pain, control of bleeding, and acute infection. Emergency dental services shall be available to inmates 24-hours a day.

(b) Urgent dental services include treatment for chipped teeth, tooth pain, lost crowns or fillings, or broken dentures. All Department of Corrections dental clinics shall hold daily sick call, when a dentist is available, to provide dental access to those inmates who cannot wait for a routine appointment but do not meet the criteria for emergency dental services.

(c) Preventative dental services include oral (mouth) exams and regular oral hygiene. The Department of Corrections shall provide each inmate oral hygiene supplies including a toothbrush and a toothpaste containing fluoride. The inmate shall also be provided education in the use of oral hygiene supplies.

(d) Routine dental services are available by request and include examination, diagnosis, and treatment provided per a written treatment plan. Oral surgery is also available to all inmates, however, oral surgery for purely cosmetic reasons will not be performed. Orthodontics or the treatment of misaligned teeth is excluded from routine services and shall not be provided unless the lack of orthodontic services adversely affects an inmate's health.

(3) All inmates are required to receive an orientation to dental services within seven days of arrival at their assigned institution. The dental orientation shall include:

(a) An explanation of access to dental care, including the hours of emergency, sick-call and routine dental care;

(b) How to request dental care; and

(c) A group oral hygiene presentation.

(4) Each inmate shall receive a dental examination to determine his or her dental needs as soon as possible, but not later than seven days after incarceration at a reception center.

(5) Dental periodic oral examinations shall be done every two years until the inmate is 50 years of age, and annually thereafter.

(a) Only a dentist may perform a dental periodic oral examination.

(b) An inmate in an active treatment program is not required to receive a dental periodic oral examination. Sick call and emergency dental visits are not considered an active treatment program and will not affect the periodic oral examination date.

(c) An inmate may refuse specific dental examinations and treatments. Inmates who refuse dental services will be required to sign Form DC4-711A, Refusal for Health Care Services. Form DC4-711A is incorporated by reference in Rule

33-602.210, F.A.C. By refusing an examination or treatment at a particular time, the inmate does not waive his or her right to subsequent dental care.

(6) Proper oral hygiene shall be reinforced throughout the inmate's dental treatment plan. A complete prophylaxis (cleaning) is included as part of the dental treatment plan. Auxiliaries can be utilized to assist in oral hygiene services in accordance with the State Dental Practice Act, Chapter 466, F.S.

(7) Dental services available to inmates are based upon four levels of dental care.

(a) Level I dental care is available to inmates during the reception process. It includes:

1. An intake dental examination performed by a dentist and the development of a provisional treatment plan.

2. Necessary extractions as determined by the intake dental examination.

3. Emergency dental treatment including treatment of soft tissue disease.

(b) Level II dental care is available to inmates with less than six months of Department of Corrections incarceration time. It includes:

1. All Level I care.

2. Tooth decay control with temporary fillings.

3. Limited cleaning of symptomatic area with emphasis on oral hygiene practices.

4. Complete and partial denture repairs provided the inmate has sufficient Department of Corrections incarceration time remaining on his or her sentence to complete the repair.

5. If an inmate has no upper or lower teeth and requests dentures they are to be placed on the appointment waiting list at their permanent facility. They are not required to wait six months for Level III care.

6. In cases of medical referral inmates are to be scheduled as soon as possible for evaluation for dental care.

(c) Level III dental care is available to inmates with six months or more of continuous Department of Corrections incarceration time. Level III includes:

1. All Levels I and II care.

2. Complete dental examination with X-rays, periodontal (gum) screening and recording, and development of a dental treatment plan.

3. Teeth cleaning, gum examination and oral hygiene instructions.

4. Complete dentures provided the inmate has at least four months of continuous Department of Corrections' incarceration time remaining on his or her sentence.

5. After the inmate has received a complete cleaning he or she is eligible for:

a. Fillings.

b. Partial dentures.

i. Acrylic partial dentures provided the inmate has at least four months of continuous Department of Corrections incarceration time remaining on his or her sentence. Three or more anterior(front)teeth in an arch must be missing before an anterior acrylic partial denture is considered. Acrylic partial dentures will not be made available for purely cosmetic reasons.

ii. Cast partial dentures will be fabricated only when the oral condition precludes the fabrication of acrylic partial dentures.

iii. Each inmate is responsible for the loss, destruction, or mutilation of removable prosthetics. Failure to take responsibility for the removable prosthetics is not justification for replacement at Department of Corrections' expense. In cases where intentional damage or loss is suggested, the incident will be considered the same as willfully damaging state property and will be dealt with in accordance with existing institutional policies.

iv. Only one denture(s) will be provided in a lifetime with one reline provided at no cost. Dentures required more often will be charged to the inmate unless such a requirement is caused by a change in the inmate's dental condition that renders the existing denture(s) non functional.

c. Nonemergency endodontic (root canal) therapy is available to Level III inmates (more than six months of continuous Department of Corrections' incarceration time) when clinically indicated. All teeth receiving endodontic therapy must have adequate support in the surrounding gum tissues and have a good chance of recovery and long term retention. In addition, posterior teeth receiving endodontic therapy must be crucial to arch integrity (no missing teeth in the quadrant or necessary as a partial denture abutment.)

d. Basic nonsurgical periodontal therapy as necessary.

(d) Level IV dental care represents advanced dental services that may be available on a limited basis.

1. This level of dental care is available to inmates on an as-needed basis after completion of Level III services and successful demonstration of a plaque free index score of 90 percent of greater for two consecutive months. If an inmate cannot demonstrate that he or she is following an acceptable oral hygiene program advanced dental therapy will not be considered.

2. Dental care and follow-up to highly specialized procedures such as orthodontics and implants placed before incarceration will be managed on an individual basis after consulting with the Director of Dental Services. The inmate will be responsible for the costs of continuation of care associated with both orthodontics and implants initiated before incarceration.

3. Fixed prosthetics (crowns and bridges) are not to be done except in unusual circumstances and only when an adequate restoration cannot be placed. The inmate will be responsible for the lab charges associated with the replacement of single unit crowns installed prior to incarceration.

(8) Dental Care Requests, Complaints and Formal Grievances.

(a) Inmate requests for dental services shall be submitted on Form DC6-236, Inmate Request or Form DC4-698A, Inmate Sick Call Request, and submitted to the Senior Dentist or his or her designee. Form DC4-698A is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Bureau of Policy Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) Inmates wishing to file a complaint or formal grievance shall follow the grievance procedure as described in Rule 33-103.001, F.A.C.

(9) Co-payments for Dental Services.

(a) Inmates must make a co-payment for each nonemergency dental visit as described in Section 945.6037, F.S.

(b) There will be no co-payment for emergency dental services. If an inmate declares a dental emergency that does not meet the dental emergency guidelines, no treatment will be rendered and a co-payment charge will be assessed.

(10) Missed Appointments. Inmates who do not keep their dental appointments shall be rescheduled except for the following:

(a) All inmates having two non-security related no-shows in a row or have a history of no-shows shall be brought to the dental clinic to determine their desire to continue dental care;

(b) All inmates having three non-security related no-shows within a six appointment time span shall be removed from the dental treatment list and will not be rescheduled again for routine or comprehensive dental care unless a written request is submitted for continuation for dental care. The inmate will be placed on the appointment waiting list and will not be given preferential appointments unless the inmate's overall health would be adversely affected with dental treatment by delaying dental treatment.

Specific Authority 944.09, 945.6034, 945.6037 FS. Law Implemented 466.001, 466.003, 466.017, 466.023, 466.024, 944.09, 945.6034, 945.6037 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.800 Close Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify and simplify the Department's Rules by amending Rules 33-601.800 and .820, F.A.C. to use form DC6-229 "Daily Record of Special Housing," to document provision of services to inmates in special housing statuses.

SUBJECT AREA TO BE ADDRESSED: Special housing forms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.800 Close Management.

(1) through (5) No change.

(6) Close Management Facilities.

(a) through (d) No change.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and apply to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A. Form DC6-229A is incorporated by reference in subsection (19) of this rule.

(f) through (g) No change.

(h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229A, ~~Close Management~~ Daily Record of Special Housing Segregation.

(7) through (9) No change.

(10) Conditions and Privileges in CM Units.

(a) Clothing – Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229A and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229A, ~~Close Management~~ Daily Record of Special Housing Segregation. Under no circumstances shall an inmate be left without a means to cover him or herself.

(b) Bedding and linen – Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the action initially. Such exceptions shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is a indication of a security problem. Close management inmates at all levels shall be allowed to possess a "walkman" type radio with approved headphones as is allowed for general population inmates. Exceptions or removal of any item will be documented on the Form DC6-229A. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to him or herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours

thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A, which must be reviewed by the chief of security. When any personal property is removed, an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) No change.

(f) Diet and Meals – All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the close management area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in close management who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A.

(g) through (k) No change.

(l) Reading materials – Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-229A, ~~Close Management~~ Daily Record of Special Housing Segregation. If items are removed in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or

equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) No change.

(12) Suspension of Privileges. The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.

(13) through (14) No change.

(15) Contact by Staff. The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (19) of this rule. The staff member shall also document his or her visit on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) through (i) No change.

(16) Review of Close Management.

(a) No change.

(b) All services provided by any mental health or program staff member shall be recorded on the ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A, which shall be kept in the CM unit.

(c) through (g) No change.

(17) Close Management Records.

(a) A Report of Close Management, Form DC6-233C, shall be kept for each inmate placed in close management.

(b) A ~~Close Management~~ Daily Record of Special Housing Segregation, Form DC6-229A, shall be maintained for each inmate as long as he is in close management. Form DC6-229A shall be utilized to document any activities, including cell searches, items removed, showers, outdoor exercise, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The close management unit officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229A shall be maintained in the housing area for 30 days. After each 30 day review of the inmate by a member of the ICT, Form DC6-229A shall be forwarded to classification to be filed in the institutional inmate record.

(c) A Daily Record of Special Housing Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Form DC6-229A whenever additional written documentation is required concerning an event or incident related to the specific inmate.

(d) through (e) No change.

(18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (d) No change.

(e) Form DC6-229, Daily Record of Special Housing Segregation, effective date 12-16-01.

~~(f) Form DC6-229A, Close Management Daily Record of Segregation, effective date 4-9-06.~~

~~(f)(g) Form DC6-229B, Daily Record of Special Housing Segregation – Supplemental, effective date 4-8-04.~~

(h) through (l) renumbered (g) through (k) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.820
 RULE TITLE: Maximum Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify and simplify the Department's Rules by amending Rules 33-601.800 and .820, F.A.C., to use form DC6-229 "Daily Record of Special Housing," to document provision of services to inmates in special housing statuses.

SUBJECT AREA TO BE ADDRESSED: Special housing forms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.820 Maximum Management.

(1) through (3) No change.

(4) Conditions of Placement in Maximum Management. Inmates shall be subject to the following conditions upon initial placement in maximum management:

(a) The inmate shall be provided clothing and bedding. If the inmate's behavior requires, the Shift Supervisor may authorize the removal of clothing or bedding or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status. The Shift Supervisor shall notify the Warden. If in agreement with the action, the Warden shall notify the Regional Director. If the Regional Director agrees with the action, the Deputy Assistant Secretary of Institutions – Operations will be contacted for final approval no later than the first work day following the Shift Supervisor's action. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229A, ~~CM~~ Daily Record of Special Housing Segregation. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C. Under no circumstances shall an inmate be left without a means to cover him or herself.

(b) through (g) No change.

(5) Initial Placement Hearing and Decision Process.

(a) through (j) No change.

(k) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229A, ~~CM~~ Daily Record of Special Housing Segregation, is documented with any status or condition changes approved by the Maximum Management Review Team. The Classification Supervisor shall also ensure that the inmate is informed verbally and in writing of the Maximum Management Review Team's decision. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C.

(l) through (m) No change.

(6) Review of Maximum Management Status and Conditions.

(a) The Institutional Classification Team shall review the inmate's maximum management status, the conditions set forth in subsection (4) above, and previously modified conditions, weekly for the first sixty days from the date of placement, and at least monthly thereafter.

1. Weekly reviews by the Institutional Classification Team during the first sixty days of maximum management status and monthly thereafter shall be documented on Form DC6-229A, ~~CM~~ Daily Record of Special Housing Segregation.

2. through 3. No change.

(b) through (e) No change.

(f) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229A, ~~CM~~ Daily Record of Special Housing Segregation, is documented with any status or condition changes approved by the Regional Director or Deputy Assistant Secretary of Institutions – Operations.

(g) through (h) No change.

(7) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-21.631	Water Shortage, Phase II
40B-21.641	Water Shortage, Phase III

PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-21, Florida Administrative Code, to provide an exemption from water shortage restrictions for high pressure/high volume irrigation systems that have been certified within the past two years to be as efficient as practicable. The effect of the rule development will be to amend the rule language to allow for certification within five years prior to the effective date of a water shortage order.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will provide an exemption from water shortage restrictions for high pressure/high volume irrigation systems that have been certified within the past two years to be as efficient as practicable.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.175, 373.246 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

PURPOSE AND EFFECT: To amend the rules to address water availability within the Lake Okeechobee Service Area.

SUBJECT AREA TO BE ADDRESSED: Basis of Review for Water Use Permit Applications Within the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
 LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

DATE AND TIME: February 4, 2008, 1:00 p.m. (NOTE: This rule development workshop is combined with the Issues Workshop of the South Florida Water Management District's Water Resources Advisory Commission)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, 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, IF AVAILABLE, IS: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6817 or (561)682-6817, email: sburns@sfwmd.gov or Beth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@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 NOT AVAILABLE.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-8.011	Purpose and General Provisions
40E-8.021	Definitions
40E-8.221	Minimum Flows and Levels: Surface Waters
40E-8.231	Minimum Levels: Aquifers
40E-8.321	Minimum Flows and Levels: Surface Waters
40E-8.331	Minimum Levels: Aquifers

40E-8.341 Minimum Flows and Levels: Surface Waters for Upper East Coast Regional Planning Area

40E-8.351 Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area

40E-8.421 Prevention and Recovery Strategies

40E-8.431 Consumptive Use Permits

40E-8.441 Water Shortage Plan Implementation

PURPOSE AND EFFECT: To amend the rules to address water availability within the Lake Okeechobee Service Area.

SUBJECT AREA TO BE ADDRESSED: Minimum flows and levels recovery plan.

SPECIFIC AUTHORITY: 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

DATE AND TIME: February 4, 2008, 1:00 p.m. (NOTE: This rule development workshop is combined with the Issues Workshop of the South Florida Water Management District's Water Resources Advisory Commission)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Rick Smith, WRAC Facilitator, (800)432-2045, ext. 6517 or (561)682-6517, email: rismith@sfwmd.gov. 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: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-6817, (561)682-6817, email: sburns@sfwmd.gov or Elizabeth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

PURPOSE AND EFFECT: To amend the rules to address water availability within the Lake Okeechobee Service Area.

SUBJECT AREA TO BE ADDRESSED: Basis of Review for Water Use Permit Applications Within the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

DATE AND TIME: February 4, 2008, 1:00 p.m. (NOTE: This rule development workshop is combined with the Issues Workshop of the South Florida Water Management District's Water Resources Advisory Commission)

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, 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, IF AVAILABLE, IS: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6817 or (561)682-6817, email: sburns@sfwmd.gov or Beth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@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 NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-12.001
 RULE TITLE: Grounds for Disciplinary Proceedings

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Grounds for Disciplinary Proceedings.

SPECIFIC AUTHORITY: 455.304, 481.2055 FS.

LAW IMPLEMENTED: 455.303, 455.304, 481.219, 481.225, 481.2251 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 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

Electrical Contractors' Licensing Board

RULE NO.: 61G6-4.019
 RULE TITLE: General Definitions

PURPOSE AND EFFECT: The purpose and effect is to add a definition for "call verification methods."

SUBJECT AREA TO BE ADDRESSED: General Definitions.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.521(7)(b), 489.529 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: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-4.019 General Definitions.

The following words, terms and phrases are used in Chapter 489, Part II, F.S., shall mean the following:

(1) Call Verification Methods – The term “call verification methods” is the process of monitoring facility personnel making two or more attempts to make contact prior to dispatch, by means of telephone or audio conversation, with an authorized pass code holder or other authorized person for the protected premises to verify that no emergency exists.

(2) Other Advertising Media – The term “other advertising media” shall apply to business proposals, bill of sales, contracts, business cards, construction site signs, all newspapers, airwave transmission, phone directory, handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, internet websites, manufacturer’s “authorized dealer” listings, and signs on vehicles. They shall not apply to business stationery, balloons, pencils, pens, hats, articles of clothing, or other promotional novelties. Neither shall the terms apply to free phone directory listings (regardless of page color) of one, two, or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole or in part in an unbolded or unhighlighted print and without further textual or pictorial elaboration or touting in its overall display.

Specific Authority 489.507(3) FS. Law Implemented 489.521(7)(b), 489.529 FS. History–New 8-23-89, Amended 7-3-91, Formerly 21GG-4.019, Amended 12-24-97, 5-13-03,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-2.0144	Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to bring the rule into compliance with the 2006 legislative change.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements for dental hygiene applicants from unaccredited dental schools or colleges.

SPECIFIC AUTHORITY: 456.067, 466.004, 466.007 FS.

LAW IMPLEMENTED: 466.007 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 Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-4.002	Requirements for Certification
64B9-4.015	Approved Certification Bodies for Certified Nurse Specialists

PURPOSE AND EFFECT: For Rule 64B9-4.002, F.A.C., the Board proposes to add another approved certification body for certified nurse specialists. For Rule 64B9-4.015, F.A.C., the Board proposes to add another approved certification body for advanced registered nurse practitioners and to clarify that the certification requirements include a current national certification.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification; Approved Certification Bodies for Certified Nurse Specialists.

SPECIFIC AUTHORITY: 456.048, 464.006, 464.0115, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.0115, 464.012, 464.018(1)(b), (2) 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 Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.002 Requirements for Certification.

(1) No change.

(2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board. After July 1, 2006, applications for certification as an

Advanced Registered Nurse Practitioner pursuant to Section 464.012(3), F.S., shall submit proof of current national advanced practice certification from an approved nursing specialty board.

(3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

(a) through (e) No change.

(f) National Board for Certification of Hospice and Palliative Nurses.

(4) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06,_____.

64B9-4.015 Approved Certification Bodies for Certified Nurse Specialists.

The following nationally recognized certifying bodies are approved to meet the licensure requirements of Section 464.0115(1), F.S.:

(1) through (3) No change.

(4) National Board for Certification of Hospice and Palliative Nurses.

Specific Authority 464.0115 FS. Law Implemented 464.0115 FS. History—New 11-22-07, Amended_____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-10.0035 Licenses

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt a new rule with regarding disclosure of licensure status.

SUBJECT AREA TO BE ADDRESSED: Licenses.

SPECIFIC AUTHORITY: 456.072(1)(t), 484.005, 484.007 FS.

LAW IMPLEMENTED: 456.072 (1)(t), 484.005 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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-11.001 Application for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language concerning the date of the administration of the PMLexis Examination.

SUBJECT AREA TO BE ADDRESSED: Application for licensure.

SPECIFIC AUTHORITY: 456.033(6), 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.033, 461.006 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-11.001 Application for Licensure.

An application file for licensure is not complete unless and until it contains verification of a passing score from examination of the National Board of Podiatric Medical Examiners, including Part I, Part II, and the PMLexis Examination ~~administered after August of 1996~~. Such verification must be received by the Board office directly from the provider of the National Board of Podiatric Medical Examiners examination.

Specific Authority 456.033(6), 461.005 FS. Law Implemented 456.017(1)(c), 456.033, 461.006 FS. History—New 1-29-80, Amended 12-9-82, Formerly 21T-11.01, Amended 10-14-86, 1-26-88, 6-20-88, 7-3-89, 6-24-92, Formerly 21T-11.001, Amended 7-6-94, Formerly 61F12-11.001, Amended 1-1-96, 7-15-96, Formerly 59Z-11.001, Amended 9-3-98, 2-8-00,_____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-14.001 Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 461.0004(4), 461.005 FS.

LAW IMPLEMENTED: 456.073(4), 461.004(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-14.011 RULE TITLE: Mediation

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language concerning updating profiling requirements.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 456.078, 461.005 FS.

LAW IMPLEMENTED: 456.078 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-14.011 Mediation.

The Board of Podiatric Medicine has determined that the following violations are defined as mediation offenses:

- (1) Failure to supply copies of patient records in a timely manner when requested by a patient or a patient’s representative;
- (2) Failure to post the patient’s bill of rights as required by Sections 381.026 and 381.0261, F.S.;
- ~~(3) Failure to update profiling requirements on a timely basis; and~~
- ~~(3)(4)~~ Failure to provide proof of proper financial responsibility.

Specific Authority 456.078, 461.005 FS. Law Implemented 456.078 FS. History—New 3-26-95, Amended 6-17-97, Formerly 59Z-14.011, Amended 8-24-00, 7-26-04, _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-24.001 RULE TITLE: Initial Certification for Podiatric X-Ray Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning certification for podiatric x-ray assistants.

SUBJECT AREA TO BE ADDRESSED: Initial Licensure for Podiatric X-Ray Assistants.

SPECIFIC AUTHORITY: 461.005, 461.0135 FS.

LAW IMPLEMENTED: 120.52(9), 456.013(2), 456.025(1), 456.064, 461.003(2), 461.0135 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-24.001 Initial Certification ~~Licensure~~ for Podiatric X-Ray Assistants.

~~(1) Each applicant for initial certification licensure as a certified podiatric x-ray assistant shall submit an certification application, on form DH-MQA 1026, 4/99, entitled, “Application For Certified Podiatric X-Ray Assistant,” which is hereby incorporated by reference and will be effective February 16, 2000, copies of which may be obtained from the Board office of Podiatric Medicine’s website <http://www.doh.state.fl.us/mqa/podiatry/index.html> and shall include: applicants shall pay a licensure certification fee of \$75.~~

~~(a) A certification fee of \$75.00; and~~

~~(b) The name(s) of the applicant’s supervising Florida licensed podiatric physician(s).~~

~~(2) Any change of supervisor must be reported by the applicant/certified podiatric x-ray assistant to the Board within 30 days of the change on form DH-MQA, 10/2007, entitled, “Update Supervisor for Certified Podiatric X-ray Assistant,” which is hereby incorporated by reference and will be effective _____, and can be obtained from the Board of Podiatric Medicine’s website <http://www.doh.state.fl.us/mqa/podiatry/index.html>.~~

~~(3) The Board shall verify successful passage of the course and examination required by Section 461.0135, F.S., prior to issuance of the certified podiatric x-ray assistant certification.~~

Specific Authority 461.005, 461.0135 FS. Law Implemented 120.52(9), 456.013(2), 456.025(1), 456.064, 461.003(2), 461.0135 FS. History—New 2-16-00, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
 65A-1.205 Eligibility Determination Process
 PURPOSE AND EFFECT: The proposed rule amendment clarifies the Department's eligibility processing procedures applicable to all public assistance programs. It also removes reference to the Relative Caregiver Program (RCP) as the provision has been moved to Administrative Rule 65A-4.208, F.A.C., since it is only pertinent to individuals who meet Temporary Cash Assistance (TCA) eligibility factors.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for the use of a paper or electronic/web based application to apply for public assistance. It also provides clarification on the Department's eligibility determination process and removes reference to the RCP.
 SPECIFIC AUTHORITY: 409.919, 414.45 FS.
 LAW IMPLEMENTED: 409.903, 409.904, 409.919, 410.033, 414.045, 414.095, 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: February 4, 2008, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Room 413, Tallahassee, Florida 32399-0700, telephone (850)410-3291
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:
 69A-58.004 Firesafety Inspections
 69A-58.0081 Means of Egress
 69A-58.0082 Relocatable Buildings
 PURPOSE AND EFFECT: These rules were either amended or new on November 26, 2006. The Department received comments to the proposed rules after the expiration of the comment period.
 SUBJECT AREA TO BE ADDRESSED: Firesafety inspections in public schools.

SPECIFIC AUTHORITY: 1013.12; 633.022 FS.
 LAW IMPLEMENTED: 1013.12; 633.022 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: February 8, 2008, 10:00 a.m.
 PLACE: Third Floor Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, FL 32303
 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 hours before the workshop/meeting by contacting: Belinda Chukes. 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: Lesley Mendelson (850)413-3604
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
 69K-1.002 Fingerprint Requirement and Waiver
 PURPOSE AND EFFECT: Each applicant and entity seeking a license pursuant to Sections 497.263, 497.264, 497.281, 497.368, 497.369, 497.370, 497.373, 497.374, 497.380, 497.385, 497.453, 497.466, 497.550, 497.554, 497.602, 497.604, and 497.606, F.S., is required to submit fingerprints to the Department for a criminal history report. Section 497.142(12), F.S., authorizes the Department to adopt rules that establish forms, procedures, and fees for the submission and processing of fingerprints required to be submitted pursuant to Chapter 497, F.S. That section also authorizes the Department to waive the fingerprint submission requirement if the person has within the preceding 24 months submitted fingerprints to the Department and the Department obtained a criminal history report using those prior fingerprints.
 SUBJECT AREA TO BE ADDRESSED: Submission of fingerprints for licensure under Chapter 497, F.S.
 SPECIFIC AUTHORITY: 497.103(5)(b), 497.141, 497.142(12) FS.
 LAW IMPLEMENTED: 497.141, 497.142, 497.263, 497.264, 497.281, 497.368, 497.369, 497.370, 497.373, 497.374, 497.380, 497.385, 497.453, 497.466, 497.550, 497.554, 497.602, 497.604, 497.606 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: Monday, February 4, 2008, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diana Marr, (850)413-3039. 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: Diana Marr, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-1.002 Fingerprint Requirement and Waiver.

(1) Each person and entity applying for a license under Chapter 497, F.S., shall submit fingerprints to the Department for a criminal history report as part of the license application process as follows:

(a) Where the applicant is a natural person, the fingerprints of the natural person making application:

(b) Where the applicant is a corporation, the fingerprints of the persons serving in the following capacities: chief executive officer and president, or both persons if the positions are filled by different persons; chief financial officer; chief of operations; general counsel if a corporation employee; and members of the board;

(c) Where the applicant is a limited liability company, the fingerprints of all managers and members of the limited liability company;

(d) Where the applicant is a partnership, the fingerprints of all partners.

(2) Persons and entities already licensed under Chapter 497, F.S., as of 10-1-05 are not required to submit their fingerprints to renew or retain their existing licenses. However, if such person or entity applies for an additional license under Chapter 497, F.S., such person or entity shall be required to submit their fingerprints to the Department.

(3) Applicants are exempt from submitting fingerprints if, within two years preceding their new application, they had previously submitted their fingerprints to the Department of

Financial Services in relation to some other type of license application, and the Department obtained a criminal history report utilizing those prior fingerprints.

(4) Fingerprints may be submitted to the Department either in an electronic format or by using a paper fingerprint card.

(5) Information about submitting electronic fingerprints is on the Department's website: <http://myfloridacfo.com/FuneralCemetery/>.

(6)(a) The Department uses the fingerprint cards of the United States Department of Justice, Federal Bureau of Investigation, Form No. FD-258 (rev. 5-11-99), which is incorporated by reference in Rule 69K-1.001, F.A.C. Applicants shall obtain this fingerprint card form from the Department with a pre-stamped ORI number to ensure that fingerprint results are sent to the correct agency. Fingerprint cards shall be obtained from the Department prior to submitting an application by calling (850)413-3039.

(b) The fingerprints shall be taken by a certified law enforcement officer, as defined in Chapter 943, F.S., or by an employee of a law enforcement agency whose duty it is to perform fingerprint services for the public.

(c) The completed fingerprint cards shall be mailed to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, accompanied by a nonrefundable processing fee.

Specific Authority 497.103(5)(b), 497.141, 497.142(12) FS. Law Implemented 497.141, 497.142, 497.263, 497.264, 497.281, 497.368, 497.369, 497.370, 497.373, 497.374, 497.380, 497.385, 497.453, 497.466, 497.550, 497.554, 497.602, 497.604, 497.606 FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.:	RULE TITLE:
69L-7.501	Florida Workers' Compensation Reimbursement Manual for Hospitals

PURPOSE AND EFFECT: The purpose of the workshop is to assist the Department of Financial Services (Department) and the Three-Member Panel in determining appropriate usual and customary charges for hospital outpatient care provided by Florida hospitals for inclusion in the Florida Workers' Compensation Reimbursement Manual for Hospitals, adopted through Rule 69L-7.501, Florida Administrative Code. The Department will take testimony at the workshop regarding the "Recommendations for Determining Customary Charges for Florida Outpatient Hospital Services to Workers' Compensation Patients", a report prepared for the Department that can be accessed at www.myfloridacfo.com/wc/. The report will be listed under the "News" section of the Division of Workers' Compensation's homepage. The Department solicits comments to be made at the workshop by interested parties

regarding any additional methodologies for determining appropriate usual and customary charges for hospital outpatient care provided by Florida hospitals. In addition, the purpose of the workshop is to assist the Department and the Three-Member Panel in determining maximum reimbursement allowances for inpatient hospital care based on a schedule of per diem rates, excluding a stop-loss provision, for inclusion in the Florida Workers' Compensation Reimbursement Manual for Hospitals, adopted through Rule 69L-7.501, F.A.C. Florida Administrative Code. The Department will take testimony regarding the following per diem reimbursement methodologies: a straight per diem rate, in that the hospital is reimbursed a set amount for each day the patient remains in the hospital; per diem by service type, where the per diem rate varies based upon the type of clinical service provided; and a per diem rate indexed to length of stay, where the per diem rate is based on the patient's length of stay. The Department solicits comments to be made at the workshop by interested parties regarding any additional methodologies for determining appropriate maximum reimbursement allowances for inpatient hospital care based on a schedule of per diem rates, excluding a stop-loss provision. The effect of the workshop is to lead to development of revised reimbursements for hospital inpatient and outpatient care for inclusion in the Florida Workers' Compensation Reimbursement Manual for Hospitals.

SUBJECT AREA TO BE ADDRESSED: Reimbursements to hospitals for care provided to workers' compensation patients pursuant to the Florida Workers' Compensation Reimbursement Manual for Hospitals.

SPECIFIC AUTHORITY: 440.13(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14) 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: Thursday, February 14, 2008, 9:30 a.m. – 12:00 p.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Andrew Sabolic. 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: Andrew Sabolic, Assistant Director, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-149.0025	Definitions
69O-149.006	Actuarial Memorandum

PURPOSE AND EFFECT: To answer questions on health rate filings.

SUBJECT AREA TO BE ADDRESSED: Rate Filing Procedures.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 627.410 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: January 31, 2008, 10:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerry Smith, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

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

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.0014	Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate revisions to selected data elements, procedures and timelines for state reporting, local recordkeeping, and statewide records transfer which are to be implemented by each school district and the Department of Education within