

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.: 9B-7.0042  
 RULE TITLE: Florida Accessibility Code for Building Construction

PURPOSE AND EFFECT: The Florida Building Commission's staff has discovered a formatting glitch that impacts the rule as it appears in the Florida Administrative Code relative to the Notice of Proposed Change published on November 16, 2007, and one instance in which the width of the accessible route needs to be specifically identified. This rule amendment will address those limited issues.

SUBJECT AREA TO BE ADDRESSED: Florida Accessibility Code for Building Construction.

SPECIFIC AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. At its meeting of January 30, 2008, the Florida Building Commission determined that, for the limited purposes to be addressed by this rule amendment, a rule development workshop is unnecessary.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Community Program Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE CHAPTER NO.: 15C-16  
 RULE CHAPTER TITLE: Electronic Temporary Registrations  
 RULE NOS.: 15C-16.001, 15C-16.002, 15C-16.003, 15C-16.004  
 RULE TITLES: Scope and Authority, Data Security, Exemptions, Record Retention

PURPOSE AND EFFECT: Create a new rule to reflect the addition of Section 320.96, F.S. The new statute requires the Department of Highway Safety and Motor Vehicles to implement a secure electronic process for the issuance of temporary license plates.

SUBJECT AREA TO BE ADDRESSED: The proposed rule action describes how the department will move from a manual process of issuing temporary license plates to a secure electronic process as required by Section 320.96, F.S.

SPECIFIC AUTHORITY: 320.96 FS.

LAW IMPLEMENTED: 320.131, 320.96 FS.

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

DATE AND TIME: Tuesday, March 4, 2008, 9:30 a.m. or as soonest thereafter

PLACE: Division of Motor Vehicles, DMV Conference Room, Room A-339, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0500

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact: Angela Starbuck, Department of Highway Safety and Motor Vehicles, (850)617-3171 or e-mail at Starbuck.Angela@hsmv.state.fl.us, at least five (5) calendar days prior to the meeting. 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: Palmer Brand, Assistant Chief, Bureau of Titles and Registration Services, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Room A334, MS 68, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-3001

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15C-16.001 Scope and Authority.

(1) This chapter governs the administration of electronic temporary registrations (ETR) and related requirements for motor vehicles under Chapter 320, F.S. It is promulgated and will be administered by the Department of Highway Safety and Motor Vehicles ("the Department").

(2) The department shall implement a secure print-on-demand electronic temporary license plate registration, record retention, and issue system for use by every department-authorized issuer of temporary license plates. The department may provide exemptions as may be feasibly required.

(3) If a licensed dealer fails to comply with the department's requirements for issuing temporary license plates using the electronic system, the department may deny, suspend,

or revoke a license under Section 320.27(9)(b)16., F.S., upon proof that the licensee has failed to comply with the department's requirements.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History--New \_\_\_\_\_.

15C-16.002 Data Security.

All information communicated via ETR providers and the department must, at a minimum, be encrypted using a secure sockets layer (SSL) protocol with 128-bit encryption.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History--New \_\_\_\_\_.

15C-16.003 Exemptions.

(1) Trailers less than 2,000 lbs. gross vehicle weight (GVW) do not require the seller to be licensed for commercial sale and are therefore exempt from electronic temporary registration requirements.

(2) To ensure the continuation of operations with the least negative impact to temporary plate issuers when system outages occur, a backup issuance method using pre-assigned stock will be authorized by the department. The issuance of a plate using this method must be reported to the department within 24 hours of the issuance of the plate. Every issuer shall keep a record of any temporary tag issued by this method. The record will include, but is not limited to: date of issuance, tag number issued, the name and address of the motor vehicle purchaser, vehicle identification number, vehicle description, and reason for off-line issuance.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History--New \_\_\_\_\_.

15C-16.004 Record Retention.

Any person or entity authorized to issue electronic temporary registrations shall maintain all records relating to their issuance for a period of 5 years, and such records shall be open to inspection by the department or its agents during reasonable business hours.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History--New \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-501.302  
 RULE TITLE: Copying Services for Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-501.302, F.A.C. to clarify that copying services shall only be provided for documents already in the inmate's possession. The rule is also amended regarding inmate requests for records made during the course of discovery: inmates shall produce an order or pleading requiring production of records, that the rule does not provide for placement of a lien when copying documents requested during the course of discovery, and copies of documents requested during the course of discovery will not be provided unless inmates have sufficient funds to cover the cost of the copying.

SUBJECT AREA TO BE ADDRESSED: Copying services for inmates.

SPECIFIC AUTHORITY: 944.09, 945.6038 FS.

LAW IMPLEMENTED: 944.09, 945.6038 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:

33-501.302 Copying Services for Inmates.

(1) All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to judicial or administrative forums. Copying services as described in this rule shall only be provided for documents already in the inmate's possession. An inmate wishing to obtain documents from the department shall utilize Rule 33-601.901, F.A.C., or the discovery process in active litigation. No provision of this section shall be implemented in such a way as to conflict with any administrative order, administrative rule, judicial rule or judicial order.

(2) No change.

(3) Documents will be copied only if they are necessary to initiate a legal or administrative action or if they must be filed or served in a pending legal or administrative action. Except as otherwise provided in this rule, the number of copies made shall be the number required to be filed and served according to the rules of the judicial or administrative forum, or required per order of the judicial or administrative forum, plus one copy for the inmate to keep if the original is filed or served.

(a) through (c) No change.

~~(d) Requests for records made during the course of discovery. Inmates shall produce an order from a judicial or administrative forum, or pleading from opposing litigants or opposing counsel, requiring the production of records prior to copying. Only the specific records requested shall be copied and only one copy of the records shall be provided unless a judicial or administrative forum orders otherwise. If the discovery request relates to a civil proceeding, the inmate shall be charged for the copies as provided in this section.~~

(4) through (7) No change.

(8) Requests for records made during the course of discovery. Inmates shall produce an order from a judicial or administrative forum, or pleading from opposing litigants or opposing counsel, requiring the production of records before being allowed to examine the records. Copies will not be provided unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.

~~(9)~~(8) No change.

Specific Authority 944.09, 945.6038 FS. Law Implemented 944.09, 945.6038 FS. History–New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, 33-602.405, Amended 4-29-04, 8-5-07.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.314  
RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-601.314, F.A.C., to clarify subsection [9-9] by removing “scarring or other non-life threatening acts” and adding “branding” to the prohibited conduct under that section.

SUBJECT AREA TO BE ADDRESSED: Rules of prohibited conduct.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Sections 1 through 8 No change.

		Maximum Disciplinary Actions
SECTION 9 – MISCELLANEOUS INFRACTIONS		
	Sections 9-1 through 9-7 No change.	
9-9	Tattooing, being tattooed, branding or body art to include body piercing, <del>scarring or other non-life threatening acts</del>	30 DC + 60 GT

Sections 9-10 through 9-36 No change.

Sections 10 through 11 No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-1.002  
RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose of the proposed amendments to subsection 40D-1.002(2), F.A.C., is to delegate to designated staff the authority to act on requests for variances and waivers to Chapters 40D-21, F.A.C., Water Shortage Plan, and 40D-22, F.A.C., Year-Round Water Conservation Measures in order to streamline the variance and waiver process and correct certain staff titles.

SUBJECT AREA TO BE ADDRESSED: Delegation of authority to designated staff to act on requests for variances and waivers to Chapters 40D-21, F.A.C., Water Shortage Plan, and 40D-22, F.A.C., Year-Round Water Conservation Measures.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.002 Delegation of Authority.

(1) No change.

(2) The Governing Board delegates to the Executive Director, ~~the Assistant Executive Director~~, the Deputy Executive Director for Resource Regulation, the Regulation Performance Management Director, the Regulation Program Director – WUP Program, and the Demand Management Coordinator ~~Director of Records and Data~~ the authority to take final agency action on petitions for variances and waivers pursuant to Rule 40D-21.441, subsection 40D-1.1002(5) and Rule 40D-22.303, F.A.C.

(3) No change.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History–New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07,\_\_\_\_\_.

**DEPARTMENT OF VETERANS’ AFFAIRS**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
55-1.001	Agency Established
55-1.0015	Agency Description
55-1.003	Agency Head
55-1.005	Organization and Operations
55-1.021	General Information
55-1.023	Statutory Chapters and Rules
55-1.032	Agency Clerk
55-1.033	Public Access
55-1.034	Drug-Free Workplace

PURPOSE AND EFFECT: To remove rules that are redundant of statute, to update contact information and to conform rules to current Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Organization and description of the Florida Department of Veterans’ Affairs.

SPECIFIC AUTHORITY: 292.05(3), 296.04(2) FS.

LAW IMPLEMENTED: 20.37, 292.05, 296.04(2), (5), 296.34(3), (5), 296.02, 296.33, 112.0455 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.

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**DEPARTMENT OF VETERANS’ AFFAIRS**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
55-2.002	Membership of Florida Cabinet
55-2.003	Meetings and Notice
55-2.004	Presiding Officer
55-2.005	Quorum
55-2.006	Agendas
55-2.007	Distribution of Agendas
55-2.008	Recording of Proceedings
55-2.009	Minutes
55-2.010	Quarterly Reports
55-2.011	Agency Action
55-2.012	Voting
55-2.013	Amendment to Rules

PURPOSE AND EFFECT: To remove rules that are redundant of statute. To amend requirements for the content of quarterly report preceding legislative session.

SUBJECT AREA TO BE ADDRESSED: Meetings of Governor and Cabinet as Head of Department.

SPECIFIC AUTHORITY: 292.05(3) FS.

LAW IMPLEMENTED: 20.37, 292.05 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.

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**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-4.001	The Commission
55-4.002	Membership; Qualifications; Term of Office of Commission Members
55-4.003	Organization and Meetings of the Commission

PURPOSE AND EFFECT: To remove rules that are redundant to statute.

SUBJECT AREA TO BE ADDRESSED: Florida Commission on Veterans' Affairs.

SPECIFIC AUTHORITY: 292.05(3) FS.

LAW IMPLEMENTED: 292.04 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.

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**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-5.001	Purpose
55-5.002	Procurement Goal
55-5.003	Procedures

PURPOSE AND EFFECT: To remove rules that are redundant of statute.

SUBJECT AREA TO BE ADDRESSED: Minority Business Enterprise Procurement.

SPECIFIC AUTHORITY: 287.0947(2) FS.

LAW IMPLEMENTED: 215.422, 255.05(1)(a), 287.042(4)(f), 287.0945(1), 287.0947, 287.062(1), (4), (5), 287.0947 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.

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**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-6.001	Authority
55-6.002	Purpose
55-6.003	Public Inspection and Duplication
55-6.004	Final Orders Required to be Indexed
55-6.005	Listing of Final Orders
55-6.006	Numbering of Final Orders
55-6.007	System for Indexing Final Orders
55-6.008	Maintenance of Records
55-6.009	Plan

PURPOSE AND EFFECT: To remove rules that are redundant of statute.

SUBJECT AREA TO BE ADDRESSED: Minority Business Enterprise Procurement.

SPECIFIC AUTHORITY: 120.533(1)(f), (j) FS.

LAW IMPLEMENTED: 120.53(2)-(4), (2)(a)1.-5., 119.041(2) FS., Chapter 91-30, Section 10, 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.

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**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-11.002	Policies
55-11.003	Definitions
55-11.005	Admission Eligibility
55-11.008	Residents' Contribution to Support
55-11.010	Residents' Deposits of Money
55-11.011	Residents' Deposits of Personal Property
55-11.012	Vocational Rehabilitation and Work Incentive Programs.

PURPOSE AND EFFECT: To conform rules to current Florida Statutes. Update contact information and references to forms. Amend definitions. Clarify procedures for handling resident's deposits. Changes to Vocational Rehabilitation and Work Incentive Program.

SUBJECT AREA TO BE ADDRESSED: Veterans' Domiciliary Home of Florida.

SPECIFIC AUTHORITY: 296.04(2) FS.

LAW IMPLEMENTED: 296.02(2), 296.04(1), (2), (6), 296.06(1), (2), 296.07, 296.08, 296.10(1), 296.11(3), 296.12, 296.13, 296.14, 296.17, 400.402 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.

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**DEPARTMENT OF VETERANS' AFFAIRS**

RULE NOS.:	RULE TITLES:
55-12.002	Policies
55-12.003	Definitions
55-12.004	Admission Eligibility
55-12.006	Residents' Contribution to Cost of Care
55-12.007	Order and Discipline in the Home
55-12.008	Residents' Deposit of Money or Personal Property

PURPOSE AND EFFECT: To conform rules to current Florida Statutes. Clarify procedures for handling residents' deposit of money or personal property.

SUBJECT AREA TO BE ADDRESSED: Veterans' Nursing Home of Florida.

SPECIFIC AUTHORITY: 296.34(3) FS.

LAW IMPLEMENTED: 296.33(6), 296.34, 296.35, 296.36, 296.37, 296.38, 296.41 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.

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**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NOS.:	RULE TITLES:
55A-1.003	Procedure
55A-1.004	Unlawful Display or Use

PURPOSE AND EFFECT: To remove rules that are redundant of statute and to update contact information.

SUBJECT AREA TO BE ADDRESSED: Identification Cards.

SPECIFIC AUTHORITY: 295.17(1)(b) FS.

LAW IMPLEMENTED: 295.17(2), (3) FS.

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

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**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NO.:	RULE TITLE:
55A-3.005	County and City Veteran Service Officer Training Courses

PURPOSE AND EFFECT: To update contact information.

SUBJECT AREA TO BE ADDRESSED: County and City Veteran Service Officers.

SPECIFIC AUTHORITY: 292.05(3) FS.

LAW IMPLEMENTED: 292.11(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: Ron Lynn, (850)487-1533

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**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NO.:	RULE TITLE:
55A-5.004	State Approval of Educational Courses

PURPOSE AND EFFECT: To update contact and forms information.

SUBJECT AREA TO BE ADDRESSED: Standards for State Approval.

SPECIFIC AUTHORITY: 292.05(3) FS.

LAW IMPLEMENTED: 295.124 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.

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**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE NOS.:	RULE TITLES:
55A-7.002	Policy
55A-7.003	Definitions
55A-7.004	Covered Employers
55A-7.005	Covered Positions
55A-7.008	Persons Eligible for Appointment and Retention Preference
55A-7.009	Announcements and Applications
55A-7.010	Employment Preference When Using a Numerically Based Selection Process
55A-7.011	Employment Preference When Numerically Based Selection Process Is Not Used
55A-7.0111	Reinstatement or Reemployment; Promotion Preference
55A-7.012	Procedures for Commencement and Expiration of Preference
55A-7.013	Documentation of Preference Claim
55A-7.014	Notice and Documentation by Employer
55A-7.015	Preference in Retention
55A-7.016	Enforcement of Preference

PURPOSE AND EFFECT: To remove rules that are redundant of statute. To update contact information. To conform rules to current Florida Statutes. To amend rule concerning Announcements, Applications and Due Process. To amend rule concerning Documentation of Preference Claim..

SUBJECT AREA TO BE ADDRESSED: Veterans' Preference in Appointment and Retention in Employment.

SPECIFIC AUTHORITY: 295.07(2), 295.085(2) FS.

LAW IMPLEMENTED: 1.01(14), 295.065, 295.07, (1), (2)(c), (4), 295.08, 295.085, 295.09, 295.101, 295.11 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: Ron Lynn, (850)487-1533

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-9.034  
 RULE TITLE: Reports

PURPOSE AND EFFECT: The Agency proposes to revise Rule 59A-9.034, Florida Administrative Code, consistent with provisions of Section 390.0112, F.S. The statutes provide for the Agency for Health Care Administration to establish a system for required monthly reporting of termination of pregnancies.

SUBJECT AREA TO BE ADDRESSED: The proposed rule establishes procedures for submission of reports by medical facilities licensed under Chapter 390, F.S., in which any pregnancy is terminated.

SPECIFIC AUTHORITY: 390.012 FS.

LAW IMPLEMENTED: 390.011, 390.0112, 390.012 FS.

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

DATE AND TIME: March 3, 2008, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS 28A, Tallahassee, FL 32308 or call (850)487-0641

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-9.034 Reports.

Pursuant to ~~Section Chapters 382 and~~ 390.0112, F.S., an abortion clinic must submit a report each month to the ~~Agency, Office of Vital Statistics of the Department of Health,~~ regardless of the number of terminations of pregnancy. Monthly reports must be received by the ~~Agency department~~ within 30 days following the preceding month using the on-line reporting system that may be accessed at: <http://ahca.myflorida.com/ITOP>. ~~“Monthly Report of Induced Terminations of Pregnancy”, hereby incorporated by reference, Department of Health, Office of Vital Statistics, Public Health Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, or by telephone request at (904)359-6900, extension 1049.~~

Specific Authority 390.012 FS. Law Implemented ~~20.42(2)(a), 382.002, 390.002,~~ 390.011, 390.0112, 390.012 FS. History—New 6-13-90, Formerly 10D-72.034, Amended 8-24-94, 9-25-06,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.010  
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective January 1, 2008. In accordance with Senate Bill 2-C, 2007-08 Special Appropriations, Specific Appropriation 116, includes a reduction of \$37,591,163 as a result of modifying the reimbursement for nursing home rates, effective January 1, 2008. The Agency will modify the Medicaid trend adjustment contained in the Title XIX Nursing Home Reimbursement Plan to achieve this recurring reduction.

SUBJECT AREA TO BE ADDRESSED: January 1, 2008 nursing home reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 3, 2008, 9:00 a.m. – 10:00 a.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at stephene@ahca.myflorida.com

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020  
 RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective January 1, 2008, in accordance with, Senate Bill 2-C, Special Appropriations, Specific Appropriation 105. In accordance with Senate Bill 2-C, 2007-08 Special Appropriations, the reduced appropriation in Specific Appropriation 105 includes a reduction of \$34,320,532 as a result of modifying the reimbursement for inpatient hospital rates, effective January 1,

2008. The Agency will implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve this reduction.

SUBJECT AREA TO BE ADDRESSED: January 1, 2008 inpatient hospital reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 3, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.030  
 RULE TITLE: Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan payment methodology, effective January 1, 2008, in accordance with Senate Bill 2-C, 2007-08 Special Appropriations, Specific Appropriation 105.

In accordance with Senate Bill 2-C, 2007-08 Special Appropriations, the reduced appropriation in Specific Appropriation 107 includes a reduction of \$8,605,898 as a result of modifying the reimbursement for outpatient hospital rates, effective January 1, 2008. The Agency will implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve this reduction.

SUBJECT AREA TO BE ADDRESSED: January 1, 2008 Outpatient Hospital Reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 3, 2008, 11.00 a.m. – 12:00 p.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health



Care Administration, 2727 Mahan Drive, Building 3, Room 2120-B, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-8.500  
 RULE TITLE: Cause for Disenrollment from Health Plans

PURPOSE AND EFFECT: The purpose of this proposed rule is to incorporate in administrative rule the reasons for which a recipient may disenroll from a managed care plan. The effect of the rule will be to incorporate the reasons in administrative rule for which a recipient may disenroll from a managed care plan.

SUBJECT AREA TO BE ADDRESSED: Cause for Disenrollment from Health Plans.

SPECIFIC AUTHORITY: 409.91211, 409.9122, 409.919 FS.

LAW IMPLEMENTED: 409.912, 409.91211, 409.9122 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, March 11, 2008, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)488-9711, girardk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.500 Cause for Disenrollment from Health Plans.

(1) Recipients subject to the 12-month enrollment period may request disenrollment from the health plan for cause at any time during their no-change period. Recipients making such requests must submit the request to the call center representative for a determination.

(2) Changes without Cause. The following are reasons a recipient may change without cause at any time:

(a) The recipient missed his 60-day Open Enrollment period due to a temporary loss of eligibility, defined as sixty (60) days or less; or

(b) The State has imposed intermediate sanctions upon the health plan, as specified in 42 CFR 438.702(a)(3) for violations consistent with 42 CFR 438.700.

(3) For Cause Reasons. Recipients subject to the 12-month enrollment period may request disenrollment from the health plan for cause at any time during their no-change period. Recipients making such requests must submit the request to the call center representative for a determination. The following reasons constitute cause for disenrollment from the health plan:

(a) The recipient moves out of the county, or the recipient's address is incorrect and the recipient does not live in the county.

(b) The provider is no longer with the health plan.

(c) The recipient is excluded from enrollment.

(d) A substantiated marketing violation occurred with the individual recipient.

(e) The recipient is prevented from participating in the development of his treatment plan.

(f) The recipient has an active relationship with a provider who is not on the health plan's network, but is in the network of another health plan.

(g) The recipient is ineligible for enrollment in the health plan.

(h) The health plan no longer participates in the county.

(i) The recipient needs related services to be performed concurrently, but not all related services are available within the health plan network; or the recipient's primary care provider (PCP) has determined that receiving the services separately would subject the recipient to unnecessary risk.

(j) The health plan does not, because of moral or religious objections, cover the service the recipient seeks.

(k) Other reasons per 42 CFR 438.56(d)(2), including poor quality of care; lack of access to services covered under the contract; inordinate or inappropriate changes of PCPs; an unreasonable delay or denial of service, service access impairments due to significant changes in the geographic location of services; lack of access to providers experienced in dealing with the recipient's health care needs; or fraudulent enrollment.

(l) Recipients otherwise locked in who request enrollment in a specialty plan and appear to meet the eligibility requirements for the specialty plan.

(m) Recipient received a notice from their plan of the reduction in required benefits at the end of the plan's annual contract year (for the next year).

(4) Recipients whose request to disenroll from plans outside of their open enrollment period are denied will be mailed a Disenrollment Denial Letter, AHCA-HSD Form #XX, April 2007, incorporated by reference.

Specific Authority 409.91211, 409.9122, 409.919 FS. Law Implemented 409.912, 409.91211, 409.9122 FS. History-New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: RULE TITLE:  
 61G4-16.001 Written Certification Examination Requirements

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and add language to clarify written certification examination requirements in subsection (20).

SUBJECT AREA TO BE ADDRESSED: Written certification examination requirements.

SPECIFIC AUTHORITY: 455.217, 489.108 FS.

LAW IMPLEMENTED: 455.217, 489.113 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1490 North Monroe Street, Tallahassee, Florida 32399  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: RULE TITLE:  
 61G19-9.001 Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment updates and clarifies the composition of the mandated minimum continuing education courses requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Biennial Renewal.

SPECIFIC AUTHORITY: 455.2124, 455.213(6), 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 455.213(6), 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-9.001 Continuing Education for Biennial Renewal.

(1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) hours in the area of accessibility, and, ~~effective in the licensure renewal biennium that begins December 1, 2003,~~ a minimum of two (2) classroom or interactive distance learning hours in the area of Florida laws and rules (other than accessibility and ethics) and, effective in the licensure renewal biennium that begins December 1, 2007, one (1) classroom or interactive distance learning hour in the area of ethics as a condition of the biennial renewal of all certifications held by the certificate holder.

(2) through (3) No change.

(4) "Laws and Rules" as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters ~~112,~~ 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information Bulletin (CIB) online. "Ethics" as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, F.S., and other ethical principles specifically relevany to the role of licensees of this board."

(5) through (8) No change.

Specific Authority 455.2124, 455.213(6), 468.606, 468.627 FS. Law Implemented 455.2124, 455.213(6), 468.627 FS. History—New 5-23-94, Amended 5-21-95, 11-28-95, 6-9-97, 1-4-00, 4-23-01, 3-19-02, 6-10-02, 6-1-03, 1-10-07, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: RULE TITLE:  
 61J2-1.011 License Fees and Examination Fees

PURPOSE AND EFFECT: The Commission will no longer conduct license seminars or publish and sell those documents pertaining to the course syllabus.

SUBJECT AREA TO BE ADDRESSED: License Fees and Examination Fees.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 68.065(2), 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Florida Real Estate Commission**

RULE NO.:                   RULE TITLE:  
61J2-1.014                   Inactive Renewal

PURPOSE AND EFFECT: The proposed rule amendment will require the Commission to forward a licensee's renewal notification to his/her address of record.

SUBJECT AREA TO BE ADDRESSED: Inactive Renewal.

SPECIFIC AUTHORITY: 120.53, 475.05, 475.183 FS.

LAW IMPLEMENTED: 475.183 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Florida Real Estate Commission**

RULE NO.:                   RULE TITLE:  
61J2-2.027                   Applications by Individuals

PURPOSE AND EFFECT: The rule amendment deletes language that is in the statute and modifies other language to improve its clarity.

SUBJECT AREA TO BE ADDRESSED: Application by Individuals.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987).

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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Florida Real Estate Commission**

RULE NO.:                   RULE TITLE:  
61J2-2.029                   Examination Areas of Competency

PURPOSE AND EFFECT: The proposed rule amendment deletes language that allows a successful applicant to practice in real estate if his/her employment information is on file.

SUBJECT AREA TO BE ADDRESSED: Examination Areas of Competency.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Florida Real Estate Commission**

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

PURPOSE AND EFFECT: The proposed rule amendment deletes the exemption from reactivation education requirements for active members in good standing with the Florida Bar, and who are otherwise qualified under the real estate law.

SUBJECT AREA TO BE ADDRESSED: License Reactivation Education for Brokers and Sales Associates.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 465.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.011                      RULE TITLE: Continuing Education for School Instructors

PURPOSE AND EFFECT: The amendment deletes redundant language from subsection (2) of the rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for School Instructors.

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.451(2)(c) 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.012                      RULE TITLE: Equivalency for Prelicensing Education

PURPOSE AND EFFECT: The proposed rule amendment clarifies the education requirements for being exempt from the licensing course requirement Equivalent for Prelicensing Education.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for School Instructors.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.04, 475.17, 475.182, 475.183, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.013                      RULE TITLE: Distance Education Courses for Hardship Cases

PURPOSE AND EFFECT: The purpose of the amendment is to delete unnecessary language and to clarify existing language.

SUBJECT AREA TO BE ADDRESSED: Prelicensing Education for Requirements.

SPECIFIC AUTHORITY: 455.2123, 475.05, 475.17(2) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 457.17(2), 475.451(3), (6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.015                      RULE TITLE: Notices of Satisfactory Course Completion

PURPOSE AND EFFECT: The amendment would delete the provision that up to 25% of licensees and instructions will be randomly audited for compliance.

SUBJECT AREA TO BE ADDRESSED: Notices of Satisfactory Course Completion.

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.  
 LAW IMPLEMENTED: 455.2123, 475.04, 457.17, 475.182, 475.183, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-1.007  
 RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the revised Supervision Data Form.

SUBJECT AREA TO BE ADDRESSED: Incorporation of revised form.

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (31) No change.

(32) DH-MQA 2004, entitled "~~Physician Assistant~~ Supervision Data Form," (Revised 02/08) (~~Rev. 7/03~~).

Specific Authority 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.007  
 RULE TITLE: Standards of Practice

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify paragraph (2)(b) with regard to notes of the procedure.

SUBJECT AREA TO BE ADDRESSED: Clarification of the phrase "notes of the procedure."

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(t), (v), (w) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), F.S., and the delegation of duties restrictions of Section 458.331(1)(w), F.S., with regard to surgery as follows:

(1) No change.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) No change.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the team has been gathered and immediately prior to the initiation of any procedure, the team will pause and the physician(s) performing the procedure will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The ~~medical record notes of the procedure~~ shall specifically reflect when this confirmation procedure was completed and which personnel on the team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, F.S., and shall be in addition to any other requirements that may be required by the office or facility.

(c) No change.

(3) through (4) No change.

Specific Authority 458.309 FS. Law Implemented 458.331(1)(t), (v), (w) FS. History--New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended 2-18-04, 9-18-05, 4-25-06, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-9.008 Sexual Misconduct

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address clarification of the rule regarding sexual misconduct.

SUBJECT AREA TO BE ADDRESSED: Clarification of the rule regarding sexual misconduct.

SPECIFIC AUTHORITY: 458.309, 458.331(1)(v), (5) FS.

LAW IMPLEMENTED: 458.329, 458.331(1)(j), (s), (v) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-13.005 Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address addition of the word "or".

SUBJECT AREA TO BE ADDRESSED: Clarification of the rule regarding continuing education.

SPECIFIC AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(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 IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) through (9) No change.

(10) In addition to the continuing medical education credits authorized above, up to 5 hours, per biennium, of continuing education credit may be fulfilled by performing pro bono medical services, for an entity serving the indigent or underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis.

(a) through (c) No change.

(11) No change.

Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History--New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, 1-16-08, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: RULE TITLES:

64E-2.001 Definitions  
64E-2.002 Basic Life Support Service License – Ground

- 64E-2.003 Advanced Life Support Service License – Ground
- 64E-2.005 Air Ambulances
- 64E-2.006 Neonatal Interfacility Transfers
- 64E-2.030 Emergency Medical Services Grants Procedures
- 64E-2.032 Certificate of Public Convenience and Necessity

PURPOSE AND EFFECT: To discuss a proposed amendment to Chapter 64E-2, F.A.C., to address the concerns raised by the Joint Administrative Procedures Committee in regards to Certificate of Public Convenience and Necessity (COPCN). To facilitate discussions regarding neonatal transfers.

SUBJECT AREA TO BE ADDRESSED: Certificate of Public Convenience and Necessity, Definitions, Basic Life Support Service License – Ground, Advanced Life Support Service License – Ground, Application/Forms, Mutual Aid Agreements, Air Ambulance, Neonatal Interfacility Transfers, and Emergency Medical Services Grants Procedures.

SPECIFIC AUTHORITY: 381.0011, 383.19, 395.401, 395.4025, 395.405, 401.121, 401.25, 401.251, 401.265, 401.35 FS.

LAW IMPLEMENTED: 381.001, 381.0011, 381.025, 383.15, 395.401, 395.4001, 395.4015, 395.402, 395.4025, 395.403, 395.404, 39.4045, 395.405, 401.111, 401.113, 401.121, 401.211, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.281, 401.30, 401.31, 401.321, 401.33, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

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

DATE AND TIME: Thursday, March 13, 2008, 8:30 a.m. – 5:00 p.m. EST

PLACE: Orange County Emergency Operations Center (EOC), 6590 Amory Court, Winter Park, FL 32792; phone: (407)894-4141

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: Alexander Macy, Bureau of Emergency Medical Services, (850)245-4440 ext. 2735, Alexander\_Macy@doh.state.fl.us, or fax: (850)488-9408. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way Bin C-18, Tallahassee, FL 32399, Lisa\_Walker2@doh.state.fl.us, phone: (850)245-4440 ext. 2733, or fax: (850)488-9408

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64E-5.1203	General Provisions
64E-5.1204	Certification Requirements for Radon Measurement Specialists and Technicians
64E-5.1205	Certification Requirements for Radon Mitigation Specialists and Technicians
64E-5.1206	Certification Requirements for Radon Measurement Businesses
64E-5.1207	Certification Requirements for Radon Mitigation Businesses

PURPOSE AND EFFECT: To amend certification fee schedule in order to recover radon certification program costs.

SUBJECT AREA TO BE ADDRESSED: Radon certification fee.

SPECIFIC AUTHORITY: 404.056 FS.

LAW IMPLEMENTED: 404.056 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rhonda Craig, Florida Department of Health, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, (850)245-4288. 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: Clark Eldredge, Florida Department of Health, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, (850)245-4288

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

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-57.001	Purpose and Intent
67-57.005	Definitions
67-57.010	Fees

- 67-57.020 Notice of funding Availability (NOFA)
- 67-57.030 Membership Application Procedures
- 67-57.040 Property Standards
- 67-57.050 HOP Program Restrictions
- 67-57.060 Eligible Homebuyer Requirements
- 67-57.070 Homebuyer Loan Process
- 67-57.080 HOME Regulations

**PURPOSE AND EFFECT:** The purpose of this rule chapter is to establish procedures for the Homeownership Pool ("HOP") Program by which the Corporation shall administer the application process, determine loan amounts, service loans, and provide purchase assistance to eligible homebuyers under the HOME Investment Partnerships Program (HOME) and/or the Homeownership Assistance Program (HAP) as authorized by Sections 420.5088 and 420.5089, F.S. and HUD regulations, 24 CFR § 92.

**SUBJECT AREA TO BE ADDRESSED:** Homeownership Pool ("HOP") Program by which the Corporation shall administer the application process, determine loan amounts, service loans, and provide purchase assistance to eligible homebuyers under the HOME Investment Partnerships Program (HOME) and/or the Homeownership Assistance Program (HAP).

**SPECIFIC AUTHORITY:** 420.507(12), (14) FS.

**LAW IMPLEMENTED:** 420.507(23), 420.5088, 420.5089(2) FS.

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

**DATE AND TIME:** Friday, February 29, 2008, 10:00 a.m. – 12:30 p.m.

**PLACE:** Miami Biscayne Bay Hotel – Tenor Room, 1601 Biscayne Blvd., Miami, FL 33132

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: Cristal Baer (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Cristal Baer (850)488-4197

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
68-1.003	Florida Fish and Wildlife Conservation Commission Grants Program

**PURPOSE AND EFFECT:** This rule development will delete the reference to a repealed rule for the Florida Boating Improvement Program and incorporate program policies and guidelines by reference in compliance with statutory changes. It will also delete the reference to a repealed rule for the Boating Safety Grant Program, change the program title to Boating Safety and Education Grant Program to better relate the overall objective, and incorporate policies and guidelines by reference. The Boating Infrastructure Grant Program is also being added with the program policies and guidelines incorporated by reference.

The Florida Boating Improvement Program policies and guidelines are being changed to comply with Section 206.606, Florida Statutes, that was amended to add other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, and derelict vessel removal as eligible uses of program funds and deleted aquatic weed control. Changes also include a new funding source for public launching facilities, giving priority to counties with more than 35,000 registered vessels, pursuant to Section 328.72(15), Florida Statutes.

The Boating Infrastructure Grant Program policies and guidelines will follow the requirements of Section 7404 of the Sportfishing and Boating Safety Act of 1998 and the Federal Register, 50 CFR Part 86.

**SUBJECT AREA TO BE ADDRESSED:** Statewide.

**SPECIFIC AUTHORITY:** 20.331, 206.606, 327.47, 328.72 FS., 50 CFR Part 86 Federal Register.

**LAW IMPLEMENTED:** 20.331, 206.606, 327.47, 328.72 FS., Section 7404 of the Sportfishing and Boating Safety Act of 1998.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Susanna Stephens, FBIP Program Administrator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, FL 32399, telephone (850)410-0656, Ext. 17127, email susanna.



stephens@myfwc.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: Susanna Stephens, FBIP Program Administrator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, FL 32399, telephone (850)410-0656, Ext. 17127, email susanna.stephens@myfwc.com

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.: 68D-16.029  
 RULE TITLE: Derelict Vessel Removal Grant Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend this rule as per changes in Section 376.15, Florida Statutes. The amendment allows the Derelict Vessel Grant Program to award grants to all local governments and fund removal of vessels designated and marked by all law enforcement officers.

SUBJECT AREA TO BE ADDRESSED: Statewide.

SPECIFIC AUTHORITY: 376.15 FS.

LAW IMPLEMENTED: 376.15 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Tim Woody, Grants Specialist, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399 or at (850)410-0656, extension 17173 or tim.woody@myfwc.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: Tim Woody, Grants Specialist, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement,

Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399 or at (850)410-0656, extension 17173 or tim.woody@myfwc.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 AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE NO.: 5L-1.003  
 RULE TITLE: Shellfish Harvesting Area Standards  
 PURPOSE AND EFFECT: This amendment proposes to reclassify the shellfish harvesting area #78 Body B. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommended reclassification of the Body B shellfish harvesting area.

SUMMARY: The proposed reclassification of the Body B shellfish harvesting area will increase the total size of the conditionally approved areas by 1,612 acres, from 12,440 acres to 14,052 acres, and decrease the size of the prohibited area by 1,514 acres, from 5,144 acres to 3,630 acres. The current management of the Body B shellfish harvesting area is based on local rainfall. Proposed management of the Body B shellfish harvesting area is based on local rainfall. The average closure frequency of the Body B Conditionally Approved Zone 2 is expected to decrease from 1.0 days per month to 0.5 days per month. The average closure frequency of Body B Conditionally Approved Zone 1 is expected to be 4.7 days per month. No previous closure frequency data exists for this new zone. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Body B shellfish harvesting area.

This amendment places descriptions, references to shellfish harvesting area map numbers and operating criteria for the Body B shellfish harvesting area #78 in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. These documents are hereby incorporated in subsection 5L-1.003(1), F.A.C. Additionally, this amendment provides illustrations of the Body B shellfish harvesting area classification boundaries in the shellfish harvesting area map #78. This map is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There is no anticipated regulatory cost.