

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF STATE****Division of Elections**

RULE NO.:

IS-2.027

RULE TITLE:

Clear Indication of Voter's Choice on
a Ballot

PURPOSE AND EFFECT: The purpose of the amendments to the rule is to clarify the criteria or standards for determining whether a voter has clearly indicated his or her choice on a ballot for purposes of a manual recount or other event requiring such determination. The amendments to the rule add samples of the votes that will or will not count to facilitate the determination by the county or local canvassing board.

SUBJECT AREA TO BE ADDRESSED: Clear Indication of a Voter Choice on a Ballot.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

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

DATE AND TIME: Monday, May 12, 2008, 2:00 p.m.

PLACE: Room 307, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

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: Nolah Shotwell, Office of General Counsel, Florida Department of State at: nlshotwell@dos.state.fl.us; (850)245-6536. 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: Maria Matthews, Assistant General Counsel, Florida Department of State at mimatthews@dos.state.fl.us; (850)245-6536, or Donald Palmer, Director, Division of Elections at: DLPalmer@dos.state.fl.us or (850)245-6200

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

DEPARTMENT OF STATE**Division of Elections**

RULE NO.:

IS-2.034

RULE TITLE:

Polling Place Procedures Manual

PURPOSE AND EFFECT: The changes proposed are to the polling place procedures manual, DS-DE 11, incorporated by reference in the rule, and which is used as a guide for poll

workers during the early voting period and election day. The changes are necessary to effectuate the changes to the Florida Election Code with the enactment of Chapter 2007-30, Laws of Florida, that affect provisions in the manual relating to but not limited to ballot accounting, voting by persons with disabilities, and provisional ballot voters.

SUBJECT AREA TO BE ADDRESSED: Polling Place Procedures.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 102.014(5) FS.

LAW IMPLEMENTED: 102.014(5) FS.

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

DATE AND TIME: Monday, May 12, 2008, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

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DEPARTMENT OF STATE**Division of Elections**

RULE NO.:

IS-2.042

RULE TITLE:

Third-Party Voter Registration
Organizations

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to implement law regarding third-party voter registration organizations consistent with the requirements of Chapters 2005-278 and 2007-30, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Third-party voter registration organizations.

SPECIFIC AUTHORITY: 20.10(3), 97.0575(1), (4), (8) FS.

LAW IMPLEMENTED: 97.021(36), 97.0575 FS.

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

DATE AND TIME: Monday, May 12, 2008, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250; telephone: (850)245-6536; e-mail: gjholland@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250; telephone: (850)245-6536; e-mail: gjholland@dos.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.042 Third-Party Voter Registration Organizations.

(1) Forms. The following forms are hereby incorporated by reference and available from the Division of Elections, R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html>:

(a) Form DS DE 106 (eff. ____ / ____), entitled "Third-Party Voter Registration Organization Registration Form."

(b) Form DS DE 107 (eff. ____ / ____), entitled "Quarterly Report Form for Organized Voter Registration Drives by Third-Party Voter Registration Organization."

(c) Form DS DE 108 (eff. ____ / ____), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(2) Registration.

(a) A third-party voter registration organization shall complete and file Form DS DE 106 with the Division of Elections prior to conducting any voter registration activities. If the third-party voter registration organization is an affiliate of another organization (e.g., state or national), the third-party voter registration organization shall file Form DS DE 106 even if its affiliated organization filed a separate form for its own voter registration activities.

(b) The registered agent of a third-party voter registration organization must satisfy the requirements of a registered agent specified in Section 617.0501(1)(b), F.S.

(c) The Division of Elections shall assign a unique identification number to the third-party voter registration organization and shall provide the identification number to the organization's registered agent.

(d) A third-party voter registration organization shall use Form DS DE 106 to update or withdraw its registration. The third-party voter registration organization shall submit the updated DS DE 106 within 10 days of the effective date of any change.

(3) Voter Registration Drive Quarterly Report.

(a) A third-party voter registration organization shall use Form DS DE 107 to file a report with the Division of Elections at the end of each calendar quarter providing the date and location of any organized voter registration drives conducted in the preceding calendar quarter. If the third-party voter registration organization did not conduct an organized voter registration drive in the preceding calendar quarter, the organization need not file Form DS DE 107 for that quarter.

(b) "Organized voter registration drive" means any voter registration activity that is coordinated with, or directed by, a third-party voter registration organization and where one or more persons solicit or collect voter registration applications on behalf of the third-party voter registration organization.

(c) The quarterly reports shall be filed no later than April 15, July 15, October 15, and January 15 to cover the preceding calendar quarter, respectively. If a due date falls on a Saturday, Sunday or legal holiday, the report is due on the next day which is not a Saturday, Sunday or legal holiday.

(4) Voter Registration Applications Submitted by a Third-Party Voter Registration Organization. The following procedures apply in processing voter registration applications submitted by a third-party voter registration organization:

(a) When submitting a completed voter registration application by hand-delivery, mail, or other means, a third-party voter registration organization shall clearly indicate its identification number (or for a third-party voter registration organization that fails to register in accordance with Section 97.0575(1), F.S., its name and complete mailing address) on each voter registration application in the right hand side of the bottom margin on either Form DS-DE 39, entitled, "Florida Voter Registration Application," incorporated by reference in Rule 1S-2.040, F.A.C.; on the National Mail Voter Registration Form; or on the Federal Post Card Application, as applicable. The third-party voter registration organization shall preface its identification number on the form with "3d PVRO #," which stands for Third Party Voter Registration Organization Number.

(b) The Division of Elections or the voter registration official, as applicable, shall stamp or mark the front of the voter registration application submitted by or on behalf of the third-party voter registration organization with the registration date as determined by Section 97.053, F.S.

(5) Complaints, Investigations, and Fines.

(a) Any person claiming to have been registered by a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS DE 108 to file the complaint.

(b) A supervisor of elections may report to the Division of Elections any potential violation of Section 97.0575(3), F.S. The supervisor of elections shall submit the report using Form DS-DE 34, entitled "Elections Fraud Complaint" incorporated by reference in Rule 1S-2.025, F.A.C., and attach copies of all supporting documentation. The supervisor of elections shall retain the original voter registration documentation in his or her office records.

(c) Following its investigation, the Division of Elections shall determine if the third-party registration organization is liable for a civil fine pursuant to the provisions of Section 97.0575, F.S. The Division, acting on behalf of the Secretary of State, shall waive the imposition of any applicable fine upon a showing that the third-party voter registration organization's failure to deliver the application by the applicable deadline was due to force majeure or impossibility of performance. The Division shall also determine if the third-party voter registration organization is entitled to a fine reduction in accordance with Section 97.0575(3), F.S. A fine reduction shall occur if the organization was properly registered and submitted a timely report for the quarterly report period corresponding to the voter registration application that is the subject of the investigation.

(d) If the Division of Elections determines that a fine should be imposed on a third-party voter registration organization, the Division shall serve an administrative complaint pursuant to Rule 28-106.2015, F.A.C., upon the registered agent of the third-party voter registration organization by personal delivery or certified mail, return receipt requested. If the third-party voter registration organization did not designate a registered agent under Section 97.0575(1), F.S., the Division shall serve the administrative complaint upon the mailing address for the third-party voter registration organization by personal delivery or certified mail, return receipt requested. Within 21 days from receipt of the administrative complaint, the third-party registration organization may request a hearing in accordance with Sections 120.569 and 120.57, F.S., or within 30 days from receipt of the administrative complaint, the third-party voter registration organization shall pay the designated fine. When submitting a request for a hearing, the third-party voter registration organization shall comply with the requirements of subsection 28-106.2015(5), F.A.C.

Specific Authority 20.10(3), 97.0575(1), (4), (8), FS. Law Implemented 97.021(36), 97.053, 97.0575, FS. History—New

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

1S-2.043

RULE TITLE:

Report Requirements for Elections
Results and Voting Activity

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to formalize the uniform content and format in which certain reports or data required under the Florida Election Code are currently submitted by the supervisors of elections on such matters as voting history, precinct-level election results, street addresses for registration, and other statistical data regarding voting or election activity.

SUBJECT AREA TO BE ADDRESSED: Reporting format and content requirements for election results, voting history activity, and other statistical data regarding voting or election activity.

SPECIFIC AUTHORITY: 20.10(3), 98.015(12), 101.001(3), 101.573(2), 101.62(3), 101.657(2), 102.141(9) FS.

LAW IMPLEMENTED: 98.015(12), 98.0981, 101.001, 101.62, 101.657, 101.573, 102.141(9) FS.

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DEPARTMENT OF STATE

Division of Elections

RULE NO.:

1S-5.026

RULE TITLE:

Voting System Audit

PURPOSE AND EFFECT: The proposed rule is to implement Section 8 of Chapter 2007-30, Laws of Florida, which becomes effective July 1, 2008. The law requires a county or other local

canvassing board to conduct after certification of an election a manual public audit of a voting system, publicize the results, and submit an audit report to the Department of State This rule is required to provide the necessary uniform procedures for conducting the manual audit including providing a format for the audit report.

SUBJECT AREA TO BE ADDRESSED: Voting System Audit.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 101.591, 101.5911 FS.

LAW IMPLEMENTED: 101.591 FS.

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BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.002	Application and Scope
25-4.003	Definitions
25-4.006	Issuance of Certificate in the Event of Failure to Furnish Adequate Service
25-4.007	Reference to Commission

25-4.008	Streamlined Regulation for Telecommunications Markets and Companies
25-4.017	Uniform System of Accounts
25-4.0174	Uniform System and Classification of Accounts – Depreciation
25-4.0175	Depreciation
25-4.0178	Retirement Units
25-4.019	Records and Reports in General
25-4.021	System Maps and Records
25-4.022	Complaint – Trouble Reports, Etc
25-4.024	Held Applications for Service
25-4.034	Tariffs
25-4.039	Traffic
25-4.040	Telephone Directories; Directory Assistance
25-4.046	Incremental Cost Data Submitted by Local Exchange Companies
25-4.067	Extension of Facilities – Contributions in Aid of Construction
25-4.077	Metering and Recording Equipment
25-4.079	Hearing/Speech Impaired Persons
25-4.116	Telephone Number Assignment Procedure
25-4.215	Limited Scope Proceedings
PURPOSE AND EFFECT: The purposes of the rule amendments are to delete any provisions that are obsolete; to create a market test which, if met, would provide for streamlined regulation in which 53 rules would not apply; to clarify when the rule applies only to rate-of-return regulated local exchange telecommunication companies; to better reflect the telecommunications industry state of competition; and to address certain matters on a complaint basis. Under the new rule proposal for Rule 25-4.008, F.A.C., on Streamlined Regulation for Telecommunications Markets and Companies, the companies meeting the test for competitive markets or streamlined regulation would not be subject to the following rules: Rule 25-4.0185, F.A.C., Periodic Reports; Rule 25-4.0201, F.A.C., Audit Access to Records; Rule 25-4.021, F.A.C., System Maps and Records; Rule 25-4.023, F.A.C., Report of Interruptions; Rule 25-4.066, Availability of Service; Rule 25-4.069, F.A.C., Maintenance of Plant and Equipment; Rule 25-4.070, F.A.C., Customer Trouble Reports; Rule 25-4.071, F.A.C., Adequacy of Service; Rule 25-4.072, F.A.C., Transmission Requirements; Rule 25-4.073, F.A.C., Answering Time; Rule 25-4.074, F.A.C., Intercept Service; Rule 25-4.077, F.A.C., Metering and Recording Equipment; Rule 25-4.083, F.A.C., Preferred Carrier Freeze; Rule 25-4.085, F.A.C., Service Guarantee Program; Rule 25-4.107, F.A.C., Information to Customers; Rule 25-4.108, F.A.C., Initiation of Service; Rule 25-4.109, Customer Deposits; Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; Rule 25-4.112, F.A.C.,	

Termination of Service by Customer; Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; Rule 25-4.114, F.A.C., Refunds; Rule 25-4.115, F.A.C., Directory Assistance; Rule 25-4.117, F.A.C., 800 Service; Rule 25-4.200, F.A.C., Application and Scope; Rule 25-4.202, F.A.C., Construction; Rule 25-4.210, F.A.C., Service Evaluation and Investigations; Rule 25-4.214, F.A.C., Tariff Filings; Rule 25-4.215, F.A.C., Limited Scope Proceedings; Rule 25-9.005, F.A.C., Information to Accompany Filings; Rule 25-9.020, F.A.C., Front Cover; Rule 25-9.021, F.A.C., Title Page; Rule 25-9.022, F.A.C., Table of Contents; Rule 25-9.023, F.A.C., Description of Territory Served; Rule 25-9.024, F.A.C., Miscellaneous; Rule 25-9.025, F.A.C., Technical Terms and Abbreviations; Rule 25-9.026, F.A.C., Index of Rules and Regulations; Rule 25-9.027, F.A.C., Rules and Regulations; Rule 25-9.029, F.A.C., Index of Rate or Exchange Schedules; Rule 25-9.030, F.A.C., Rate Schedules-General; Rule 25-9.032, F.A.C., Telephone Utility Exchange Schedules; Rule 25-9.045, F.A.C., Withdrawal of Tariffs. Also none of the rules from Chapter 25-14, F.A.C., would apply if such test is met. Docket No. 080159-TP.

SUBJECT AREA TO BE ADDRESSED: Telecommunications regulation.

SPECIFIC AUTHORITY: 350.127(2), 364.10, 364.17 FS.

LAW IMPLEMENTED: 350.115, 364.01, 364.02, 364.025, 364.0251, 364.03, 364.04, 364.08, 364.14, 364.15, 364.16, 364.17, 364.051, 364.163, 364.18, 364.183, 364.20, 364.28, 364.335, 364.3381, 364.385, 364.386, 365.171, 395.1027 FS.

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

DATE AND TIME: May 14, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32399-0850

One or more Commissioners may be in attendance and participate at the workshop.

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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. 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: Cindy Miller, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us. The agenda for the workshop will be available after April 29, 2008

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-9.001	Application and Scope
25-9.034	Contracts and Agreements
25-9.044	Change of Ownership

PURPOSE AND EFFECT: The revised rule in Rule 25-9.001, F.A.C., clarifies what rules apply to local exchange telecommunications companies. The revised rule in Rule 25-9.034, F.A.C., would expressly provide that the rule does not apply to agreements entered into by telecommunications companies. This would limit the scope of the rule to the regulated entities, such as electric and water industries. The revision in Rule 25-9.044, F.A.C., would state that the rule only applies to rate-of-return regulated local exchange telecommunications companies. Docket No. 080159-TP.

SUBJECT AREA TO BE ADDRESSED: Telecommunications regulation.

SPECIFIC AUTHORITY: 366.05(1), 350.127(2), 364.335, 367.121 FS.

LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.08, 366.04(2)(b), 366.05(1), 367.041, 367.091, 367.101 FS.

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

DATE AND TIME: May 14, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32399-0850

One or more Commissioners may be in attendance and participate at the workshop.

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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. 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).

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PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-14.001 In General

PURPOSE AND EFFECT: The rule revision would clarify that the rules in Chapter 25-14, F.A.C., do not apply to competitive local exchange companies or price regulated local exchange companies. Docket No. 080159-TP.

SUBJECT AREA TO BE ADDRESSED: Telecommunications regulation.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1), 367.121 FS.

LAW IMPLEMENTED: 364.03, 364.05, 364.337, 366.04, 366.041, 366.05, 367.121 FS.

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

RULE NOS.: RULE TITLES:
40D-22.201 Year-Round Water Conservation Measures
40D-22.401 Enforcement

PURPOSE AND EFFECT: To make more consistent the year-round water conservation regulations relating to landscape irrigation among the District, the St. Johns River Water Management District and the South Florida Water Management District. Consistency of regulations will promote compliance and more efficient enforcement of the regulations especially in areas where counties or municipalities are located in more than one water management district.

SUBJECT AREA TO BE ADDRESSED: The hours and number of days per week to be allowed for landscape irrigation, clarification of plant establishment irrigation and other exemptions, local government enforcement, and efficient use of reclaimed water under the District's year round conservation measures. Other items may be addressed based on public input and as rulemaking develops.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.119, 373.171, 373.175, 373.223, 373.246, 373.603, 373.609 FS.

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

DATE AND TIME: May 12, 2008, 10:00 a.m.

PLACE: Southwest Florida Water Management District Headquarters, Conference Rooms A/B, 2379 Broad Street, Brooksville, FL 34604-6899

DATE AND TIME: May 14, 2008, 1:30 p.m.

PLACE: Southwest Florida Water Management District Tampa Service Office, Governing Board Room, 7601 Highway 301 North, Tampa, FL 33637-6759

DATE AND TIME: May 15, 2008, 1:30 p.m.

PLACE: Southwest Florida Water Management District Bartow Service Office, Board Room, 170 Century Blvd., Bartow, FL 33830-7700

DATE AND TIME: May 16, 2008, 10:00 a.m.

PLACE: Southwest Florida Water Management District Sarasota Service Office, Governing Board Room, 6750 Fruitville Road, Sarasota, FL 34240-9711

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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878. 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: Jeanette Houser, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211 or 1(800)423-1476, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-22.201 Year-Round Water Conservation Measures.

(1) through (2) No change.

(3)(a) No change.

(b) Irrigation systems may be operated during restricted days and/or times for cleaning and maintenance purposes with an attendant on site in the area being tested. Irrigation systems

may routinely be operated for such purposes no more than once per week, ~~and~~ the run time for any one test ~~shall~~ should not exceed 10 minutes, ~~and the total run time shall not exceed 10 minutes per hour per zone.~~

(c) Irrigation for the purpose of chemigation, fertigation or watering-in of applied fertilizers, insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, or by applicable best management practices shall not be restricted, with two exceptions when associated with a Lawn or Landscape: In the absence of specific alternative instructions from the manufacturer, such watering-in shall be limited to one application of one-quarter inches within 24 hours of the application; and, such watering-in shall be accomplished during allowable watering ~~hours~~ times unless a professional applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity and has also provided instructions listing the chemicals used and stating that the watering-in must occur immediately rather than during allowable watering hours.

(d) through (f) No change.

(g) New Plant Material shall only be irrigated as follows:

1. Any New Plant Material may be irrigated ~~on any day of the week as needed,~~ for the purpose of maintaining plant health and encouraging root grow-in, during a 60-day establishment period. From day 1 through day 30 of this establishment period, irrigation may occur on any day of the week. From day 31 through day 60 of this establishment period, irrigation is limited to one application on each of three specified days, except as otherwise provided herein. The three allowable days shall be as follows: Even Numbered Addresses may provide establishment period irrigation on Tuesday, Thursday and Saturday and Odd Numbered Addresses may provide establishment period irrigation on Wednesday, Friday and Sunday.

2. through 7. No change.

(h) through (j) No change.

(4) Lawn and Landscape Use – The following additional requirements or exceptions to subsections 40D-22.201(1)-(3), F.A.C., shall apply to the Irrigation of Lawns and Landscape.

(a) Except as otherwise specified in this Chapter, Even Numbered Addresses may accomplish necessary Lawn and Landscape Irrigation on only Tuesday and/or Saturday during the months of March through November.

(b) Except as otherwise specified in this Chapter, Odd Numbered Addresses and rights-of-way or other locations without an Address may accomplish necessary Lawn and Landscape Irrigation on only Wednesday and/or Sunday during the months of March through November.

(c) Except as otherwise specified in this Chapter, properties may only accomplish necessary Lawn and Landscape Irrigation in accordance with the following schedule during the months of December, January and February:

1. Addresses with a house number ending in 0 or 1 may only water on Monday;

2. Addresses ending with a 2 or 3, on Tuesday;

3. Addresses ending with a 4 or 5, on Wednesday;

4. Addresses ending with a 6 or 7, on Thursday;

5. Addresses ending with an 8 or 9 and locations with a mix of addresses, rights-of-ways, and other locations for which an address cannot be determined (such as common areas associated with a subdivision), on Friday.

~~(d)(e)~~ Cemeteries and other Users irrigating property two acres or greater in size may accomplish necessary Lawn and Landscape Irrigation as follows:

1. During the months of March through November, may water one-half of the property on the days allowed for Even Numbered Addresses;

2. During the months of March through November, and may water the remaining one-half on the days allowed for Odd Numbered Addresses;-

3. During the months of December, January and February, water the “Even” portion of the property on Tuesday and water the “Odd” portion on Wednesday.

4. If the property cannot be watered in accordance with subparagraphs 40D-22.201(4)(d)1.-3., F.A.C., apply for a variance from Chapter 40D-22, F.A.C., in order to register an alternative irrigation schedule acceptable to the District.

5. Each such User that divides its property into two or more pieces for watering purpose is required to maintain a map or sketch on site that indicates which day(s) ~~days~~ each part of the property will be watered, and the District or applicable local government may require that a copy of this same map or sketch be provided for verification or enforcement purposes. If a specific property is unable to comply with this schedule, the variance process may be used to register an alternative schedule acceptable to the District.

(e) In addition to following the applicable allowable watering days and times, irrigation is limited to only the amount of water necessary for efficient utilization.

(f) Irrigation of a lawn with an automatic sprinkler system installed after May 1, 1991, shall include the proper installation, maintenance and operation of a rain sensor device or switch that automatically overrides the irrigation system when adequate rainfall has occurred.

(5) through (7) No change.

(8) Other Use – The following additional requirements or exceptions to subsections 40D-22.201(1)-(2), F.A.C., shall apply to other uses as specified:

(a) Operation of water fountains, waterfalls and other artistic or recreational water features is allowed, provided the following conditions are met: The water is recirculated, there is no off-site discharge and the water feature is properly installed, maintained and operated to ensure that a minimal amount of water is used.

(b) Water may be used to create a containment and impoundment facility for aesthetic purposes, provided the facility is not augmented thereafter from any ground or off-site surface water source.

(c) Water body augmentation is allowed, provided the water use is either authorized by a Water Use Permit specific to the augmentation activity or, in the absence of a Water Use Permit, the following conditions are met:

1. The water body is one-half acre in size or less;

2. The water for augmentation is withdrawn from a well with an inside diameter of the largest permanent water bearing casing of no more than 2 inches;

3. Augmentation must not occur if the water body is discharging offsite, except that augmentation may occur flush a pond a maximum of twice per year if the pond is not a natural water body nor part of a stormwater management system; and

4. Augmentation must not occur if the water body's water level is above the average water table condition for the site or minimum management level established for proper operation of the stormwater management system, whichever is lower.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.223 FS. History—New 3-24-92, Amended 9-15-03,_____.

40D-22.401 Enforcement.

(1) through (2) No change.

(3) Irrigation of Lawns and Landscapes, as described in this Chapter, may be further restricted by local governments in response to a local water supply system concern. In the event any county or city within the District endeavors to adopt ~~adopts or implements~~ such local measures, the measures contained therein shall be at least as restrictive as those imposed by this Chapter and the county or city shall provide a draft ordinance to the District for review and approval at least 30 days prior to considering adoption of the ordinance. The ordinance must be adopted as approved. Once such an ordinance has been adopted, the county or city shall promptly notify the District of all local measures imposed and the effective implementation date. Irrigation of established lawns and landscaping, as established above, may be further restricted by local governments.

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.119, 373.171, 373.175, 373.246, 373.603, 373.609 FS. History—New 3-24-92, Amended 9-15-03,_____.

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 JUVENILE JUSTICE

Residential Services

RULE NOS.:

63E-7.001

63E-7.002

63E-7.004

63E-7.008

63E-7.009

63E-7.012

63E-7.013

63E-7.016

RULE TITLES:

Purpose and Scope

Definitions

Youth Intake

Facility and Food Services

Behavior Management

Transfer, Release and Discharge

Safety and Security

Program Administration

PURPOSE AND EFFECT: The amendments update and clarify various portions of the rule governing the operation of residential commitment programs as follows: The amendments expand the scope of the rule to cover sex offender programs. They add and revise definitions, eliminate an unnecessary medical authorization form, and clarify references to "treatment," so as to differentiate criminogenic intervention from clinical treatment. Intake classification factors are clarified in Section 7.004(8), and consistent amendments are made in 7.013(7). The need for digital video cameras and recording equipment in Section 7.008 is modified to accommodate smaller facilities.

SUBJECT AREA TO BE ADDRESSED: The amended rule expands the scope to cover sex offender programs, clarifies the distinction between treatment and intervention, modifies youth classification, incorporates revised definitions, and modifies facility requirements for video recording.

SPECIFIC AUTHORITY: 20.316, 985.64, 985.601(3)(a) FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.03(44), 985.441(1)(b), 984.48 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, May 13, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF HEALTH**Division of Medical Quality Assurance**

RULE NO.: RULE TITLE:

64B-9.001 Biennial Licensing

PURPOSE AND EFFECT: To update the rule to inform of consequences of noncompliance after renewal or citation.

SUBJECT AREA TO BE ADDRESSED: Biennial Licensing.

SPECIFIC AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.077 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: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-9.001 Biennial Licensing.

(1) through (5) No change.

(6) Renewal.

(a) Licensees who renew to an active status license and are subsequently found to be out of compliance with the requirements for that renewal or the requirements set forth in a citation final order shall not be permitted to renew during the subsequent renewal cycle or thereafter until they have:

1. Satisfied any deficiencies in continuing education requirements, financial responsibility requirements, and any other conditions for renewal set forth in statute or rule; and

2. Paid any money owed for a citation in which a final order has been issued.

(b) A licensee who disputes the continuing existence of a deficiency in fact or as a matter of law may request a section 120.57, Florida Statutes, hearing within 21 days of receipt of notification of denial of the renewal application.

Specific Authority 456.004(1) FS. Law Implemented 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.077 FS. History—New 11-5-00, Amended 11-24-05, 11-8-07, _____.

DEPARTMENT OF HEALTH**Board of Optometry**

RULE NO.: RULE TITLE:

64B13-4.001 Examination Requirements

PURPOSE AND EFFECT: Examination Requirements for Optometry Clinical Examination defines areas that must be covered by the examination and also identifies the exact percentage of items that should be devoted to each area. Both

stipulations are intended to reflect the current knowledge needed by optometry practitioners in order to protect the health and welfare of the public.

The knowledge in a field like optometry changes over time. Consequently, a new task analysis of the profession is conducted and modification of the examination is made as needed. In between task analyses, subject matter experts are engaged on a yearly basis to review the existing composition of the examination and identify areas that may need minor modification in order to keep the examination up to date, to help ensure that the examination is both current and valid.

Theoretically, every time subject matter experts identify even small needed medications, a rule change should be proposed to the Board to authorize this revision. However, making rule changes is a relatively complex undertaking and may take several months.

Therefore, the Board is specifying percentage ranges for the various items in the examination, rather than exact percentages, in the examination rule.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements.

SPECIFIC AUTHORITY: 456.017(2), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(2), 463.006(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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), and Parts I and II of the state examination for licensure. The examination for certification of a licensee shall consist of the Treatment and Management of Ocular Disease (hereafter TMOD) part of the NBEO.

(1) No change.

(2) State Examination.

(a) through (c) No change.

(d) Part II of the state examination shall consist of a clinical portion and a pharmacology/ocular disease portion.

1. The subject areas and associated weights for the clinical portion of the practical examination shall be as follows:

a. Confrontation Visual Field Testing for Neurologic Deficit (Finger Counting Visual Field Recognition, Location, and Disease Process)	<u>7-12%</u> 9%
b. Muscle Balance and Motility	<u>2-7%</u> 4%
c. Pupillary Examination	<u>8-13%</u> 8%
d. Objective Examination (Retinoscopy)	<u>1-6%</u> 2%
e. Subjective Refraction	<u>1-6%</u> 3%
f. Internal Examination by Means of Binocular Indirect Ophthalmoscopy	<u>15-20%</u> 18.5%
g. Biomicroscopy Anterior	<u>17-22%</u> 21.5%
h. Biomicroscopy Posterior (Fundus Lens)	<u>16-21%</u> 17%
i. Goldmann Tonometry	<u>9-14%</u> 10%
j. Gonioscopy	<u>6-11%</u> 7%

2. The grading criteria for each subject area and the points associated with each criterion shall be as follows:

a. Confrontation Visual Field Testing for Neurologic Deficit (Finger Counting and Visual Field Defect Recognition, Location, and Disease Process)	<u>6-11</u> 9
1.1. Conducts specified visual field test in a manner consistent with obtaining accurate findings. Accurately identify visual field defect name, location, and disease process.	
b. Muscle Balance and Motility Testing	<u>3-8</u> 4
1.1. Conducts examinations in a manner that will allow for evaluation of any phoric and or tropic posture, deficiencies in extra ocular muscles, or cranial nerve paresis.	
c. Pupillary Examination	<u>5-10</u> 8
1.1. Conducts pupillary tests in a manner consistent with obtaining accurate findings.	
d. Objective Examination (Retinoscopy)	<u>2-7</u> 2
1.1. Conducts Retinoscopy in a manner capable of obtaining a visual acuity of 20/30	
e. Subjective Refraction	<u>2-7</u> 3
1.1. Conducts refraction in a manner capable of obtaining a visual acuity of 20/20	
f. Internal Examination by Means of Binocular Indirect Ophthalmoscopy	<u>16-21</u> 18.5
1.1. Accurately views and evaluates retinal landmark as requested	
g. Biomicroscopy (Anterior)	<u>20-25</u> 21.5
1.1. Uses proper technique to demonstrate requested views of anterior structures of eye	
h. Biomicroscopy Posterior (Fundus lens.)	<u>16-21</u> 17
1.1. Accurately views and evaluates posterior landmarks as requested.	
i. Tonometry	<u>7-12</u> 10
1.1. Demonstrates accurate technique	

for the measurement of intra-ocular pressure
j. Gonioscopy
1.1. Demonstrates accurate technique for identifying angle structures

4-9 ~~7~~

3. through 6. No change.

(3) No change.

Specific Authority 456.017(2), 463.005, 463.006(2) FS. Law Implemented 456.017(2), 463.006(2) FS. History--New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-15.009 Citations

PURPOSE AND EFFECT: To add an additional violation for which a citation is an appropriate penalty.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 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 Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.009 Citations.

(1) through (5) No change.

(6) Tendering a check payable to the Board of Optometry or to the Department of Health that is dishonored by the institution upon which it is drawn shall result in a fine of \$100 and payment of the check within 30 days.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, 11-16-05, 11-5-07, _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-5.001

Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of the requirements for reactivation of an inactive or retired license.

SUBJECT AREA TO BE ADDRESSED: Requirements for Reactivation of an Inactive or Retired License.

SPECIFIC AUTHORITY: 456.036, 486.025, 486.085(2), (4)(a), 486.108(2) FS.

LAW IMPLEMENTED: 456.036, 486.085, 486.108 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-8.002	Requirements for Prevention of Medical Errors Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to add another way for courses to be approved by the Board.

SUBJECT AREA TO BE ADDRESSED: Requirements for Prevention of Medical Errors Education.

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-9.028	License Fees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to increase license renewal fees to the maximum allowed by statute.

SUMMARY: License renewal fees.

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

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

SPECIFIC AUTHORITY: 487.045, 487.048(1), 570.07(23) FS.

LAW IMPLEMENTED: 487.045, 487.048(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399, (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-9.028 License Fees.

(1) Private and public pesticide applicator license. The fee for either initial licensure or license renewal is \$100 ~~\$60~~, with no additional fee for added categories.

(2) Commercial pesticide applicator license. The fee for either initial licensure or license renewal is \$250 ~~\$160~~, with no additional fee for added categories.

(3) Pesticide dealer license. The fee for either initial licensure or license renewal is \$250 ~~\$175~~.

(4) Fee submission. All fees shall be submitted to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Checks or money orders shall be payable to the Florida Department of Agriculture and Consumer Services.

Specific Authority 487.045, 487.048(1), 570.07(23) FS. Law Implemented 487.045, 487.048(1) FS. History--New 6-9-94, Amended 7-2-95, 9-24-98, _____.