

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking**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.:                   RULE TITLE:  
33-601.101                   Incentive Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to decrease the time period during which an inmate is ineligible to earn gain time following the month in which a disciplinary infraction occurred, and to allow inmates to earn incentive gain time while out to court.

SUBJECT AREA TO BE ADDRESSED: Incentive gain time.

SPECIFIC AUTHORITY: 944.09, 944.275, 944.281 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.281, 944.801(3)(i)5. FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.101 Incentive Gain Time.

(1) through (5) No change.

(6) Inmates in disciplinary confinement status are not eligible for a work/program rating even if assigned to work or programs while in disciplinary confinement. Inmates in disciplinary confinement are eligible for a security rating award which can be modified by the correctional probation officer in accordance with paragraph 33-601.101(3)(b), F.A.C.

(a) Disciplinary or court action. An inmate is not eligible to receive incentive gain time for the month in which there is an infraction of the rules of the Department or the laws of the State for which he is found guilty. Additionally, those inmates on escape status and detained by other agencies may not be awarded incentive gain time for the period of time out of custody even though lodged in another confinement facility. Any inmate who is found guilty of a disciplinary report on or

after April 21, 1996 and who is serving a sentence imposed for an offense committed on or after October 1, 1995 shall be eligible to earn incentive gain time as follows:

1. For disciplinary reports in which the final approved action is not confinement or loss of gain time or where the final recommended action is probation, pursuant to paragraph 33-601.308(3)(b), F.A.C., the inmate shall be eligible to earn incentive gain time the month following the month in which the disciplinary infraction occurred. However, if the inmate violates the probation and the original penalty meets the requirements of subparagraphs 2. and 3. below, the inmate is then subject to the limitations on earning incentive gain time as noted.

2. For disciplinary reports in which the final approved action is less than or equal to 30 days confinement or less than or equal to 30 days loss of gain time, the inmate shall not be eligible to earn incentive gain time for one ~~three~~ months following the month in which the disciplinary infraction occurred. The one ~~three~~ month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.

3. For disciplinary reports in which the final approved action is greater than 30 days confinement or greater than 30 days loss of gain time, or where the inmate was convicted of an offense occurring while committed to the Department of Corrections, the inmate shall not be eligible to earn incentive gain time for two ~~six~~ months following the month in which the disciplinary infraction or offense occurred. The two ~~six~~ month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.

4. The period of ineligibility referenced in subparagraphs 2. and 3. shall be suspended if the inmate leaves the custody of the department before completion of the period of ineligibility. The period of ineligibility will resume upon the inmate's return to department custody and will continue to run until its completion.

5. The failure to serve the confinement imposed does not alter the ineligibility of the inmate to earn incentive gain time as noted in subparagraphs 2. and 3.

6. The ineligibility of the inmate to earn gain time as noted in subparagraphs 2. and 3. remains in effect when, due to unavailability of gain time, unearned gain time is designated as the final approved action.

(b) Inmates who are out of the department's custody during the month on escape, ~~out to court status~~, or on furlough shall not be eligible to receive incentive gain time for that period of the month.

(c) through (8) No change.

Specific Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History—New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.065, Amended\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.105  
 RULE TITLE: Restoration of Forfeited Gain Time  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the list of release mechanisms to include probation and community control and to clarify the conditions under which inmates are ineligible for restoration on subsequent release violations.

SUBJECT AREA TO BE ADDRESSED: Restoration of forfeited gain time.

SPECIFIC AUTHORITY: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275, 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.105 Restoration of Forfeited Gain Time.

(1) Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(2)(+) Eligibility.

(a) No change.

(b) Restoration of gain time forfeited by violation of the conditions of parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release may be considered only when there have been no new convictions for offenses that occurred during the period of release.

1. There must be a minimum of one year from the effective date of the parole revocation probation revocation, community control revocation, or violation of the conditions of provisional release, supervised community release, conditional medical release, control release, or conditional release;

2. The inmate must be discipline free (formal reports) since return as a parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

3. The inmate’s adjustment and performance must exceed that which is required to comply with all behavioral objectives since return as a parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

4. No change.

5. Any inmate who receives restoration of gain time forfeited due to parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violation will not be eligible for restoration on any subsequent parole, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violation while serving the sentence for the same offense commitment;

6. No change.

(3)(+) How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in subsection (2)(+) of this rule. There is no entitlement for consideration based upon an inmate’s request. The final approving authority for restoration of forfeited gain time will be the Deputy Assistant Secretary of Institutions – Program. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History—New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02, 4-10-08,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-35.004  
 RULE TITLE: Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors

PURPOSE AND EFFECT: Purpose and effect is to clarify requirements for "Authorized Representatives."

SUBJECT AREA TO BE ADDRESSED: Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.

(1) No change.

(2) Special Inspectors utilizing Authorized Representatives shall insure the Authorized Representative is qualified by education or licensure to perform the duties assigned by the Special Inspector. The qualifications shall include licensure as a professional engineer or architect; graduation from an engineering education program in civil or structural engineering; graduation from an architectural education program; successful completion of the NCEES Fundamentals Examination; or licensed registration as building inspector with the Board of Building Code Administrators, Chapter 468, F.S. or licensed general contractor under Chapter 489, F.S.

(3) through (4) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History--New 3-21-01, Amended 4-5-04,

**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 Chiropractic**

RULE NO.:	RULE TITLE:
64B2-11.012	Application for Acupuncture Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the application form by reference.

SUBJECT AREA TO BE ADDRESSED: Application for Acupuncture Certification.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403, 460.406 FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NOS.:	RULE TITLES:
64B2-18.002	Application for Certification as a Chiropractic Physician's Assistant
64B2-18.005	Certification of Supervising Physicians

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the application form by reference.

SUBJECT AREA TO BE ADDRESSED: Application for Certification as a Chiropractic Physician's Assistant; Certification of Supervising Physicians.

SPECIFIC AUTHORITY: 460.405, 460.4165(6), (9) FS.

LAW IMPLEMENTED: 460.4165(3), (5), (6), (9) FS.

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

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

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



PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Nuclear Pharmacist Licensure.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.013 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.104  
 RULE TITLE: Conduct Governing Pharmacists and Pharmacy Permittees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Conduct Governing Pharmacists and Pharmacy Permittees.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.018, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.022, 465.024 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-29.002  
 RULE TITLE: General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: General Requirements.

SPECIFIC AUTHORITY: 465.005, 828.055 FS.

LAW IMPLEMENTED: 828.055 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-4.001  
 RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of use of the Federation PTA educational criteria tool.

SUBJECT AREA TO BE ADDRESSED: Federation PTA educational criteria tool.

SPECIFIC AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 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.: 64B17-6.001  
 RULE TITLE: Minimum Standards of Physical Therapy Practice

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify conflict with AHCA rules.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards of Physical Therapy Practice.

SPECIFIC AUTHORITY: 486.025 FS.  
 LAW IMPLEMENTED: 483.021(6), (9), (10), (11), 486.123, 486.125(1)(b), (d), (e), (f), (i), (j), 486.135, 486.151(1)(d), 486.161(3), 486.171 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 Psychology**

RULE NO.:                      RULE TITLE:  
 64B19-11.012                      Application Forms  
 PURPOSE AND EFFECT: The Board proposes to incorporate an updated application form.  
 SUBJECT AREA TO BE ADDRESSED: Application Forms.  
 SPECIFIC AUTHORITY: 490.004(4) FS.  
 LAW IMPLEMENTED: 490.005, 490.006(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: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.:                      RULE TITLE:  
 69B-162.011                      Suitability and Disclosure in Annuity Contracts – Forms Required  
 PURPOSE AND EFFECT: The proposed rule implements Section 627.4554, Florida Statutes by adopting an Annuity Suitability form and a Disclosure and Comparison of Annuity Contracts form for use in sales of annuities to senior consumers.  
 SUBJECT AREA TO BE ADDRESSED: The implementation of Section 627.4554, Florida Statutes.

SPECIFIC AUTHORITY: 624.308(1), 627.4554(9) FS.  
 LAW IMPLEMENTED: 627.4554 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: Monday, February 2, 2009, 9:30 a.m.  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Susan Jordan, (850)413-5655 or email: susan.jordan @ myfloridacfo.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 IS: Susan Jordan, Government Analyst II, Bureau of Investigation, Division of Insurance Agents and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5655

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-162.011 Suitability and Disclosure in Annuity Contracts – Forms Required.

(1) Forms Adopted. Forms DFS-HI-XXXX, “Annuity Suitability Questionnaire,” (Effective: \_\_\_\_\_) and DFS-HI-YYYY, “Disclosure and Comparison of Annuity Contracts” (Effective: \_\_\_\_\_), are adopted pursuant to Sections 627.4554(4)(b) and (d) F.S., and are hereby incorporated by reference, effective January 1, 2009.

(2) Application. This rule applies exclusively to any recommendation or solicitation to purchase or exchange an annuity contract as defined in Section 627.4554(3), F.S., made to a senior consumer by an insurance agent or an insurer, which results in the purchase or exchange recommended. A senior consumer is a person 65 years of age or older. In a joint purchase or exchange, if any party is 65 or older the joint purchasers are considered to be senior consumers.

(3) Duties of Insurers and Insurance Agents.

(a) Before executing a purchase or exchange of an annuity to a senior consumer, an insurance agent or an insurer must use form DFS-HI-XXXX, Annuity Suitability Questionnaire incorporated in subsection (1) above, to obtain information in order to determine the suitability of the recommendation.

(b) In addition to obtaining the information required by paragraph (a), before executing a replacement or exchange of an annuity contract to a senior consumer, the insurance agent

or insurer must also provide contract comparison information to the senior consumer utilizing form DFS-HI-XXXX, Disclosure and Comparison of Annuity Contracts, incorporated in subsection (1) above.

(c) The type face for all printed questions or requests for information directly from the consumer, and all portions of the referenced forms relating to the disclosure requirements pursuant to paragraphs (3)(a) and (b) above, must be of least 12-point type.

(d) Nothing in this rule shall prevent the insurer from adapting the forms adopted in subsection (1) for its use, provided the forms still contain all of the same information as the department forms referenced above, and meet the type size requirement of paragraph (3)(c) above.

Specific Authority 624.308(1), 627.4554(9) FS. Law Implemented 627.4554 FS. History—New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### Education Practices Commission

RULE NO.:                   RULE TITLE:  
6B-11.007                   Disciplinary Guidelines

PURPOSE AND EFFECT: The Commission proposes the rule amendment to delete unnecessary language and add new language to clarify disciplinary actions and penalties.

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify disciplinary actions and penalties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. It was determined that this rule will not affect small businesses.

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: 1012.79(7), 1012.795(6)(b) FS.

LAW IMPLEMENTED: 1012.795, 1012.796(7), (8) 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: Kathleen Richards, Executive Director, Education Practices Commission, 325 West Gaines Street, Turlington Building, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6B-11.007 Disciplinary Guidelines.

(1) No change.

(2) The following disciplinary guidelines shall apply to violations of the below listed statutory and rule violations and to the described actions which may be basis for determining violations of particular statutory or rule provisions. Each of the following disciplinary guidelines shall be interpreted to include “probation,” “Recovery Network Program,” “letter of reprimand,” “restrict scope of practice,” “fine,” and “administrative fees and/or costs” with applicable terms thereof as additional penalty provisions. The terms “suspension” and “revocation” shall mean any length of suspension or revocation, including permanent revocation, permitted by statute, and shall include a comparable period of denial of an application for an educator’s certificate.

(2)(a)1. through (2)(i)12. No change.

13.a. Improperly assisting a ~~Reprimand~~~~Suspension~~ student with testing in violation of ~~– Revocation~~ paragraphs 6B-1.006(3)(a), (5)(a), F.A.C.

b. When standardized testing is ~~Probation~~-Revocation involved.

Specific Authority 1012.79(7), 1012.795(6)(b) FS. Law Implemented 1012.795, 1012.796(7),(8) FS. History—New 2-27-94, Amended 3-22-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

### 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.:                   RULE TITLE:  
33-208.507                   Responsibilities of Staff Housing Occupants

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-208.507, F.A.C., to eliminate a discrepancy that prohibits adult occupants from possessing electronic weapons or devices while allowing minors to possess such weapons under adult supervision.