

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401 RULE TITLE: Student Performance Standards

PURPOSE AND EFFECT: The purpose of the rule development is to establish a periodic review and revision cycle for the Next Generation Sunshine State Standards. The effect is to make sure Florida's curriculum standards remain current and relevant.

SUBJECT AREA TO BE ADDRESSED: Next Generation Sunshine State Standards periodic review and revision schedule.

SPECIFIC AUTHORITY: 1001.02, 1003.41(2) FS.

LAW IMPLEMENTED: 1001.03, 1003.41 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Todd Clark, Chief, Bureau of Instruction and Innovation, Todd.Clark@fldoe.org; (850)245-9868

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099 RULE TITLE: Cooperative Projects and Activities

PURPOSE AND EFFECT: The purpose of the rule development is to delete obsolete references and update statutory citations. The effect is a rule aligned with current Statutes.

SUBJECT AREA TO BE ADDRESSED: Cooperative projects, activities, and consortia.

SPECIFIC AUTHORITY: 1001.02(1), 1001.42(14) FS.

LAW IMPLEMENTED: 1001.42(14) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400; (850)245-0506

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.0081 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing changes to the Toll Facilities Description and Toll Rate Schedule to establish tolls for the I-4/Lee Roy Selmon Expressway Interchange (Connector), a SunPass-only facility connecting I-4 and the Lee Roy Selmon Expressway in Tampa. Section 338.155(1), F.S., does not permit the use of the State's toll facilities without paying a toll.

SUBJECT AREA TO BE ADDRESSED: The Department is proposing to toll the Connector, a limited-access interchange that extends from the Lee Roy Selmon Expressway north along the west side of 31st Street to I-4 in Tampa. This is an elevated roadway that includes a series of separate ramps intended to improve the regional movement of traffic throughout the Tampa Bay area and provide dedicated truck lanes for direct access to the Port of Tampa. It is consistent with proposed improvements to I-4, the Lee Roy Selmon Reversible Lanes Project, and the Causeway Boulevard Port Access Improvement project. Tolls are proposed to be collected from vehicles using the SunPass collection method only by an overhead gantry located on the project south of 7th Avenue.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.155, 338.221, 338.222, 338.2215, 338.2216, 338.223, 338.231, 338.233 FS.

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

DATE AND TIMES: February 19, 2009, Open House: 5:00 p.m. – 6:00 p.m., Formal Presentation: 6:30 p.m.

PLACE: Tampa Port Authority Board Room, 1101 Channelside Drive, Tampa, Florida 33602

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, October 26, 2006, January 15, 2007, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented ~~338.222, 338.231, 338.155, 338.221, 338.222, 338.2215, 338.2216, 338.223, 338.231, 338.233~~ FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, 10-26-06, 1-15-07, _____.

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.: 33-601.820
 RULE TITLE: Maximum Management
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which an inmate may be confined to maximum management and the conditions under which a maximum management inmate's status, conditions of confinement, and privileges may change.

SUBJECT AREA TO BE ADDRESSED: Maximum Management.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.820 Maximum Management.

(1) Definitions.

(a) Institutional Classification Team (ICT) – the ICT is the team consisting of the Warden, Assistant Warden, Classification Supervisor, and Chief of Security that is responsible for making inmate status decisions and for making other recommendations to the State Classification Office (SCO), Regional Director, and Warden.

~~(b)(#) Maximum Management – refers to a temporary status for an inmate who, through a recent incident or series of recent incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in confinement, close management, or death row. The Secretary has shall designated Florida State Prison (FSP) as the only which institutions are authorized to house maximum management inmates, based upon the needs of the Department.~~

~~(b) Maximum Management Review Team – refers to the committee in Central Office that has approval authority for placement in maximum management and the modification of conditions and restrictions imposed at the time an inmate is initially placed in maximum management. The Maximum Management Review Team shall consist of the following staff or those acting in that capacity:~~

- ~~1. Deputy Assistant Secretary of Institutions – Operations (Chairperson);~~
- ~~2. Chief, Bureau of Classification and Central Records;~~
- ~~3. Chief, Bureau of Security Operations; and~~
- ~~4. Deputy Director of Health Services (Clinical).~~

(2) Maximum Management Placement Criteria. An inmate shall have, at a minimum, met the criteria for placement in Close Management I or death row and participated in a recent incident or series of recent incidents in which the inmate has which demonstrate:

(a) ~~Escaped from or attempted to escape from a secure perimeter. The inmate's ability to effect an escape from a secure environment;~~

(b) ~~Demonstrated a The inmate's demonstrated willingness to use deadly force in a correctional setting;~~

(c) ~~Been involved in a dangerous act targeting staff or an assault against staff, including sexual assault. The inmate's involvement in dangerous acts which could lead to a person's injury or death, or insurrection; or~~

(d) ~~Been involved in a life-threatening inmate-on-inmate assault requiring that the victim receive emergency outside medical treatment. Other management problems that require an immediate level of control which exceeds that available in close management or death row.~~

(3) Initial Placement in Maximum Management Housing.

(a) ~~An inmate may only be referred for initial placement in maximum management housing at Florida State Prison. If an inmate located at any other facility commits an offense that appears to meet the criteria for maximum management placement outlined in subsection (2) of this Rule, the institutional classification officer, senior classification officer, classification supervisor, or ICT at the facility shall enter into the Offender Based Information System (OBIS) a Pending Close Management Evaluation transfer request to FSP if the inmate is not already in close management. If the inmate is already in close management or death row, the institutional classification officer, senior classification officer, classification supervisor, or ICT of the facility shall enter into OBIS a request for the type of transfer to FSP that reflects the inmate's current CM level or death row status. The Warden or Regional Director is required to send an e-mail to Central Office requesting transfer approval and the immediate scheduling of a direct transport to FSP indicating the inmate's current status and including the request for maximum management placement. A description of the inmate's behavior that warrants review for maximum management placement must be included. Whenever an inmate has met at least one of the conditions above, the Shift Supervisor shall recommend immediate placement in maximum management on Form DC6-101, Referral for Maximum Management. Form DC6-101 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2006.~~

(b) ~~Whenever an inmate housed at FSP or an inmate transferred to FSP pursuant to paragraph (3)(a) has met at least one of the conditions listed in paragraph (2)(a), the Shift Supervisor shall place the inmate in maximum management housing. Immediately after placement, the Shift Supervisor at FSP shall enter in OBIS a referral for maximum management detailing the information and circumstances requiring maximum management placement. The Warden or Duty~~

~~Warden shall review the Referral for Maximum Management, Form DC6-101, and document his or her decision. Approval from the Warden or Duty Warden is required prior to placement of the inmate in maximum management pending completion of the hearing process in subsection (5).~~

(c) ~~Within 24 hours after an inmate is placed in maximum management housing, the Warden or Duty Warden shall review the Shift Supervisor's referral for maximum management and document a decision as to whether it is necessary to keep the inmate in maximum management housing pending completion of the hearing process in subsection (4). If the Warden or Duty warden determines that it is unnecessary to keep the inmate in maximum management housing pending completion of the hearing process, the inmate shall be placed in administrative confinement and the procedure for placement in close management outlined in Rule 33-601.800, F.A.C., shall be followed if the inmate is not already in close management. If the inmate was already in close management or death row status, the inmate shall be returned to that status. If the inmate's recent behavior warrants consideration of an upward modification of his close management level, that action shall take place after his return to close management in accordance with Rule 33-601.800, F.A.C. If the Warden or Duty Warden determines that maximum management placement is appropriate, the inmate will immediately be given a written notice including the reason for the placement referral and informing the inmate that a hearing to review the placement will be held no sooner than 24 hours from the delivery of the notice. The Shift Supervisor who recommended placing an inmate in maximum management shall ensure delivery of the Referral for Maximum Management to the inmate prior of being relieved of duty. The Referral for Maximum management shall inform the inmate of the reason for the placement and that a hearing will be held no sooner than 24 hours from the delivery of the notice to review the recommendation for placement in maximum management housing. The inmate may waive the 24 hour waiting period or his or her appearance at the hearing by signing the 24 Hour/Refusal to Appear Waiver, Form DC6-104. Form DC6-104 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2006.~~

(d) ~~The Classification Supervisor shall docket the inmate's hearing before the ICT Institutional Classification Team for consideration of considering placement in maximum management status in accordance with subsection 33-601.820(3), F.A.C.~~

~~(4) Initial Placement Hearing and Decision Process.~~

~~(a) The ICT shall conduct a hearing with the inmate to determine whether placement in maximum management is appropriate.~~

(b) The inmate shall be present for the hearing unless:

1. The inmate waives his right to appear by signing the 24 Hour/Refusal to Appear Waiver, Form DC6-104; or

2. The inmate's behavior jeopardizes the security or safety of the institution or the hearing as determined by the ICT chairperson.

3. If the inmate did not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered in OBIS.

(c) If the ICT chairperson determines the need for staff assistance based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

(d) The chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

(e) The ICT chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues. If the hearing is postponed, the reasons for postponement shall be entered in OBIS.

(f) The ICT shall recommend approval or disapproval of the recommendation for placement in maximum management. The ICT's recommendations and the basis for the recommendations shall be entered in OBIS.

(g) The ICT's recommendation shall be forwarded to the Warden for review. The Warden's recommendation for approval or disapproval of maximum management placement conditions and the basis for the recommendations shall be entered in OBIS.

(h) The Warden's recommendations shall be forwarded to the Regional Director for final review. The Regional Director's decision to approve or disapprove maximum management placement and the basis for the decision shall be entered in OBIS. If the Regional Director disapproves the placement, the inmate shall immediately be removed from the maximum management cell and reclassified to his original status or placed in administrative confinement pending close management referral.

(i) The Classification Supervisor at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status changes approved by the Regional Director. The Classification Supervisor shall also ensure that the inmate is informed verbally and in writing of the Regional Director's decision. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

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

(a) The inmate shall be provided clothing and bedding. If the inmate's behavior requires, the Shift Supervisor may authorize the removal of clothing or bedding or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status. The Shift Supervisor shall notify the Warden. If in agreement

with the action, the Warden shall notify the Regional Director. If the Regional Director agrees with the action, the Deputy Assistant Secretary of Institutions — Operations will be contacted for final approval no later than the first work day following the Shift Supervisor's action. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. Under no circumstances shall an inmate be left without a means to cover him or herself.

(b) Reading materials – possession limited to a bible, religious testament, or other reading material specifically related to the inmate's faith only;

(c) Out-of-doors recreation – limited to two hours once every 30 days for the first 60 days and two hours twice every thirty days thereafter or until the inmate's exercise privileges have been reinstated pursuant to subsection (7);

(d) Meals shall be served on paper or styrofoam products only;

(d)(e) Possession of legal materials shall be permitted, and excess legal materials shall be stored pursuant to subsection 33-602.201(6), F.A.C.;

(e)(f) Legal Visits shall be permitted; and

(f)(g) Routine bank transactions or canteen purchases shall not be allowed, with the exception of stamp, paper, security pen, and envelope purchases for mail, legal work, and inmate requests and grievances.

(5) Initial Placement Hearing and Decision Process.

(a) The Institutional Classification Team (ICT) shall conduct a hearing with the inmate to determine whether placement in maximum management is appropriate.

(b) The inmate shall be present for the hearing, unless:

1. The inmate waives his right to appear by signing the 24 Hour/Refusal to Appear Waiver, Form DC6-104; or

2. The inmate's behavior jeopardizes the security or safety of the institution or the hearing as determined by the Institutional Classification Team chairperson.

3. If the inmate did not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered on Form DC6-171, Report of Maximum Management. Form DC6-171 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is October 30, 2006.

(e) If the Institutional Classification Team chairperson determines the need for staff assistance based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

(d) The chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

(e) The Institutional Classification Team chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues. If the hearing is postponed, the reasons for postponement shall be included in the ICT recommendation entered on the Report of Maximum Management, Form DC6-171.

(f) The Institutional Classification Team shall recommend approval or disapproval of the recommendation for placement in maximum management and modification of the initial conditions of placement as listed in subsection (4), if changes were made. The initial conditions of placement are intended to be short-term and should be modified when the inmate's adjustment to maximum management and the inmate's level of threat to the security of the institution indicate that modification is appropriate. These conditions can only be modified to the level permitted for Close Management I inmates. The Institutional Classification Team's recommendations and the basis for the recommendations shall be documented on the Report of Maximum Management, Form DC6-171.

(g) The Institutional Classification Team's recommendations shall be forwarded to the Warden for review. The Warden's recommendation for approval or disapproval of maximum management placement and any modifications of the initial conditions and the basis for the recommendations shall be documented on the Report of Maximum Management, DC6-171.

(h) The Warden's recommendations shall be forwarded to the Regional Director for review. The Regional Director's recommendation for approval or disapproval of maximum management placement and any modifications of the initial conditions and the basis for recommendations shall be documented on the Report of Maximum Management, Form DC6-171.

(i) The Regional Director's recommendations shall be forwarded to the Maximum Management Review Team for review and final approval or disapproval of the maximum management placement and any modifications of the initial conditions. The Maximum Management Review Team's decisions shall be documented on the Report of Maximum Management, Form DC6-171.

(j) If the Maximum Management Review Team disapproves the maximum management placement, the inmate shall immediately be reclassified to his original status and removed from the maximum management cell.

(k) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the Maximum Management Review Team. The Classification Supervisor shall also ensure

that the inmate is informed verbally and in writing of the Maximum Management Review Team's decision. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

(l) The Institutional Classification Team at the maximum management facility is responsible for ensuring that staff adhere to any time frames approved in reference to inmate conditions.

(m) An inmate shall not be released from maximum management status or be subjected to modifications of initial placement conditions until the actions are approved by the Maximum Management Review Team except as allowed in paragraph (4)(a) above.

(6) Review of Maximum Management Status and Conditions.

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

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

2. If the ~~ICT Institutional Classification Team~~ recommends the inmate's release from maximum management or a modification of the inmate's conditions during the first sixty days, the ~~ICT Institutional Classification Team~~ shall enter also document its recommendation in OBIS on the Report of Maximum Management, Form DC6-171.

3. All reviews conducted at least monthly by the ~~ICT Institutional Classification Team~~ after the first sixty days of maximum management status shall be entered in OBIS documented on the Report of Maximum Management, Form DC6-171. This documentation shall include any recommendations for modifications of the inmate's conditions.

4. The ICT shall enter in OBIS an inmate's guilty findings on any disciplinary reports and all recommendations for modification of the inmate's conditions.

(b) All ~~ICT Institutional Classification Team~~ reviews entered in OBIS documented on the Report of Maximum Management, Form DC6-171, shall be reviewed by the Warden. The Warden shall document his or her reason for approval, disapproval, or modification of the ~~ICT Institutional Classification Team~~ recommendations in OBIS on the Report of Maximum Management, Form DC6-171.

(c) The Warden's recommendations for approval, disapproval, or modification of the inmate's status or conditions shall be reviewed by the Regional Director. The Regional Director shall document approval, disapproval, or modification of the Warden's recommendation in OBIS on the Report of Maximum Management, Form DC6-171.

(d) If the Regional Director approves the inmate for release from maximum management status, the inmate shall be placed in close management or death row housing. The decision to release the inmate from maximum management status shall be entered in OBIS ~~continuation of maximum management status, no further review of the placement or modification of conditions is required.~~ An inmate shall not be subjected to modification of conditions until the modifications are approved by the Regional Director, except as allowed in paragraph (4)(a) above.

~~(e) If the Regional Director recommends release from maximum management status, the recommendation shall be forwarded for review and final decision to the Deputy Assistant Secretary of Institutions—Operations. The Deputy Assistant Secretary of Institutions—Operations shall document approval, disapproval, or modification of the Regional Director's recommendations on the Report of Maximum Management, Form DC6-171.~~

~~(e)(f) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the Regional Director or Deputy Assistant Secretary of Institutions—Operations. The Classification Supervisor at the maximum management facility shall ensure the inmate is immediately removed from maximum management housing if approved by the Regional Director and returned to close management or death row housing.~~

~~(f)(g) The ICT at the maximum management facility shall ensure that staff adhere to any time frames approved in reference to inmate conditions.~~

~~(h) An inmate shall not be released from maximum management status until that action is approved by the Deputy Assistant Secretary of Institutions—Operations.~~

(7) Periodic Modification of Conditions.

(a) If after the following time frames the Regional Director determines an inmate has displayed satisfactory adjustment to maximum management based on the severity of any guilty findings on disciplinary reports created since the inmate's initial placement on maximum management status and that reinstatement of privileges is appropriate, privileges shall be reinstated as follows:

1. After six consecutive months on maximum management and with the approval of the Regional Director, the following privileges shall be reinstated:

a. Recreation privileges up to one two-hour session per week; and

b. Property privileges to the extent that the inmate may possess two periodicals and may check out books from the library.

2. After nine consecutive months on maximum management and with the approval of the ICT, the following privileges shall be reinstated:

a. Recreation privileges up to two-hour sessions per week; and

b. Canteen privileges limited to one order per week. The inmate is further limited to five non-food items and five food items. In making this determination, with the exception of stamps, security pens, and notebook paper, it is the number of items counted rather than the type of item. With respect to stamps, security pens, and notebook paper, twenty-five stamps or fewer shall count as one item, three security pens or fewer shall count as one item, and two packages or fewer of notebook paper will count as one item.

3. After 12 consecutive months on maximum management and with approval of the ICT, the following privileges shall be reinstated:

a. Recreation privileges up to three two-hour sessions per week; and

b. Ability to purchase a 'walkman'-type radio, headphones, and batteries or to be issued these items from the inmate's stored property.

(b) If an inmate whose privileges have been reinstated is subsequently found guilty on a disciplinary report, the ICT shall review the report and make a determination as to whether and to what extent privileges shall be revoked.

(c) Any recommendations by the ICT and/or Warden and Regional Director decisions to modify conditions shall be entered in OBIS during weekly or monthly reviews of the inmate's maximum management status. The Classification Supervisor at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the Regional Director.

(8)(7) On-Site Review of Maximum Management.

(a) If an inmate remains in maximum management status for 90 days, the Regional Director or designee shall conduct an on-site review of the inmate's maximum management status and conditions in conjunction with the monthly review of the Warden's recommendations. This on-site review shall take place after every 90 day period of continued maximum management status. The Regional Director's designee shall be a Regional Assistant Warden, Regional Classification Administrator, or State Classification Officer.

(b) The ~~ICT Institutional Classification Team~~ shall participate in the review of the inmate's adjustment with the Regional Director or his or her designee.

(c) The Regional Director's decisions made following this on-site review will be entered in OBIS as directed in subsection (7) above ~~documented on the Report of Maximum Management, Form DC6-171.~~

(9)(8) Security Requirements.

(a) All security requirements outlined in Rule 33-601.800, F.A.C., for close management inmates are applicable for all maximum management inmates.

(b) Additionally, the following security precautions shall be followed for maximum management inmates:

1. The inmate shall remove all clothing to allow for a strip search and pass the clothing to the officers for thorough search before being restrained and exiting the cell. The inmate shall remain under constant visual surveillance during the process.

2. A maximum management inmate shall exit the cell only in handcuffs behind the back with handcuff cover and in the presence of a minimum of two officers.

3. Once out of the cell, the inmate shall be placed in leg irons and escorted by two correctional officers at all times.

4. The cell shall be thoroughly searched each time the inmate exits the cell for any reason, but no less frequently than three times each week.

5. When escorting a maximum management inmate past other maximum management inmate cells, the cells will have the solid security door and cuff/food port closed and secured.

6. Under no circumstances will any two maximum management inmates be out of the cells under escort in the same area at the same time.

7. A maximum management inmate shall submit to a visual strip search and clothing search each time the inmate is returned to the cell from any escort.

(10) Other Conditions of Confinement.

(a) Religious services shall be delivered by institutional chaplaincy staff or approved volunteers only.

(b) Inmates in maximum management shall be required to conduct legal business by correspondence rather than a personal visit to the law library, when possible. If access to the law library is required, a secure cell in the law library shall be used to prevent direct contact with other inmates including law clerks.

(c) Medication shall be dispensed and administered in accordance with Health Services protocols for confinement.

(d) Inmates who are housed in maximum management will have mental health and medical care services to the same extent as all close management inmates. Monitoring of inmates will be as described in Rule 33-601.800, F.A.C.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06, 4-27-08,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective January 1, 2009. The proposed rule is in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 236 and House Bill 5085, Section 5 which amended Section 408.908(23), Florida Statutes.

1. The Agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve a reimbursement rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.

3. In response to requests received from the Centers for Medicare and Medicaid Services (CMS), the Agency is removing unnecessary and outdated language from the Title XIX Long-Term Care Reimbursement Plan.

SUBJECT AREA TO BE ADDRESSED: January 1, 2009 nursing home reimbursement rates and the removal of outdated language from the Title XIX Long-Term Care Reimbursement Plan.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: February 18, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-2.009
 RULE TITLE: Ineligible or Disqualified Jai Alai Player or Racing Animal

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the entry of an ineligible or disqualified jai alai player or racing animal.

SUBJECT AREA TO BE ADDRESSED: This proposed rule addresses amendments relating to eligibility requirements for racing animals due to owners license status and responsibility of the Racing Secretary to ensure owners are currently licensed prior to entry.

SPECIFIC AUTHORITY: 550.0251(3), 550.105(2)(b) FS.

LAW IMPLEMENTED: 550.0251, 550.105, 550.235 FS.

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

DATE AND TIME: February 20, 2009, 10:00 a.m. – Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe 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: Mary Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-3.001	Hearings Before Stewards/Judges
61D-3.002	Appeal Hearing Procedures
61D-3.003	Stay of Steward/Judges' Penalty
61D-3.004	Payment of Fines

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the conduct of proceedings before the judges and stewards officiating races at pari-mutuel facilities, and procedures pertaining to appeals of orders of judges and stewards.

SUBJECT AREA TO BE ADDRESSED: These proposed rules address amendments relating to hearing and appeal procedures.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251, 550.054(9)(b), 550.1155, 550.2415(7) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.054, 550.1155, 550.2415 FS.

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

DATE AND TIME: February 20, 2009, 10:00 a.m. – Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe 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: Mary Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-6.011	Penalty Guidelines for Class I-V Drug Violations
61D-6.012	Penalty Guidelines for Class I-V Drug Violations in Greyhounds

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes which grant the Division authority to adopt rules establishing penalty guidelines for Class I, II, III, IV, and V drug violations in horses and greyhounds.

SUBJECT AREA TO BE ADDRESSED: These proposed rules implement Florida Statutes necessary to establish penalty guidelines for Class I, II, III, IV, and V drug violations in horses and greyhounds.

SPECIFIC AUTHORITY: 455.2273, 550.0251(3), 550.2415(13), (14) FS.

LAW IMPLEMENTED: 550.0251, 550.1155, 550.2415(14) FS.

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

DATE AND TIME: February 20, 2009, 10:00 a.m. – Noon
 PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe 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: Mary Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
 61G15-18.011 Definitions

PURPOSE AND EFFECT: Purpose and effect is to amplify and clarify the meaning of “degree of control necessary for the Engineer of Record.”

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 471.008, 471.013(1)(a)1., 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) 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:

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) “Responsible Charge” shall mean that degree of control an engineer is required to maintain over engineering decisions made personally or by others over which the engineer exercises supervisory direction and control authority. The engineer in responsible charge is the Engineer of Record as defined in subsection 61G15-30.002(1), F.A.C.

(a) The degree of control necessary for the Engineer of Record shall be such that the engineer:

1. through 2. No change.

3. Approves the inclusion of standard engineering design details into the engineering work. Standard engineering design details include details mandated or directed to be contained in engineering documents by governmental agencies (such as the Florida Department of Transportation); and details contained in engineering design manuals and catalogues that are generally accepted as authoritative in the engineering profession. In order to approve the inclusion of such details the Engineer of Record must conduct such reasonable analysis of the content of the standard detail(s) as is necessary in the sound professional judgment of the Engineer of Record to be assured that the inclusion of such detail(s) into the engineering work is acceptable engineering practice.

(b) through (d) No change.

(2) through (6) No change.

Specific Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History–New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08,_____.

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 ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-302.200	Definitions
62-302.300	Findings, Intent, and Antidegradation Policy for Surface Water Quality
62-302.400	Classification of Surface Waters, Usage, Reclassification, Classified Waters
62-302.500	Surface Waters: Minimum Criteria, General Criteria
62-302.520	Thermal Surface Water Criteria
62-302.530	Table: Surface Water Quality Criteria
62-302.540	Water Quality Standards for Phosphorus Within the Everglades Protection Area

62-302.700 Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters

62-302.800 Site Specific Alternative Criteria

PURPOSE AND EFFECT: The Department proposes to establish numeric surface water quality criteria for nutrients and associated standards, such as chlorophyll a. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 62-302 of the Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Rule development will establish numeric nutrient surface water quality criteria and, if necessary, associated standards, such as chlorophyll a.

SPECIFIC AUTHORITY: 373.043, 373.4592, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.414, 373.4592, 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.201, 403.502, 403.504, 403.702, 403.708, 403.802 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: Eric Shaw, Florida Department of Environmental Protection, Standards and Assessments Section, 2600 Blair Stone Road, MS 3560, Tallahassee, FL 32399-2400; telephone (850)245-8429; email Eric.Shaw@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-303.100	Scope and Intent
62-303.150	Relationship Between Planning and Verified Lists
62-303.200	Definitions
62-303.300	Methodology to Develop the Planning List
62-303.310	Evaluation of Aquatic Life Use Support
62-303.320	Exceedances of Aquatic Life-Based Water Quality Criteria
62-303.330	Biological Assessment
62-303.340	Toxicity
62-303.350	Interpretation of Narrative Nutrient Criteria
62-303.351	Nutrients in Streams
62-303.352	Nutrients in Lakes

62-303.353	Nutrients in Estuaries and Open Coastal Waters
62-303.360	Primary Contact and Recreation Use Support
62-303.370	Fish and Shellfish Consumption Use Support
62-303.380	Drinking Water Use Support and Protection of Human Health
62-303.400	Methodology to Develop the Verified List
62-303.410	Determination of Aquatic Life Use Support
62-303.420	Aquatic Life-Based Water Quality Criteria Assessment
62-303.430	Biological Impairment
62-303.440	Toxicity
62-303.450	Interpretation of Narrative Nutrient Criteria
62-303.460	Primary Contact and Recreation Use Support
62-303.470	Fish and Shellfish Consumption Use Support
62-303.480	Drinking Water Use Support and Protection of Human Health
62-303.500	Prioritization
62-303.600	Evaluation of Pollution Control Mechanisms
62-303.700	Listing Cycle
62-303.710	Format of Verified List and Verified List Approval
62-303.720	Delisting Procedure
62-303.810	Impairment of Interstate and Tribal Waters

PURPOSE AND EFFECT: The Department proposes to establish numeric surface water quality criteria for nutrients and, if necessary, associated standards, such as chlorophyll a. Numeric nutrient criteria and associated standards will be used in determining impairment of surface water quality under Chapter 62-303 of the Florida Administrative Code. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapters 62-302 and 62-303 of the Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Rule development will establish numeric nutrient surface water quality criteria and associated standards, and the applicability of such criteria in determining impairment of surface water quality under Chapter 62-303 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.021(11), 403.062, 403.067 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: Eric Shaw, Florida Department of Environmental Protection, Standards and Assessments Section, 2600 Blair Stone Road, MS 3560, Tallahassee, FL 32399-2400; telephone (850)245-8429; email Eric.Shaw@dep.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-550.200	Definitions for Public Water Systems
62-550.720	Recordkeeping
62-550.730	Reporting Requirements for Public Water Systems

PURPOSE AND EFFECT: The Department is making changes and clarifications to its cross-connection control requirements for public water systems.

SUBJECT AREA TO BE ADDRESSED: Rule 62-555.200, F.A.C., is being amended to define “backflow” and to revise the definition of “cross-connection.” Rule 62-555.720, F.A.C., is being amended to revise cross-connection control recordkeeping requirements. Rule 62-555.730, F.A.C., is being amended to revise cross-connection control reporting requirements.

SPECIFIC AUTHORITY: 403.853(3), 403.861(9) FS.

LAW IMPLEMENTED: 403.852(12), (13), 403.853, 403.854, 403.861(16), (17), 403.8615, 403.862 FS.

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

DATE AND TIME: Wednesday, February 18, 2009, 10:00 a.m.

PLACE: Seminole County Services Building, Room 1028, 1101 East First Street, Sanford, Florida 32771

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: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400; (850)245-8630, virginia.harmon@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Peterson, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400; (850)245-8636, daniel.peterson@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-555.330	Engineering References for Public Water Systems
62-555.360	Cross-Connection Control for Public Water Systems
62-555.900	Forms and Instructions

PURPOSE AND EFFECT: The Department is making changes and clarifications to its cross-connection control requirements for public water systems.

SUBJECT AREA TO BE ADDRESSED: Rule 62-555.330, F.A.C., is being amended to list the latest edition of American Water Works Association Manual M14, Recommended Practice for Backflow Prevention and Cross-Connection Control. Rule 62-555.360, F.A.C., is being amended to specify the required elements of written cross-connection control programs, which must be established and implemented by community water systems; to require that community water systems submit their required written cross-connection control programs to the Department for approval; to require that community water systems submit an annual cross-connection control program status and activities report to the Department; to require that public water systems report backflow incidents to the Department; to allow community water systems to select from among a menu of backflow protection alternatives for residential premises where there is an auxiliary or reclaimed water system; and to make various other changes or clarifications. Rule 62-555.900, F.A.C., is being amended to list a new form for community water systems to use for annual cross-connection control program status and activities reports.

SPECIFIC AUTHORITY: 403.086(8), 403.853(3), 403.861 FS.

LAW IMPLEMENTED: 367.031, 403.086(8), 403.0877, 403.852(12), 403.853(1), 403.855(3), 403.861, 403.8615 FS.

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

DATE AND TIME: Wednesday, February 18, 2009, 10:00 a.m.

PLACE: Seminole County Services Building, Room 1028, 1101 East First Street, Sanford, Florida 32771

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: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400; (850)245-8630, virginia.harmon@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Peterson, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400; (850)245-8636, daniel.peterson@dep.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
 64B3-5.004 Technician

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of technician qualifications.

SUBJECT AREA TO BE ADDRESSED: Technician qualifications.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 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 Clinical Laboratory Personnel, 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 Medicine

RULE NO.: RULE TITLE:
 64B8-30.003 Physician Assistant Licensure

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the PA application for licensure in the appropriate PA rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the PA application into the PA application rule.

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 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, 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:
 64B8-31.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the application for licensure as an anesthesiologist assistant in the application rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the application in the anesthesiologist assistant application rule.

SPECIFIC AUTHORITY: 458.309, 458.3475 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.3475 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, 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 Nursing

RULE NO.: RULE TITLE:
 64B9-2.015 Standards of Nursing Education

PURPOSE AND EFFECT: The purpose and effect is to conform the rule to the statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Standards of Nursing Education.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-2.015 Standards of Nursing Education.

(1) through (11) No change.

(12) Program Evaluation.

(a) The minimal acceptable level of performance as required by the Board on the National Council of State Boards of Nursing licensing examination for graduates of a nursing education program during the fiscal year of the Department shall be 10% below the national ~~or state average, whichever is lowest~~, as published by the contract testing service of the National Council of State Boards of Nursing.

(b) through (c) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History–New 1-28-02, Amended 10-19-06,_____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.003
 RULE TITLE: Documentation of Eligibility for Licensure

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate application form.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Licensure.

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 456.013(1), (7), 468.803 FS.

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 Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.003 Documentation of Eligibility for Licensure.

(1) In order to establish eligibility for licensure as an orthotist or prosthetist under Section 468.803(3)(a) or (b), F.S., the applicant must submit an Application for Licensure form DH-MQA 1132, 8/08, which is available from the Board office or at the Board’s website, <http://www.doh.state.fl.us/mqa/OrthPros/index.html>, and provide:

(a) through (d) No change.

(2) through (5) No change.

Specific Authority 468.802 FS. Law Implemented 456.013(1), (7), 468.803 FS. History–New 12-10-98, Amended 11-11-02, 11-1-05, 9-21-06,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-6.003
 RULE TITLE: Physician Assistant Licensure

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the PA application for licensure in the appropriate PA rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the PA application into the PA application rule.

SPECIFIC AUTHORITY: 458.347(7), 459.005, 459.022 FS.

LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-7.003
 RULE TITLE: Application for Licensure and Licensure Requirements for Anesthesiologist Assistants

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the application for licensure as an anesthesiologist assistant in the application rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the application in the anesthesiologist assistant application rule.

SPECIFIC AUTHORITY: 459.023, 459.005 FS.
 LAW IMPLEMENTED: 459.023, 456.013(7), 456.031, 456.033 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.001 RULE TITLE: Licensure Requirements
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address incorporation of the revised application for licensure and to address any other necessary changes in the rule.
 SUBJECT AREA TO BE ADDRESSED: The revised application for licensure as an athletic trainer and other necessary rule changes.
 SPECIFIC AUTHORITY: 456.013, 468.705, 468.707, 468.711 FS.
 LAW IMPLEMENTED: 456.013, 468.707, 468.711 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.900 RULE TITLE: Overpayment and Benefit Recovery
 PURPOSE AND EFFECT: The proposed rule amendment amends policy governing the compromise of a food stamp overpayment. Included in this proposed rule amendment are

some wording changes and technical changes of a non-substantive nature improving the overall content of the rule.
 SUBJECT AREA TO BE ADDRESSED: Compromise of food stamp overpayment.
 SPECIFIC AUTHORITY: 409.919, 414.41, 414.45 FS.
 LAW IMPLEMENTED: 414.31, 414.41 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: February 17, 2009, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-1.900 Overpayment and Benefit Recovery.

The purpose of this section is to define the administrative policies applicable to the establishment and recovery of overpayment in the public assistance programs.

- (1) No change.
- (a) Overpayment: Overpayment is ~~is~~ The amount of public assistance received for which an individual was not entitled.
- (b) Intentional Program Violation: Intentional Program Violation (IPV) or fraud is defined pursuant to Section 414.39, F.S., incorporated by reference (2008), 7 C.F.R. §273.16 incorporated by reference (2008), and 45 C.F.R. §235.110 incorporated by reference (2008).
- (c) Direct Reimbursement: Direct reimbursement is repayment by an individual person ~~person~~ to the Department or contractor ~~by cash, check or money order~~.
- (d) Recoupment of Benefits: Recoupment of benefits is the deduction of repayment amounts from benefits prior to disbursing them ~~to the person receiving assistance~~.
- (e) Refusal to Repay: Refusal to repay occurs when the individual person ~~person~~ responsible for repayment ~~has~~:

- 1. through a. No change.
- b. Advises the Department either orally or in writing that they refuse to repay the amount owed; or
- c. through 2. No change.
- a. Fails to contact the Department within ten days for food stamp ~~Intentional Program Violation~~, 20 days for food stamp Inadvertent Household Error (IHE), or 30 days for food stamp aAgency ~~e~~Error and all other public assistance errors

including those for the Refugee Assistance (RAP) and Optional State Supplementation Programs from the date of such notification; or

b. Contacts the ~~D~~department, but still fails to make the delinquent payment by the last day of the month following the month in which the payment was originally due, unless the individual has obtained, in writing, the ~~D~~department's consent to a change in the repayment agreement.

(f) Notification: Notification, for purposes of this section, is ~~defined as~~ any correspondence from the ~~D~~department that advises an individual of the status of an overpayment. Any Such notification will shall be in compliance with 7 C.F.R. §273.18 incorporated by reference (2008) or 45 C.F.R. §235.110 as appropriate.

(g) No change.

1. Food expenses will be considered according to the current United States Department of Agriculture thrifty food plan with no income for the number of people in the household.

2. Shelter expenses will include rent or mortgage payments; taxes and insurance on the home; cost of fuel, electricity or both ~~with which~~ to heat, cool and cook; and the basic service fee for one telephone. These expenses will not be considered if paid by someone outside those residing together.

3. through 4. No change.

5. Clothing and personal and household incidental expenses will be considered in the amount of actual expenses. The Department requires verification ~~will be required~~ if it the department considers reported expenses excessive.

(2) Individuals Persons Responsible for Repayment of Overpayment.

(a) Individuals Persons who received Aid to Families with Dependent Children (AFDC) and other cash assistance overpayments as an adult will shall be responsible for repayment of the overpayment.

(b) Food stamp overpayments will shall be recovered from an individual as specified in 7 C.F.R. §273.18.

(c) Individuals Persons who received Medicaid overpayments as an adult will shall be responsible for repayment of the overpayment.

(d) No change.

(e) For the purpose of this rule, an adult is ~~defined as~~:

1. Eighteen (~~18~~) years of age or older,
2. through (3) No change.

(a) Monthly repayment amounts of all AFDC and cash assistance overpayments ~~shall~~ include the following provisions:

1. Any individual person no longer receiving cash assistance will shall negotiate a repayment agreement with the ~~D~~department or contractor.

2. Any individual person affected by the preceding subparagraph 65A-1.900(3)(a)1., F.A.C., is entitled to a departmental review or hearing pursuant to Chapter 65-2, F.A.C.

(b) Monthly repayment amounts of all food stamp overpayments will shall be determined in accordance with 7 C.F.R. §273.18.

(c) Monthly repayment amounts of all Medicaid overpayments will shall be determined with those individuals persons responsible for repayment based on factors relating to the amount of the claim, their ~~persons~~² financial situation and the period over which the claim will be liquidated.

(4) No change.

(a) The methods of repayment of cash assistance overpayment ~~are shall be~~ as follows:

1. As specified in 45 C.F.R. §233.20(a)(13) incorporated by reference (2008); or

2. Through application of child support credit. Child support credit exists when child support collected and retained by the ~~D~~department during any month in which overpayment occurred exceeds the amount of AFDC or cash assistance to which the assistance group was entitled for that month after computation of the overpayment has been completed. The excess amount of child support may, if requested by absent parent or recipient, be credited as repayment and the amount owed by the individual person responsible for repayment will be reduced by that amount. In addition, all or part of the overpayment claim can be satisfied should the absent parent of an overpaid assistance group repay to the ~~D~~department all AFDC or cash assistance benefits received on behalf of the overpaid assistance group. Child support credit is not applicable to Refugee Assistance Program overpayments.

(b) The method of repayment of all food stamp overpayment will shall be as specified in 7 C.F.R. §273.18.

(c) For purposes of this rule only, the method of repayment of a Medicaid overpayment will shall be by direct reimbursement.

(5) Refusal to Repay. When an individual person refuses to make repayment by direct reimbursement after ~~a being~~ requested to do so, the ~~D~~department, at its discretion, may take appropriate civil action against the income or resources of the individual person involved.

(6) Compromising Food Stamp Claims. Effective August 1, 2001, a food stamp claim or any portion of a food stamp claim may be compromised. The ~~D~~department reserves the right to approve or not approve the compromise. Compromise will be considered to resolve (1) pending litigation; (2) bankruptcy proceedings.

(a) Individuals with an overpayment claim in the Food Stamp Program may request a compromise of their claim at any time after they are notified of the claim.

(b) The Department will only consider such claims for individuals liable on the overpayment claim being considered or someone duly authorized to do so on behalf of the liable individual(s).

(c) For purposes of a compromise request made pursuant to this rule, the Department will determine that an individual's economic household circumstances reasonably demonstrate the overpayment claim or debt will not be paid within three years of the debtor being notified of the overpayment claim or debt only when the information or materials permitted by paragraph (d) below also include or involve at least one of the following:

1. The death of the debtor or liable individual(s);

2. The probability of an impending death of the debtor or liable individual(s);

3. Pending litigation in a court, including a bankruptcy court, that involves the debtor or liable individual's obligation to repay the overpayment or debt;

4. The debtor or liable individual(s) are sentenced to a period of incarceration in a city, county, state or federal correctional institution that will exceed the three-year period by which the overpayment or debt is expected to be paid; or

5. An event or occurrence similar to the events or occurrences described in subparagraphs 1. through 4. above involving the debtor or other liable individuals(s).

(d) For purposes of evaluating a compromise request, in addition to the information or materials required by paragraph (c) above, individuals liable for an overpayment claim or debt may submit to the Department any other written information or materials related to their household's economic circumstances. The information or materials must state how the overpayment claim or debt will not be paid within the three-year period. When a decision is made concerning the compromise request, the Department will notify the individual making the request of the decision.

(7) through (a) No change.

(b) When the Department determines that it needs additional documentation of expenses is needed to compute overpayment, it the department will notify the individuals persons responsible for repayment of the information needed. The individual must provide aAny requested items must be provided within the time requested by the Department, or the expense will not be considered in computing the overpayment amount.

(8) Notification of Overpayment. The Department must notify tThe individuals persons responsible for repayment of overpayment must be notified in writing that overpayment exists and that they are required, by law, to repay the entire amount pursuant to Section 414.41, F.S., incorporated by reference (2008), or that they may seek compromise of a food stamp overpayment pursuant to 7 C.F.R. §273.18(e)(3), (7).

(a) The individual has a right to an administrative hearing in accordance with the Department's hearings procedures in Chapter 65-2, F.A.C., Part VI, Hearings.

(b) The Department can send nNotification of overpayment can be sent to current recipients by regular mail at the address to which the Department sends benefits or correspondence. The Department presumes dDelivery will be presumed unless the postal service returns the notice to the Department.

(c) Notification of overpayment to individuals persons no longer receiving assistance will be made as follows:

1. By regular mail to the last known address available to the Department. The Department presumes dDelivery will be presumed unless the postal service returns the notice to the Department.

2. The last notification prior to the initiation of civil action will shall be sent certified mail, return receipt requested, or hand delivered with certification that such delivery was made to the individuals persons responsible for repayment.

(d) The assistance group or individuals persons that receive such notification will have 30 calendar days in which to contact the Department before being considered to have refused to repay, except for food stamp recipients the period to contact the Department will shall be, from the post-marked date of the letter: five days for IPVs intentional program violations; 10 days for IHE inadvertent household error; and, 30 days for agency error. For those individuals persons notified via mail, the time in which to contact the Department begins five days after the notification is mailed.

(9) Claim Thresholds. The Bbenefit Rrecovery Pprogram will not pursue a claim in bankruptcy proceedings if the amount of the claim is at or below \$1,250.

(10) No change.

(a) Pursuant to Sections 414.39 and 414.41, F.S., when the Department has information that an individual has committed fraud, it the department will refer the case to the Division of Public Assistance Fraud (DPAF) for investigation. In cases where the Department determines that an individual has committed fraud in the cash assistance or Ffood Sstamp Pprograms, it the department will pursue a determination of Intentional Program Violation (IPV) through either court action, administrative disqualification hearing, or both, where permitted by 7 C.F.R. §273.16, or 45 C.F.R. §235.110. The Department will pursue a determination of IPV through court action in instances where it the department determines that an individual has committed fraud in the Medicaid Pprogram.

(b) Individuals found by an administrative hearing officer or court to have committed an act of IPV intentional program violation while receiving, or attempting to receive, food stamp, cash assistance, or food stamp and cash assistance benefits will

shall be disqualified from participation in the program(s) under which that act was committed or attempted in accordance with 7 C.F.R. §273.16 or 45 C.F.R. §235.110.

(11) No change.

(a) The ~~D~~department will refer individuals who owe past-due, legally enforceable federal food stamp overpayment debts to the ~~U~~nited States Department of ~~the~~ Treasury for purposes of collection of such debt through offset against federal payments pursuant to 26 U.S.C. 6402, incorporated by reference (2000 Ed., Sup. 5). Referral of individuals owing such debt will be completed in accordance with procedures and criteria contained in 26 C.F.R. Part 301 et. seq., incorporated by reference (2008), and 31 C.F.R. Part 5 Subpart C et. seq., incorporated by reference (2008), as provided for in 7 C.F.R. Part 3 Subpart §3.82, incorporated by reference (2008).

(b) A past-due, legally enforceable debt exists when an individual in receipt of overpayment as defined in Section 414.41, F.S., and paragraph (1)(b) of this rule is at least 180 days delinquent in repayment of ~~the such~~ overpayment, and ~~the which~~ overpayment has not been discharged through administrative or legal action.

(c) The ~~D~~department must make a reasonable attempt as defined in 26 C.F.R. Part 301, §301.6402-6(d), to notify individuals owing such debt that:

1. No change.

2. Unless repaid within 180 days from the date on the notification, ~~it will refer~~ the debt ~~will be referred~~ to the ~~U~~nited States Department of the Treasury for offset against any refund of federal tax due that individual, and

3. The individual debtor has 60 days from the date of notification to appeal, via presentation of evidence to the ~~D~~department, that all or part of the debt is not past-due or legally enforceable.

(d) The ~~D~~department will consider evidence presented timely by an individual in receipt of such notification described in paragraph (11)(c) above that indicates all or part of their debt is not past-due or legally enforceable, and will make a determination as to the status of that debt prior to referral for offset. This consideration process is separate and apart from the administrative hearings appeals process and will address only the past-due status or legal enforceability of all or part of the debt.

(e) The ~~D~~department will provide a toll free telephone number for use in obtaining information concerning the offset.

(12) The following ~~forms notices, hereby~~ incorporated by reference, are used by the ~~D~~department in the process of establishing and recovering overpayment: CF-ES Form 3057, 09/2006, Information Concerning Administrative Disqualification Hearings; CF-ES Form 3400, 10/2005, Request for Additional Information; CF-ES Form 3410, 09/2006, Waiver of Administrative Disqualification Hearing With a Program Loss; CF-ES Form 3410A, 09/2006, Waiver of

Administrative Disqualification Hearing With a Program Loss; ~~and~~, CF-ES Form 3414, ~~11/Nov.~~ 2007, Disqualification Consent Agreement; CF-ES 3110, 01/2009, Notice of ~~Compromise Decision. Copies of Each of these forms are available from listed as incorporated by reference may be obtained without cost from any Benefit Recovery office or by written request to the ACCESS Florida Headquarters Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or on the Department's web site at http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx.~~

Specific Authority 409.919, 414.41, 414.45 FS. Law Implemented 414.31, 414.41 FS. History—New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98, 4-2-00, 2-26-02, 3-18-03, 7-21-05, 1-19-09,_____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the

development of the 2009 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

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

DATE AND TIME: February 17, 2009, 9:00 a.m.

PLACE: Residence Inn Tallahassee, 600 West Gaines Street, Tallahassee, Florida 32304. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

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: Blake Carson-Poston at (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: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's web site www.floridahousing.org

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development

67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2009 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2008 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: February 17, 2009, 9:00 a.m.
 PLACE: Residence Inn Tallahassee, 600 West Gaines Street, Tallahassee, Florida 32304. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197
 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: Blake Carson-Poston at (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: Deborah Dozier Blinderman, Deputy Development Officer
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-5.0024 RULE TITLE: Remittances to the Regulatory Trust Fund

PURPOSE AND EFFECT: To increase the fee for each preneed contract written.

SUBJECT AREA TO BE ADDRESSED: Remittances to the Regulatory Trust Fund.

SPECIFIC AUTHORITY: 497.103, 497.453(1) FS.

LAW IMPLEMENTED: 497.453(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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-5.003 RULE TITLE: Application for Registration of a Preneed Sales Agent

PURPOSE AND EFFECT: To remove language requiring an application fee of \$100 for each biennial period and to add language establishing a fee for licensure, additional appointments and biennial renewal of preneed sales agent appointments.

SUBJECT AREA TO BE ADDRESSED: Application for Refrigeration of a Preneed Sales Agent.

SPECIFIC AUTHORITY: 497.103(5), 497.140(1) FS.

LAW IMPLEMENTED: 497.466(2)(h), 497.466(7)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002 RULE TITLE: Procedure for Licensing a Monument Establishment

PURPOSE AND EFFECT: To increase the initial license fee for monument establishments and to create a biennial renewal fee for monument establishments.

SUBJECT AREA TO BE ADDRESSED: Procedure for Licensing a Monument Establishment.

SPECIFIC AUTHORITY: 497.103(1), 497.105(5) FS.

LAW IMPLEMENTED: 497.550(2)(i), 497.551(2), 497.361 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
69K-12.011 Annual Inspection Fees for
 Monument Builders

PURPOSE AND EFFECT: To increase the annual inspection fee for monument builders.

SUBJECT AREA TO BE ADDRESSED: Annual Inspection Fees for Monument Builders.

SPECIFIC AUTHORITY: 497.103(1)(bb), (5)(a), 497.553(1) FS.

LAW IMPLEMENTED: 497.103(1)(bb), 497.553(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
69K-17.003 Fees

PURPOSE AND EFFECT: To increase the biennial active status fees for embalmers, funeral directors and funeral directors/embalmers.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 497.103, 497.104, 497.378, 497.379 FS.

LAW IMPLEMENTED: 497.140, 497.368, 497.373, 497.378, 497.379, 497.603 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
69K-17.0030 Direct Disposer/Establishment; Fees

PURPOSE AND EFFECT: To increase the application fee and renewal fee for direct disposer; and to increase the application fee for direct disposal establishments.

SUBJECT AREA TO BE ADDRESSED: Direct Disposer/Establishment; Fees.

SPECIFIC AUTHORITY: 497.103, 497.104, 497.602, 497.603, 497.604 FS.

LAW IMPLEMENTED: 497.140, 497.602, 497.603, 497.604 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
69K-21.004 Fees

PURPOSE AND EFFECT: To increase the application fee, biennial renewal fee and the annual inspection fee for funeral establishments.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 497.103, 497.104, 497.380 FS.

LAW IMPLEMENTED: 497.140, 497.146, 497.365(7), 497.380 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-22.003 Fees

PURPOSE AND EFFECT: To increase the application and inspection fees for cinerator facilities.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 497.103, 497.104, 497.606 FS.

LAW IMPLEMENTED: 497.140, 497.606 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-23.004 Direct Disposal Establishments

PURPOSE AND EFFECT: To increase the biennial renewal and inspection fees for direct disposal establishments.

SUBJECT AREA TO BE ADDRESSED: Direct Disposal Establishments.

SPECIFIC AUTHORITY: 497.103, 497.104, 497.604 FS.

LAW IMPLEMENTED: 497.140, 497.604 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-24.020 Licensure of Removal Services

PURPOSE AND EFFECT: To increase application and renewal fees for removal services.

SUBJECT AREA TO BE ADDRESSED: Licensure of Removal Services.

SPECIFIC AUTHORITY: 497.103, 497.385 FS.

LAW IMPLEMENTED: 497.385 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-24.030 Licensure of Refrigeration Services

PURPOSE AND EFFECT: To increase application and renewal fees for refrigeration services.

SUBJECT AREA TO BE ADDRESSED: Licensure of Refrigeration Services.

SPECIFIC AUTHORITY: 497.103, 497.385 FS.

LAW IMPLEMENTED: 497.385 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-24.040 Licensure of Centralized Embalming Facilities

PURPOSE AND EFFECT: To increase application inspection and renewal fees for centralized embalming facilities.

SUBJECT AREA TO BE ADDRESSED: Licensure of Centralized Embalming Facilities.

SPECIFIC AUTHORITY: 497.103, 497.385 FS.

LAW IMPLEMENTED: 497.385 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-200.003	Licensing of Companies that Administer and Market Service Agreements
69O-200.004	Qualification to Obtain and Hold a License
69O-200.005	Use of the Statutory Deposit
69O-200.006	Contractual Liability Insurers
69O-200.009	Form Filings
69O-200.011	Disapproval of Forms
69O-200.013	Rate Filings
69O-200.014	Exemption From Financial Examination
69O-200.015	Forms Incorporated by Reference
69O-200.016	New Car Motor Vehicle Service Agreements Issued on Used Cars

PURPOSE AND EFFECT: Incorporates into the existing rules a new category of Motor Vehicle Service Agreement Companies: “Motor Vehicle Manufacturers.”

SUBJECT AREA TO BE ADDRESSED: Motor Vehicle Service Agreement Companies.

SPECIFIC AUTHORITY: 634.021, 634.031, 634.041, 634.121, 634.1213, 634.1216, 634.061, 634.252 FS.

LAW IMPLEMENTED: 634.041(12), 637.137(6) FS.

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

DATE AND TIME: February 17, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Amy Groszos, Office of Insurance Regulation, E-mail Amy.groszos@flor.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: Amy Groszos, Office of Insurance Regulation, E-mail Amy.groszos@flor.com

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

**Section II
Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-4.091	Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed revision of Rule 40D-4.091, F.A.C., is to incorporate by reference changes to Section (9)(j)3. of Appendix IV of the Basis of Review for Environmental Resource Permitting (BOR) that remove the consideration of taxes in the development of cost estimates for the perpetual management of mitigation banks.

SUMMARY: Section (9)(i) of Appendix IV of the BOR requires mitigation bankers to provide financial responsibility sufficient to ensure that funds will be available to the District to perpetually manage the mitigation bank if the banker abandons the bank. Section (9)(j)3. prescribes the elements to be included in the development of cost estimates that provide the basis for determining the amount of that financial responsibility. The current requirements include taxes as one of the elements used to arrive at an appropriate cost estimate.

In 2007 the Legislature amended Section 197.572, Florida Statutes, to provide that when any lands are sold for the nonpayment of taxes or pursuant to any tax lien foreclosure proceeding the title to the lands shall continue to be subject to any easement for conservation purposes. This amendment