

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Elections**

**RULE NO.:** 1S-2.041  
**RULE TITLE:** FVRS Address and Records Maintenance

**PURPOSE AND EFFECT:** This proposed rule codifies a number of practices and procedures implemented to maintain voter registration records in the Florida Voter Registration System as required by law. The procedures focus on ensuring that the addresses and the eligibility status of registered voters are accurate and current. If the workshop is held, it will be the fourth held this year to vote the proposed language.

**SUBJECT AREA TO BE ADDRESSED:** Registration Records Maintenance Activities.

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 98.015(10), 98.015(11), 98.015(12), 98.035(5), 98.0655, 98.075(1) FS.

**LAW IMPLEMENTED:** 98.015, 98.035, 98.065, 98.075 FS.

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

**DATE AND TIME:** Monday, October 5, 2009, 2:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Charlotte Wheeler, Executive Administrative Assistant, Office of the General Counsel, Florida Department of State, (850)245-6536; cawheeler@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State, (850)245-6536; mimatthews@dos.state.fl.us

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

**PURPOSE AND EFFECT:** The purpose of this rule development is to update the “Course Code Directory and Instructional Personnel Assignments” by which school districts receive FEFP (Florida Education Finance Program) funding. The effect will be an updated directory of courses for students to take to earn credit toward high school graduation.

**SUBJECT AREA TO BE ADDRESSED:** Revisions to the “Course Code Directory and Instructional Personnel Assignments” for the 2010-2011 school year.

**RULEMAKING AUTHORITY:** 1001.02(1), 1009.53(3), 1011.62(1)(r) FS.

**LAW IMPLEMENTED:** 1009.531, 1009.535, 1009.536, 1011.62(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 IS:** Trinity Colson, Office of Articulation, Department of Education, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400. 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:**

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) through (4) No change.

(5) The “Course Code Directory and Instructional Personnel Assignments 2010-2011 ~~2009-2010~~,” is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and

useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Office of Articulation K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Rulemaking Authority 1001.02(1), 1009.53(3), 1011.62(1)(r) FS. Law Implemented 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, 5-19-08, 1-5-09, 6-22-09,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-2.0010  
 RULE TITLE: Educational Facilities

PURPOSE AND EFFECT: The purpose of this rule development is to update the State Requirements for Educational Facilities to address changes made in Florida Law during the 2009 legislative session and to update forms to meet requirements of rule and law.

SUBJECT AREA TO BE ADDRESSED: State Requirements for Educational Facilities, Sections 4.1 and 4.2, and OEF Forms 110A, 110B, 208, and 209. Changes include raises in the threshold limits for Day Labor projects and studies, establishes requirements for using a board’s own labor and equipment for completing capital improvement projects, identification of Green Building Standards used for a project, and required information on a Certificate of Occupancy.

RULEMAKING AUTHORITY: 1001.02(1) FS.  
 LAW IMPLEMENTED: 255.20, 255.2575, 1013.371 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: Mr. Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Suite 1054, Tallahassee, FL 32399. 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.

**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.”

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-4.002  
 RULE TITLE: Contract Prices

PURPOSE AND EFFECT: This rule is amended to reflect the changes made to the maximum amount of the tuition differential fee by Chapter 2009-98, Laws of Florida. This law permits all state universities to impose the tuition differential fee and provides that the sum of the tuition differential fee, tuition and other fees may not exceed the national average of tuition and fees at public postsecondary education institutions. The changes revise the assumptions used for pricing tuition differential fee plans to conform to the new maximum amounts for the tuition differential fee.

SUBJECT AREA TO BE ADDRESSED: The assumptions used to establish pricing for prepaid plans covering the tuition differential fee.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2) 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: October 5, 2009, 2:00 p.m.  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 19B-4.002 Contract Prices.

The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. The advance payment contract prices for tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college tuition will rise at an average of 5 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee plan prices are based on the actuarial assumption that university local fees will rise at an average of 5 percent per annum and community college local fees will rise at an average of 6 percent per annum. The tuition differential fee plan prices are based on the actuarial assumption that the tuition differential fee will rise an average of 8.5 percent per annum until such time as the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., as determined by the Education Estimating Conference pursuant to Section 216.134(4)(a), F.S. reaches forty percent (40%) of tuition at Funding Level 1 schools and thirty percent (30%) of tuition at Funding Level 2 schools. Once the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., equals reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S. level, the actuarial assumption is that the tuition differential fee will rise an average of 6.5% per annum thereafter.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION****Florida Prepaid Postsecondary Education Expense Board**

RULE NO.:                   RULE TITLE:

19B-5.001                   Contract Types

PURPOSE AND EFFECT: To: a) correct a cross-reference to the statute that authorizes the tuition differential fee; b) clarify that the Community College Plan and the Community College Plus University Plan each include sixty (60) “lower division” credit hours at a community college (an institution in the Florida College System); c) delete provisions related to the tuition differential fee which that are no longer needed since all state universities are authorized by law to and do impose the tuition differential fee; and d) clarify that the amount payable under each respective plan will be determined pursuant to Section 1009.98(10), F.S.

SUBJECT AREA TO BE ADDRESSED: Changes and clarifications required to the descriptions of the types of advance payment contracts offered under the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2), (10) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 19B-5.001 Contract Types.

The Florida Prepaid College Board’s advance payment contracts offer purchasers four (4) different plans: tuition, local fees, tuition differential fees and dormitory. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B, F.A.C. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in conjunction with or as addendums to advance payment contracts. The tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by the state universities pursuant to Section 1009.24(16) public universities in the state pursuant to Section 1009.24(15), F.S. The dormitory plan covers the housing rate specified by the university for inclusion in the plan of a double occupancy, air-conditioned room. The amount payable under each plan will be determined pursuant to Section 1009.98(10), F.S.

(1) through (a) No change.

(b) Community College Plan – The community college plan specifies that 60 lower division credit hours at a state community college are purchased for the benefit of the

qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 lower division credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees.

(2) through (a) No change.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 lower division credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 lower division credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

Local fee plans may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the application is filed. The local fee plan does not cover the tuition differential fee.

(3) No change.

(a) University Tuition Differential Fee Plan – The university tuition differential fee plan specifies that 120 credit hours at a state university ~~authorized to assess the tuition differential fee~~ are purchased for the benefit of the qualified beneficiary. The 120 credit hour university tuition differential fee plan may be purchased only in conjunction with a university tuition plan.

(b) Community College Plus University Tuition Differential Fee Plan – The community college plus university tuition differential fee plan specifies that only 60 credit hours at a state university ~~authorized to assess the tuition differential fee~~ are purchased for the benefit of the qualified beneficiary. The 60 credit hour tuition differential fee plan may be purchased only in conjunction with a community college plus university tuition plan.

Tuition differential fee plans may be purchased only for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application is received by the Board.

(4) through (5) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2), (10) FS. History–New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, 12-17-07, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: RULE TITLE:

19B-5.002 Contract Benefits

PURPOSE AND EFFECT: To delete an obsolete provision concerning disbursements related to tuition differential fee plans where the state university attended by the beneficiary does not impose the tuition differential fee. All state universities are now authorized to and do impose the tuition differential fee.

SUBJECT AREA TO BE ADDRESSED: Deletion of an obsolete provision of the rule related to the tuition differential fee.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2) 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: October 5, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.002 Contract Benefits.

(1) through (2)(b) No change.

(3) Local fee and tuition differential fee plans are tied to tuition contracts for matriculation purposes. Payment for the local and tuition differential fees will be remitted with the tuition payment upon the receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans. ~~If the state university does not charge a tuition differential fee, payment for only the local fees will be remitted~~

with the tuition payment, upon receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans:

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, 1-1-07, 12-17-07, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-9.002  
 RULE TITLE: Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools

**PURPOSE AND EFFECT:** To reflect the amendment enacted during the 2009 regular session of the Legislature to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. Under this law, Prepaid Plans may be used at “any eligible educational institution as defined in s. 529 of the Internal Revenue Code.” The rule is also amended to revise the amount which will be paid under a Prepaid Plan to such institutions to be the average amount of the tuition, local fees, tuition differential fees, respectively, payable under the beneficiary’s plan or plans. This later change is needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of Prepaid College Plans.

**SUBJECT AREA TO BE ADDRESSED:** The transfer of the benefits of advance payment contracts to any eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

**RULEMAKING AUTHORITY:** 1009.971(1), (4), (6) FS.

**LAW IMPLEMENTED:** 1009.98 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:**

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(850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.002 Use of Benefits at Transfers to In-State Private Colleges Independent College or Universities University, Out-of-State Colleges and Universities and Vocational-Technical Schools.

In the event the beneficiary matriculates to any eligible education institution, as defined in s. 529 of the Internal Revenue Code in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition, local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, local fees and tuition differential fees, respectively, payable under the beneficiary’s plan or plans to a state university or community college, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees payable under the beneficiary’s plan to a state university or community college, charged at the time of matriculation for the number of semesters reflected in each beneficiary’s dormitory plan purchaser’s advance payment contract.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01, 12-17-07, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-9.003  
 RULE TITLE: Transfer to Out-of-State Schools

**PURPOSE AND EFFECT:** This rule permits the transfer of the benefits of an advance payment contract to an out-of-state community college, college or university and specifies the amount that will be transferred to those institutions under a tuition plan, local fee plan, tuition differential fee plan and dormitory plan. This rule is being repealed due to the enactment of the amendment to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary

educational institutions at which the benefits from Prepaid College Plans may be used. This rule change is related to the amendment to Rule 19B-9.002, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** The transfer of the benefits of advance payment contracts to any eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

**RULEMAKING AUTHORITY:** 1009.971(1), (4), (6) FS.

**LAW IMPLEMENTED:** 1009.98(3) FS.

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

**DATE AND TIME:** October 5, 2009, 2:00 p.m.

**PLACE:** Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

19B-9.003 Transfer to Out-of-State Schools.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History–New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-3-01, 10-9-01, 12-17-07, Repealed.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
19B-9.004	Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories

**PURPOSE AND EFFECT:** To clarify that the amount which will be paid for transfers of dormitory plans to: a) residence facilities owned by a community college or community college direct support organization will not exceed the average of fees payable under the beneficiary’s dormitory plan for state university dormitories approved for inclusion in the Prepaid Plan, and b) state university-held residences other than dormitories will be the average amount of the dormitory fee

payable under the beneficiary’s dormitory plan for dormitories at the state university that are approved for inclusion under in Prepaid Plan. These changes are needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of dormitory plans.

**SUBJECT AREA TO BE ADDRESSED:** The amount which will be paid when the benefits of advance payment contracts covering dormitory expenses are transferred to residence facilities owned by a community college or community college direct support organization and to state university held residences other than dormitories.

**RULEMAKING AUTHORITY:** 1009.971(1), (4), (6) FS.

**LAW IMPLEMENTED:** 1009.98 (3),(10) 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:**

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

19B-9.004 Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories.

(1) A dormitory plan may be transferred to a community college or community college direct-support organization that operates a residence facility for students attending the community college. Funds transferred to the community college or community college direct-support organization shall not exceed the lesser of the actual fees charged by the community college or the community college direct-support organization for dormitories or residency opportunities or the average fees payable under the beneficiary’s dormitory plan ~~charged~~ for state university dormitories designated for inclusion in the Program.

(2) A dormitory plan may be transferred to other university-held residences designated by a state university for inclusion in the Program. Funds transferred to other university-held residences shall not exceed the average of fees payable under the beneficiary's dormitory plan charged for dormitories at the state university that are designated for inclusion in the Program. The terms of the university housing contract shall take precedence over the terms of the advance payment contract for the purpose of transferring dormitory plans.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3), (10) FS. History—New 10-20-96, Amended 1-28-09, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION  
Florida Prepaid Postsecondary Education Expense Board**

**RULE NO.:** 19B-9.005  
**RULE TITLE:** Transfer to In-State Vocational-Technical Schools

**PURPOSE AND EFFECT:** This rule permits the transfer of the benefits of an advance payment contract to an applied technology diploma program or vocational certificate program conducted by a community college or an area technical center operated by a district school board and specifies the amount that will be transferred to those institutions under a tuition plan, local fee plan, tuition differential fee plan and dormitory plan. This rule is being repealed due to the enactment of the amendment to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. This rule change is related to the amendment to Rule 19B-9.002, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** The transfer of the benefits of advance payment contracts to any eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

**RULEMAKING AUTHORITY:** 1009.971(1), (4), (6) FS.

**LAW IMPLEMENTED:** 1009.98(3) FS.

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

**DATE AND TIME:** October 5, 2009, 2:00 p.m.

**PLACE:** Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, at

(850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

19B-9.005 Transfer to In-State Vocational-Technical Schools.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History—New 1-3-01, Amended 12-17-07, Repealed \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION  
Florida Prepaid Postsecondary Education Expense Board**

**RULE NO.:** 19B-11.001  
**RULE TITLE:** General

**PURPOSE AND EFFECT:** To delete provisions concerning refunds in circumstances where the beneficiary does not attend a state postsecondary educational institution which imposes the tuition differential fee. All state universities are now authorized to and do impose the tuition differential fee. The rule is also amended to clarify that the amount payable pursuant to a scholarship refund or a death or disability refund for a tuition, local fee, tuition differential fee or dormitory plan will be the average amount payable under the beneficiary's plan or plans to state universities or community colleges at the time of the refund request. This later change is needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of Prepaid Plans.

**SUBJECT AREA TO BE ADDRESSED:** The circumstances and amounts of refunds payable in particular situations involving advance payment contracts under the Florida Prepaid College Plan.

**RULEMAKING AUTHORITY:** 1009.971(1), (4), (6) FS.

**LAW IMPLEMENTED:** 1009.971, 1009.98(5), (10) 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:** October 5, 2009, 2:00 p.m.

**PLACE:** Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.001General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Termination of student status after the official drop/add period eliminates the refund option for that semester. The Board will process a refund associated with an account that was terminated pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C., upon the receipt of a notarized, written request that is signed by the person or persons required pursuant to Rule 19B-5.004, F.A.C. The refund will be paid only to the purchaser of the terminated account.

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as:

~~(a) a~~ A financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services; ~~or~~

~~(b) The refund of a tuition differential fee plan of an advance payment contract if the advance payment contract's designated qualified beneficiary does not attend a state educational institution that meets the criteria for Funding Level 1 or Funding Level 2 pursuant to Section 1004.635(3), F.S.~~

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

(a) through (b) No change.

~~(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.~~

(3) For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for tuition, ~~and~~ local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, payable under the beneficiary's

plan or plans to ~~charged by~~ the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for the dormitory plan, the redemption value shall be the average of the state university dormitory fees payable under the beneficiary's dormitory plan ~~charged~~ at the time of the refund request, for the number of semesters reflected in the beneficiary's ~~purchaser's~~ advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c) F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees payable under the beneficiary's tuition differential plan to state universities in Florida ~~charged by the state educational institution~~ at the time of the refund.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5), (10) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07, 1-28-09, \_\_\_\_\_.

**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 NO.:	RULE TITLE:
62-302.400	Classification of Surface Waters, Usage, Reclassification, Classified Waters

PURPOSE AND EFFECT: On January 22, 2008, Tampa Bay Water submitted two petitions for reclassification from Class III waters to Class I waters: (1) the Alafia River between Bell Shoals Road and the confluence with the North and South Prongs of the Alafia River, including Fishhawk Creek and Little Fishhawk Creek, but excluding Turkey Creek, Medard Reservoir and tributaries thereto; and (2) the Tampa Bypass Canal and the Harney Canal as delimited by Structure S-160 on the south, Structure S-163 on the north, and Structure S-161 on the west. Both areas proposed for reclassification lie entirely within Hillsborough County and are currently used for water supply purposes.

SUBJECT AREA TO BE ADDRESSED: Rule development will address the need to reclassify portions of the Alafia River watershed and the Tampa Bypass Canal and Harney Canal as described above from Class III waters to Class I waters.

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS.

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



DATE AND TIME: Tuesday, October 6, 2009, 1:30 p.m.  
 PLACE: Florida Department of Environmental Protection, Southwest District Office, Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, 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: Eric Shaw at (850)245-8429. 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: Eric Shaw, Standards and Assessments Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, 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 NO.: 62-550.800  
 RULE TITLE: Control of Lead and Copper

PURPOSE AND EFFECT: The Department of Environmental Protection is the Florida primacy agency for implementation of the Public Drinking Water Supervision Program under the U.S. Environmental Protection Agency (EPA). EPA promulgated rule amendments to the lead and copper regulations that must be adopted by primacy agencies. This rule strengthens the implementation of the Lead and Copper Rule for monitoring, treatment processes, public education, customer awareness, and lead service line replacement.

SUBJECT AREA TO BE ADDRESSED: This rule addresses the control of lead and copper contamination in public drinking water supply.

RULEMAKING AUTHORITY: 403.861(9) FS.

LAW IMPLEMENTED: 403.853 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Rhapsodie Osborne, Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400: telephone (850)245-8632, e-mail: Rhapsodie.A.Osborne@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: Kenyon C. Carter, P.E., Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8626, e-mail: Kenyon.C.Carter@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 NO.: 62-555.900  
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The Department of Environmental Protection is the Florida primacy agency for implementation of the Public Drinking Water Supervision Program under the U.S. Environmental Protection Agency (EPA). EPA promulgated rule amendments to the lead and copper regulations that must be adopted by primacy agencies. This rule contains regulatory forms used in the implementation of the Lead and Copper Rule for certification of sampling results, public education notices and for notification of permit fees.

SUBJECT AREA TO BE ADDRESSED: This rule contains forms used to addresses the control of lead and copper contamination in public drinking water supply.

RULEMAKING AUTHORITY: 403.861(9) FS.

LAW IMPLEMENTED: 403.861 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Rhapsodie Osborne, Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400: telephone (850)245-8632, e-mail: Rhapsodie.A.Osborne@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: Kenyon C. Carter, P.E., Department of Environmental Protection,

Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8626, e-mail: Kenyon.C.Carter@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:  
 62-709.300           General Provisions  
 62-709.320           Yard Trash Processing Facilities  
 62-709.500           Design Criteria  
 62-709.510           Operation Criteria  
 62-709.530           Testing, Recording and Reporting Requirements  
 62-709.550           Classification of Compost  
 62-709.600           Criteria for the Use of Compost

PURPOSE AND EFFECT: The proposed rule amendments address the processing of yard trash and create new simplified requirements for composting of certain types of solid waste.  
 SUBJECT AREA TO BE ADDRESSED: Solid Waste Composting.

RULEMAKING AUTHORITY: 120.53, 403.061, 403.704, 403.7043 FS.

LAW IMPLEMENTED: 120.53, 403.7043, 403.707 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: Francine Joyal, Department of Environmental Protection, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2400, telephone (850)245-8747, or email Francine.Joyal@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:  
 62-716.100           Intent  
 62-716.200           Definitions  
 62-716.300           General Grant Application Requirements  
 62-716.310           Disbursement of Funds  
 62-716.320           Grant Recordkeeping  
 62-716.400           Specific Recycling and Education Grant Application and Matching Requirements

62-716.410           Recycling and Education Grant Eligibility Requirements  
 62-716.420           Recycling and Education Grant Special Requirements  
 62-716.430           Use of Recycling and Education Grant Funds  
 62-716.440           Allocation of Recycling and Education Grant Funds  
 62-716.450           Solid Waste Annual Reports  
 62-716.500           Specific Small County Grant Application Requirements  
 62-716.510           Use of Small County Grant Funds  
 62-716.600           Specific Waste Tire Grant Application Requirements  
 62-716.610           Allocation of Waste Tire Grant Funds  
 62-716.620           Use of Waste Tire Grant Funds  
 62-716.700           Litter Control and Prevention Grants  
 62-716.900           Forms

PURPOSE AND EFFECT: In 1988, the Legislature created a large grant program to help counties and municipalities develop recycling and education programs, along with lesser grants for waste tire programs and to help small counties manage solid waste. The Department adopted Chapter 62-716, F.A.C., to implement all of these grants programs. Over time, funding for the recycling and education grants declined, and a few years ago the Legislature stopped funding them altogether. This rule chapter is being amended to delete obsolete references to grants that no longer exist.

A Notice of Rule Development for this chapter was published in the FAW on March 23, 2007. Due to delays in rule development and a change in the purpose and effect of proposed changes, a new notice is being published.

SUBJECT AREA TO BE ADDRESSED: Grant programs for recycling, waste reduction, and solid waste management.

RULEMAKING AUTHORITY: 120.53(1), 403.061, 403.704, 403.7095 FS.

LAW IMPLEMENTED: 120.53(1), 120.55, 403.0875, 403.4131, 403.706, 403.7095 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: Raoul Clarke, Waste Reduction Section, Department of Environmental Protection, 2400 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8750, email raoul.clarke@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 Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-6.001  
 RULE TITLE: Renewal of Active License

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements for domestic violence continuing education.

SUBJECT AREA TO BE ADDRESSED: Renewal of Active License.

RULEMAKING AUTHORITY: 491.004(5), 491.007(1) FS.

LAW IMPLEMENTED: 456.031(1)(a), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-6.001 Renewal of Active License.

(1) through (2) No change.

(3) Within six (6) months of initial licensure and eEvery third renewal thereafter, a licensee must complete a 2 hour continuing education course on domestic violence.

(4) No change.

Rulemaking Specific Authority 491.004(5), 491.007(1) FS. Law Implemented 456.031(1)(a), 491.007(2) FS. History–New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06, 12-17-06, 6-13-07, 9-13-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-6.006  
 RULE TITLE: Approval of Continuing Education Providers of Hypnosis Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to revise the areas required for hypnosis continuing education.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Providers of Hypnosis Training Programs.

RULEMAKING AUTHORITY: 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 491.0085(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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-11.007  
 RULE TITLE: Definition of “Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor”

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements concerning the requirements for a qualified supervisor.

SUBJECT AREA TO BE ADDRESSED: Definition of “Licensed Clinical Social Worker, or the Equivalent Who is a Qualified Supervisor.”

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-11.007 Definition of “Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor.”

(1) through (2) No change.

(3) A qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of subsection (1); and

(a) Have completed four (4) years of clinical social work experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining two (2) years of experience earned post-licensure; and

~~(b)(a)~~ Have completed, subsequent to licensure as a clinical social worker, training in supervision in one of the following:

1. A graduate level academic course in supervision which meets the requirements of Rule 64B4-6.0025 F.A.C.; or

2. A continuing education course in supervisory training which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

~~3. An AAMFT course for Approved Supervisors; or~~

~~3.4.~~ A post-graduate training course for field instructors in clinical social work; or and

4. Is designated an Approved Supervisor by the AAMFT.

~~(b) Have completed four (4) years of clinical social work experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining two (2) years of experience earned post-licensure.~~

Rulemaking Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(c) FS. History—New 7-6-88, Amended 1-4-90, 12-19-90, Formerly 21CC-11.007, 61F4-11.007, Amended 1-7-96, 12-29-96, 6-16-97, Formerly 59P-11.007, Amended 12-11-97, 8-8-99, 6-14-05, 7-16-06, 8-28-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.:                   RULE TITLE:  
64B4-31.010                Course Content

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to change the description of social and cultural foundation.

SUBJECT AREA TO BE ADDRESSED: Course Content.

RULEMAKING AUTHORITY: 491.005(6) FS.

LAW IMPLEMENTED: 491.005(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                   RULE TITLE:  
64B9-3.014                Graduates From Foreign or  
  Non-NCSBN Jurisdictions

PURPOSE AND EFFECT: The purpose of this amendment is to decrease the program hours held in foreign nursing programs to reflect equivalency to approved programs, and to incorporate amendments to Section 464.019, F.S.

SUBJECT AREA TO BE ADDRESSED: Foreign Jurisdictions.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 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 #C02, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.014 Graduates From Foreign or Non-NCSBN Jurisdictions.

(1) Graduates of foreign nursing programs or nursing programs in jurisdictions which are not members of the National Council of State Boards of Nursing (NCSBN) must submit an evaluation from a credentialing agency approved by the Board.

(2) Approved credentialing agencies must meet the following criteria:

(a) The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

(b) The credentialing agency’s standards must be monitored by an external committee of credentialing experts and nursing educators.

(c) The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

(d) The credentialing agency must manage the translation of original documents into English.

(e) The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

(f) The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

(3) Credentials evaluation report.

(a) The references used in the evaluation must be cited in the credentials report.

(b) The credentials report must state the language of nursing instruction and the language of textbooks for nursing education.

(c) The credentialing agency must use only original source documentation in evaluating nursing education.

(d) The report must state the comparability of the foreign education to U.S. and to Florida Board of Nursing standards.

(e) The report must detail course clock hours for theory and clinical components of nursing education.

(4) In order for the applicant to meet the educational requirements of Section 464.008, F.S., the credentials report and transcripts must include all courses set forth in Section 464.019, F.S., Rules 64B9-2.006 and 64B9-2.015, F.A.C., and must demonstrate, at a minimum, the following hours of theoretical and clinical instruction:

(a) Registered nursing programs:

1. 70 ~~144~~ theory hours and 127 ~~344~~ clinical hours in medical nursing;

2. 45 ~~94~~ theory hours and 104 ~~294~~ clinical hours in surgical nursing;

3. 31 ~~32~~ theory hours and 44 ~~87~~ clinical hours in obstetrical nursing;

4. 32 theory hours and 43 ~~84~~ clinical hours in pediatric nursing; and

5. 34 ~~30~~ theory hours and 53 ~~54~~ clinical hours in psychiatric/mental health nursing; ~~and~~

~~6. 16 theory hours and 18 clinical hours in community/public health nursing.~~

(b) Practical nursing programs:

1. 87 ~~134~~ theory hours and 115 ~~246~~ clinical hours in medical nursing;

2. 76 ~~82~~ theory hours and 103 ~~486~~ clinical hours in surgical nursing;

3. 34 theory hours and 47 ~~46~~ hours in obstetrics nursing; and

4. 27 ~~30~~ theory hours and 38 ~~42~~ clinical hours in pediatrics nursing.

(c) Registered and practical nursing programs must meet the requirement of Section 464.019(1)(g) and (h) F.S.

Rulemaking Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History--New 4-19-00, Amended 10-22-07, 5-31-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NO.: 64B21-500.002  
 RULE TITLE: Application Form Required for Licensure

PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUBJECT AREA TO BE ADDRESSED: Application Form Required for Licensure.

RULEMAKING AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 490.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3250

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

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.: 64B24-2.001  
 RULE TITLE: Licensure to Practice Midwifery

PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUBJECT AREA TO BE ADDRESSED: Licensure to Practice Midwifery.

RULEMAKING AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 381.0034, 456.013, 467.011, 467.0125 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, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Administration**

RULE NOS.:	RULE TITLES:
5A-8.003	Public Announcement and Qualification Procedures
5A-8.004	Committee on Certification and Competitive Selection for Major Projects; Duties
5A-8.008	Nonexclusion of Public

PURPOSE AND EFFECT: Rule Chapter 5A-8, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to procedures for contracting for professional services.

SUMMARY: Repeal of Chapter 5A-8, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-8.003 Public Announcement and Qualification Procedures.

Rulemaking Specific Authority 287.055 FS. Law Implemented 287.055 FS. History–New 7-17-77, Formerly 5A-8.03, Repealed \_\_\_\_\_.

5A-8.004 Committee on Certification and Competitive Selection for Major Projects, Duties.

Rulemaking Specific Authority 287.055 FS. Law Implemented 287.055 FS. History–New 7-17-77, Formerly 5A-8.04, Repealed \_\_\_\_\_.

5A-8.008 Nonexclusion of Public.

Rulemaking Specific Authority 287.055 FS, Law Implemented 287.055 FS. History–New 7-17-77, Formerly 5A-8.08, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Gresham, Director, Division of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2009

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Administration**

RULE NOS.:	RULE TITLES:
5A-12.001	Notice of Decisions or Intended Decisions on Procurement Solicitation or Contract Award
5A-12.002	Procedure to Initiate a Protest
5A-12.003	Computation of Time
5A-12.004	Contents of Protest
5A-12.005	Resolution of Protest

PURPOSE AND EFFECT: Rule Chapter 5A-12, F.A.C., is being repealed as the Department has no specific statutory authority to promulgate, maintain or amend rules relative to bid protests.

SUMMARY: Repeal of Chapter 5A-12, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 120.536(1) FS.

LAW IMPLEMENTED: 120.536(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephen M. Donelan, Senior Attorney, Department of Agriculture and Consumer Services, 407 South Calhoun Street, 509 Mayo Building, Tallahassee, Florida 32399-0800, (850)617-7021