

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:                      RULE TITLE:  
 1S-2.037                      Provisional Ballots

**PURPOSE AND EFFECT:** The proposed changes are intended to clarify the notice to certain provisional ballot voters as to their right to provide evidence of eligibility and their right to access information as to whether the provisional ballot was counted. The proposed changes specifically reflect procedures evolving from a 2008 change in law to Section 97.053(6), Florida Statutes. The proposed changes primarily addresses the notice to be given to someone who now under current law votes a provisional ballot because his or her Florida driver's license, Florida identification card or social security number was unverified by the time he or she presented to vote and what he or she can do to provide evidence in order have the provisional ballot count. The evidence can be submitted in person or by copy through the mail, fax, or email to the Supervisor of Elections. The proposed change removes reference to procedures applicable prior to January 1, 2008, clarify when and whether a voter should be brining in further evidence of eligibility based on the reason for having voted a provisional ballot, requires the Supervisor of Elections' Office contact information to be available, and makes nonsubstantive organizational changes to the rule.

**SUBJECT AREA TO BE ADDRESSED:** Provisional ballot voters and procedures.

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 101.048 FS.

**LAW IMPLEMENTED:** 97.053(6), 101.048 FS.

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

**DATE AND TIME:** November 30, 2009, 3:00 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: Eddie Phillips, Executive Office Assistant, Office of General Counsel, Florida Department of State at: ELPhillips@dos.state.fl.us or (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Maria

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

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.:                      RULE TITLE:  
 5E-1.023                      Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs)

**PURPOSE AND EFFECT:** The purpose and effect is to delete portions of the rule referring to container nursery interim measures, which are no longer necessary since a statewide rule (Rule 5M-6.001 et. seq., F.A.C.) has been adopted for container nursery growers.

**SUBJECT AREA TO BE ADDRESSED:** The Office of Agricultural water Policy (OAWP) requested that portions of this rule referring to container nursery interim measures be deleted since they are no longer necessary in light of the a statewide rule (Rule 5M-6.001 et. seq., F.A.C.) that has been adopted for container nursery growers.

**RULEMAKING AUTHORITY:** 570.07(23), 403.067(7)(c)2., 576.045(6) FS.

**LAW IMPLEMENTED:** 403.067, 576.045 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. Bruce Nicely, Chief of Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399, (850)487-8731

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**

RULE NO.:                      RULE TITLE:  
 6A-4.0021                      Florida Teacher Certification Examinations

**PURPOSE AND EFFECT:** The purpose of this rule development is to review the competencies and skills for Guidance/Counseling and School Psychologist exams. The effect will be the proposed adoption of revised competencies and skills.

**SUBJECT AREA TO BE ADDRESSED:** Florida Teacher Certification Examinations.

**RULEMAKING AUTHORITY:** 1012.56(9), 1012.59(1) FS.

**LAW IMPLEMENTED:** 1012.56, 1012.59 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:** Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

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](mailto: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 REVENUE**

**Sales and Use Tax**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
12A-1.107	Enterprise Zone and Florida Neighborhood Revitalization Programs

**PURPOSE AND EFFECT:** The Department is developing proposed amendments to Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs). The proposed amendments will seek to provide clarification of the eligibility requirements that must be met and those records and documentation that must be provided to claim the Enterprise Zone Program and Florida Neighborhood Revitalization Program incentives. The proposed amendments will provide applicants seeking incentives under these programs with the requirements that must be met and the records and documentation that must be provided.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is eligibility requirements for the Enterprise Zone Program and the Florida Neighborhood Revitalization Program incentives, and records and documentation necessary to claim those incentives.

**RULEMAKING AUTHORITY:** 212.08(5)(g)6., (h)6., (n)4., (o)4., (15)(e), 212.11(5)(b), 212.17(6), 212.18(2), 213.06(1) FS.

**LAW IMPLEMENTED:** 212.08(5)(g), (h), (n), (o), (p), (15), 212.096, 212.11(5), 212.15(2), 212.17(6), 212.18(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, IF AVAILABLE, IS:** Suzanne Paul, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE:** When available, the preliminary text will published on the Department’s Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules) and a rule development workshop will be scheduled at that time.

**DEPARTMENT OF REVENUE**

**Corporate Income Tax**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
12C-1.0188	Enterprise Zone Program

**PURPOSE AND EFFECT:** The Department is developing proposed amendments to Rule 12C-1.0188, F.A.C. (Enterprise Zone Program). The proposed amendments will seek to provide clarification of the eligibility requirements that must be met and those records and documentation that must be provided to claim the Enterprise Zone Program incentives. The proposed amendments will provide applicants seeking incentives under this program with the requirements that must be met and the records and documentation that must be provided.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is eligibility requirements for the Enterprise Zone Program incentives, and records and documentation necessary to claim those incentives.

**RULEMAKING AUTHORITY:** 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS.

**LAW IMPLEMENTED:** 213.05, 213.35, 220.03(1), 220.131, 220.181, 220.182, 220.183, 220.44, 290.0055, 290.0065, 290.009(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: Suzanne Paul, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4708 or (850)922-4733

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE: When available, the preliminary text will be published on the Department's Internet site at [myflorida.com/dor/rules](http://myflorida.com/dor/rules) and a rule development workshop will be scheduled at that time.

**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."

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Comprehensive Planning**

RULE NO.: 27E-5.007                      RULE TITLE: Rule Adoption and Approval  
 PURPOSE AND EFFECT: To comply with Section 186.508, Florida Statutes, regarding challenges to rules adopting and amending strategic regional policy plans.  
 SUBJECT AREA TO BE ADDRESSED: Strategic Regional Policy Plans.  
 RULEMAKING AUTHORITY: 186.507(2) FS.  
 LAW IMPLEMENTED: 186.507 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 24 hours before the workshop/meeting by contacting: Simonne Lawrence, (850)488-3494 or [simonne.lawrence@eog.myflorida.com](mailto:simonne.lawrence@eog.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Simonne Lawrence, Assistant General Counsel, Executive Office of the Governor, The Capitol, Tallahassee, Florida, (850)488-3494 or [simonne.lawrence@eog.myflorida.com](mailto:simonne.lawrence@eog.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27E-5.007 Rule Adoption and Approval.

(1) Upon receiving the Findings and Recommendations Report, the council may amend the proposed plan to reflect any changes recommended in the Findings and Recommendations Report or by public or local government comment and shall then notice and conduct rulemaking to adopt the plan pursuant to the procedural requirements of Section 120.54, F.S. The rules shall be adopted by the council within 90 days after receipt of the Findings and Recommendations Report submitted by the Executive Office of the Governor. Any rule adopting the plan shall not be subject to a rule challenge pursuant to Section 120.56(2)536, F.S., or to drawout proceedings pursuant to Section 120.54(3)(c), F.S., but once adopted, shall be subject to an invalidity challenge under Section 120.56(3), F.S., by substantially affected persons. The council shall comply with the notice requirements in Section 120.54, F.S., and shall make available copies of the Findings and Recommendations Report and other materials developed in conjunction with the proposed plan in accordance with the requirements of Section 120.54, F.S.

(2) through (3) No change.

Rulemaking Specific Authority 186.507(2), 186.508(1) FS. Law Implemented 186.508, 186.507(15) FS., as amended by Chapter 95-322, L.O.F. History--New 7-6-94, Amended 10-22-95,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-108.101                      RULE TITLE: Inmate Substance Abuse Testing  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: remove reference to Form DC1-826, Inmate Scannable Drug Testing Control Card, as the form is being eliminated; provide that female inmates shall not be subject to testing while they are menstruating; clarify the procedure for retesting inmates who are found to have blood in their urine upon initial testing; clarify the requisite training and certification for testers.  
 SUBJECT AREA TO BE ADDRESSED: Inmate substance abuse testing.  
 RULEMAKING AUTHORITY: 944.09, 944.472, 944.473 FS.  
 LAW IMPLEMENTED: 944.09, 944.472, 944.473 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:

33-108.101 Inmate Substance Abuse Testing.

(1) Definitions.

(a) Random Selection – ~~a~~ ~~A~~ computerized random selection model utilized to obtain a sample of inmates to be tested for drugs or alcohol.

(b) Tester – a correctional officer who has been ~~trained and~~ certified as competent by the manufacturer of the onsite testing device ~~and trained by~~ ~~or~~ certified training personnel, affiliated with the department, on the proper procedures for collecting urine specimens, including the completion and maintenance of the Chain of Custody Form, the handling and disposing of urine specimens, and the administration and interpretation of the on-site testing device. All testing personnel must be approved by the Office of the Inspector General. The Chain of Custody Form is incorporated by reference in paragraph (3)(h) of this rule.

(c) through (d) No change.

(e) Test refusal – failure on the part of an inmate to fully comply with the department's substance abuse testing procedures, which includes failing to provide a valid urine specimen, attempting to alter ~~a~~ ~~his~~ ~~or~~ ~~her~~ urine specimen with adulterants, as established by an on-site specimen adulteration testing product, and using substitute urine in makeshift devices or objects. Any inmate who refuses to comply with the testing process or fails to provide a valid specimen, within the specified time frames ~~of this rule as stipulated in~~ ~~subparagraphs (3)(b)8. and (3)(b)10.,~~ shall be given a disciplinary report in accordance with Rules 33-601.301-.314, F.A.C.

(f) No change.

(g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are positive and the inmate refuses to sign Form DC1-824, ~~an~~ Affidavit for Admission of Drug Use, ~~Form DC1-824~~. Form DC1-824 is incorporated by reference in paragraph (3)(h) of this rule.

(h) No change.

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden, ~~the or~~ ~~duty warden of the institution,~~ ~~or~~ the correctional officer chief of the facility, ~~a~~ ~~or~~ ~~their~~ designees ~~of one the above~~ individuals, or the Office of the Inspector General. An inmate should only be tested for a maximum of four drugs on a for-cause basis, unless extenuating circumstances exist. For-cause tests will only be conducted on inmates who meet the criteria outlined in subparagraphs ~~sub-subparagraph~~ 2.a. through c. below.

2. No change.

3. When for-cause testing is ordered, an incident report shall be prepared including the dates and times of reported drug-related events and the rationale leading to the request for testing:

~~a. Dates and times of reported drug-related events;~~

~~b. Rationale leading to the request for testing.~~

4. The senior correctional officer on duty shall be notified that ~~a~~ ~~the~~ staff member has identified a suspicious inmate who meets the for-cause drug testing criteria. The highest ranking correctional officer shall ensure that an incident report is prepared. The incident report shall contain all pertinent information concerning the inmate ~~that~~ ~~which~~ prompted the request for testing, to include any supporting evidence.

5. Upon approval of the warden, duty warden, correctional officer chief, ~~or~~ their designees, or the Office of the Inspector General, collection and testing procedures shall be conducted immediately pursuant to this rule.

6. A copy of Form DC6-210, ~~the~~ Incident Report, ~~Form DC6-210,~~ shall be attached to the facility's copy of the Chain of Custody Form for positive specimens sent to the laboratory for confirmation testing. Form DC6-210 is incorporated in Rule 33-602.210, F.A.C. ~~The Chain of Custody Form is incorporated by reference in paragraph (3)(h) of this rule.~~

(b) Random Substance Abuse Testing. All correctional facilities shall receive on a weekly basis a list of the names and DC numbers of inmates generated through random selection for substance abuse testing. The list will be electronically transmitted from the department's electronic database ~~Offender Base Information System~~ to the secure printer of the warden of each major institution or the correctional officer chief of the correctional facility. Any facility that does not have a secure printer will have ~~its~~ ~~their~~ respective list printed to a secure printer at another facility as designated by the warden of the institution or correctional officer chief of the facility. The list is considered confidential and shall not be disseminated to inmates or non-essential staff members prior to testing. Each time an inmate's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(c) No change.

## (3) Procedures.

## (a) Chain of Custody.

1. At a minimum, the Chain of Custody Form must include inmate and tester identification; initialed by both the inmate and the tester, date and time of collection, type of test (i.e., random, for-cause or substance abuse program participation), and identification of all individuals who had custody of the specimen from the time of collection until the specimen was prepared for shipment to the laboratory. Once the outside laboratory receives the specimen, it will become the laboratory's responsibility to maintain a chain of custody throughout the testing process.

2. The Chain of Custody Form; allows for ~~any~~ comments by the tester regarding any unusual observations. Any failure by the inmate to cooperate with the collection process; and ~~any~~ the unusual nature (e.g., discolored urine or urine containing foreign objects) of a ~~any~~ specimen provided shall be noted.

3. The tester shall ensure that all collected urine specimens; being sent to a designated outside laboratory for confirmation testing; are properly labeled and sealed with a security label as provided on the Chain of Custody Form. The tester shall also ensure that the Chain of Custody Form for all collected urine specimens is completed in accordance with department procedures.

4. If an inmate is unable or unwilling to enter his or her initials on the Chain of Custody Form, the tester will make a notation in the comment section of the form ~~Chain of Custody Form~~ and leave the space blank. The tester will not under any circumstances sign the Chain of Custody Form for an inmate.

## (b) Specimen Collection Procedures.

1. The tester shall ensure that all urine specimens are collected in accordance with department procedures. All collections shall be performed under direct observation, where the tester directly observes the voiding of urine into the specimen cup, unless the inmate has been placed in a dry cell. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation of an inmate by a tester of the opposite sex ~~from the inmate~~ allowed.

3. A female inmate shall not be required to provide a urine specimen during her menstrual cycle.

~~4.3.~~ The tester shall ensure that there is positive inmate identification prior to collecting the inmate's urine specimen. Sight, name, DC number, and examination of an inmate's picture identification card shall provide positive identification of the inmate selected for drug testing.

~~5.4.~~ The tester shall search the inmate to ensure that the inmate is not concealing any substances or materials that could be used to alter or substitute his or her urine specimen. If any such substances or materials are found, the inmate will be charged with refusing to submit to a substance abuse test.

~~5. If an inmate attempts to alter his or her urine specimen during the collection process through the use of adulterants or substitute urine, the inmate will be charged with refusing to submit to substance abuse testing.~~

6. No change.

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less than this amount, the tester shall again attempt to collect an adequate specimen. If the inmate cannot immediately provide an adequate ~~submit another urine~~ specimen, then the procedure outlined in subparagraph (3)(b)8. ~~8. below for a claimed inability to provide a urine specimen~~ shall apply.

8. An inmate who has not provided an adulterated urine specimen and who claims an ~~indicates a claimed~~ inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, an Acknowledgement of Beverage Form, DC1-823, ~~an Acknowledgement of Beverage Form,~~ shall be completed. Form DC1-823 DCI-823, Acknowledgement of Beverage Form, is incorporated by reference in paragraph (3)(h) of this rule. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C. ~~If an inmate claims an inability to urinate, the procedures set forth in paragraph (3)(d) shall apply.~~

9. After the inmate has voided a urine specimen into the cup, the tester will visually inspect the urine specimen to make sure that ~~it the specimen~~ appears to be valid and unadulterated. If the tester suspects that the specimen has been adulterated based upon observation, experience, or prior training, the tester will utilize the on-site specimen adulteration testing product in front of the inmate following the manufacturer's testing protocols. If a positive result is received on the on-site specimen adulteration testing product indicating that the urine specimen was adulterated, the ~~adulterated~~ specimen will not be accepted as a valid ~~specimen~~ and will be discarded. The inmate will be required to submit a valid and unadulterated specimen pursuant to. ~~If the inmate cannot submit a valid and unadulterated specimen, then the procedure outlined below in subparagraph (3)(b)10. below (3)(b)10. shall apply.~~

10. Inmates who have adulterated their urine specimen by ingesting substances, as established by the on-site specimen adulteration testing product, shall be detained in the presence of the tester or placed in a dry cell ~~"dry cell"~~ for a period not to exceed one hour. During that time, the inmate shall not be allowed to consume any water or other beverage. If after the one hour period an inmate still fails to submit an unadulterated valid urine specimen, the inmate shall be considered to have

refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

11. No change.

12. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, the inmate shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, Acknowledgement of Beverage Form, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

(c) Upon notification from an inmate that he or she is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication ~~that which~~ inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. No change.

2. The inmate shall remove the contents of his or her pockets; and his or her shirt, shoes, pants and hat. The inmate shall be thoroughly searched prior to entering the dry cell to prevent him or her from using any adulterants such as bleach or cleanser to alter the his or her urine specimen.

3. No change.

4. The inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of two cups during the time spent in the dry cell, and Form DC1-823, an Acknowledgement of Beverage Form, DC1-823, shall be completed.

5. A physical check shall be made on the inmate once every 30 minutes to see if he or she has provided a valid urine specimen.

6. Upon receipt of the urine specimen the tester shall visually inspect the ~~urine~~ specimen to ensure it appears valid and unadulterated, and the procedures outlined in paragraph (3)(e) subparagraph (3)(e)-1. for the testing of urine specimens shall be followed.

7. through (d) No change.

(e) Testing of urine specimens.

1. Only certified testing personnel are authorized to utilize the on-site testing equipment. For every on-site test conducted, regardless of purpose, the results shall be entered into the department's electronic database Inmate Scannable Drug Testing Control Card shall be filled out. The Inmate Scannable Drug Testing Control Card, DC1 826 is incorporated in paragraph (3)(h) of this rule.

2. through 4. No change.

5. Negative test results. The tester shall inform the inmate of the negative test results of the on-site testing device. The tester shall record all negative test results on the department's electronic database Inmate Scannable Drug Testing Control Card and the OBIS printout. The tester will then dispose of the remaining specimen, specimen cup and testing device. All forms shall be retained in accordance with state law and rules governing the retention of records.

6. Positive test results. The tester shall inform the inmate of the positive results of the on-site testing device. The inmate will then be given the opportunity to sign Form DC1-824, an Affidavit for Admission of Drug Use, DC1 824. Form DC1 824, Affidavit for Admission of Drug Use, is incorporated by reference in paragraph (3)(h) of this rule.

a. If the inmate chooses to sign Form DC1-824 the Affidavit for Admission of Drug Use, DC1 824, the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed into administrative confinement and a disciplinary report shall be written. The signed Form DC1-824 Affidavit for Admission of Drug Use, DC1-824, will be attached to the disciplinary report to be used as evidence in the disciplinary report hearing.

b. The testing officer shall indicate will complete the Inmate Scannable Drug Testing Control Card indicating the positive results of the on-site testing device in the department's electronic database.

c. If the inmate does not sign Form the Affidavit for Admission of Drug Use, DC1-824, the following steps shall be taken:

i. through iv. No change.

7. Once received from the outside laboratory, the confirmation testing results will be entered into the department's electronic database onto the respective Inmate Scannable Drug Testing Control Card. If the confirmation testing results are positive, a copy of the results will be attached to the disciplinary report for use as evidence during the disciplinary hearing.

(f) Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate following the manufacturer's testing protocols. If the initial result of the

on-site testing device is positive, and the inmate declines to sign Form DC1-824, ~~the Affidavit for Admission of Drug Use, Form DC1-824~~, then a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing, in accordance with the procedures outlined in paragraph (3)(b), specimen collection procedures, and paragraph (3)(e), testing of urine specimens.

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or his designee. Form DC1-827, Reasonable Suspicion Testing Tracking Form, shall be utilized for this purpose. Form DC1-827, ~~Reasonable Suspicion Testing Tracking Form~~, is incorporated by reference in paragraph (3)(h) of this rule.

(g) No change.

(h) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. Form DC1-823, Acknowledgement of Beverage, effective date February 5, 2001.

2. Form DC1-824, Affidavit for Admission of Drug Use, effective date February 5, 2001.

3. Chain of Custody, effective date February 5, 2001, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

4. ~~Form DC1-826, Inmate Scannable Drug Testing Control Card, effective date February 5, 2001, may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.~~

~~4.5. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective date February 19, 2007.~~

Rulemaking Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-204.002	Food Services – Definitions
33-204.003	Food Services – Standards of Operation

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend Rule 33-204.002, F.A.C., to clarify the definitions of “vegan meal pattern” and “alternate entrée” and to amend Rule 33-204.003, F.A.C., to clarify the circumstances under which an inmate may be removed from the vegan meal pattern.

SUBJECT AREA TO BE ADDRESSED: Food Services.

RULEMAKING 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:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu ~~that which~~ is designed to be served at all facilities to provide uniformity in items served to each inmate. The master menu shall be planned under the direction of the department’s master menu committee, and certified nutritionally adequate as determined by a licensed registered dietitian employed by the department.

(2) No change.

(3) “Alternate entree” means the substitute non-meat entree offered at meals ~~and the vegan (total vegetarian) meal pattern. Inmates shall be given a choice of the regular or non-meat entree. Inmates may choose one or the other, but not both. Inmates committed to the vegan meal pattern exclude themselves from this choice.~~

(4) No change.

(5) “Vegan meal pattern” refers to a meal pattern that excludes all animal byproducts. Inmates who wish to be on the vegan meal pattern must submit Form DC6-236, Inmate Request, to the food service director at the facility where the inmate is housed. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates who choose the vegan meal pattern shall not be permitted to eat from the regular menu or choose the alternate entrée and are subject to removal from the pattern pursuant to Rule 33-204.002, F.A.C.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04,\_\_\_\_\_.

33-204.003 Food Services – Standards of Operation.

(1) No change.

(2) Confinement.

(a) All inmates in confinement shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu or any food utensil might create a security problem in the confinement area, then another item of comparable quality or other appropriate

utensils shall be substituted. Substitutions shall be documented on ~~Form DC6-209, the Housing Unit Log, DC6-209 and Form DC6-210, Incident Report, DC6-210.~~ Form DC6-209 is incorporated by reference in Rule 33-601.800. Form DC6-210 is have been previously incorporated by reference in Rule 33- 602.210 33-602.220, F.A.C.

(b) through (3) No change.

(4) Vegan meal pattern. Inmates may choose the vegan (strict vegetarian) meal pattern by submitting Form DC6-236, Inmate Request, to the food service director at the facility where the inmate is housed. An inmate who is transferred to another facility shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his request is approved by the new food service director. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Inmates on the vegan meal pattern who are observed eating from the regular menu shall be immediately removed from the vegan menu. Staff shall document the incident on Form DC6-210, Incident Report. Such inmates shall be ineligible to reapply for the vegan meal pattern for six months after involuntary removal.

(b) An inmate who voluntarily requests to be removed from the vegan meal pattern may not reapply for the pattern for 30 days.

~~(5)(4)~~ Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

~~(6)(5)~~ Religious Diets. The alternate entrée and the program is designed to provide meal options for inmates whose religions require a pork-free, lacto-ovo or lacto-vegetarian diet. The vegan (strict vegetarian) meal pattern provides meal options for the religious requirements of inmates whose religions require a pork-free, lacto-ovo, lacto-vegetarian, or vegan diet who choose to avoid all animal products. Inmates requesting the vegan meal pattern shall submit an Inmate Request, Form DC6-236, to the food service director at the

~~facility where the inmate is currently housed. An inmate who is transferred to another facility shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his request is approved by the new food service director. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.~~

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05, 1-17-06, 4-27-09, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-21.011	Policy and Purpose
40D-21.031	Elements of the Plan
40D-21.051	Definitions
40D-21.211	Monitoring Conditions
40D-21.221	Evaluating Water Conditions
40D-21.231	Declaring a Water Shortage
40D-21.251	Water Shortage Phases
40D-21.275	Implementing a Water Shortage Declaration
40D-21.281	Modifying or Rescinding a Water Shortage Declaration
40D-21.331	Declaring a Water Shortage Emergency
40D-21.371	Water Use Restrictions in a Water Shortage Emergency
40D-21.391	Implementing a Water Shortage Emergency Declaration
40D-21.421	Enforcement
40D-21.441	Public Supply Water Shortage Mitigation Plans
40D-21.511	General
40D-21.531	Source Classifications
40D-21.541	Use Classifications
40D-21.571	Method of Withdrawal Classifications
40D-21.601	General
40D-21.621	Phase I: Moderate Water Shortage
40D-21.631	Phase II: Severe Water Shortage
40D-21.641	Phase III: Extreme Water Shortage
40D-21.651	Phase IV: Critical Water Shortage

PURPOSE AND EFFECT: The rulemaking is to update the District’s water shortage plan codified in Chapter 40D-21, F.A.C., based on the experience gained since declaration of the current water shortage by the District in January 2007.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District’s water shortage plan required by Section 373.275, F.S., and codified in Chapter 40D-21, F.A.C. Amendments may address noticing



of the declaration of a water shortage and associated water use restrictions, the hydrologic indicators to be used to assess whether to declare a water shortage or to change phases of a declared water shortage, the water use restrictions to be implemented during particular phases of a water shortage, and other matters as appropriate to make the water shortage plan more effective.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.175, 373.275 FS.

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

DATE AND TIME: November 20, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, ext. 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. (OGC 2009050). 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: Lois Sorensen, Demand Management Program Manager, Tampa Regulation, 7601 Hwy 301 North, Tampa, FL 33637-6759, (813)985-7481, ext. 2298

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-18.001  
 RULE TITLE: Continuing Education Credit Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule to conform language to core curriculum requirements and to review the existing language in the rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credit Requirements.

RULEMAKING AUTHORITY: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.001  
 RULE TITLE: Types of Certified Public Accountants and Firms

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to define "office."

SUBJECT AREA TO BE ADDRESSED: Types of Certified Public Accountants and Firms.

RULEMAKING AUTHORITY: 473.304 FS.

LAW IMPLEMENTED: 455.271, 473.3101, 473.3141 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-20.001 Types of Certified Public Accountants and Firms.

(1) through (7) No change.

(8) Except as to a certified public accountant employed by a Florida firm, "office" shall be deemed and construed to mean a place in which public accounting is conducted or any place for which the physical address is identified in advertising. As to a certified public accountant employed by a Florida firm, "office" shall mean his/her designated address of record.

Rulemaking Authority 473.304 FS. Law Implemented 455.271, 473.3101, 473.3141 FS. History--New 12-4-79, Formerly 21A-20.01, Amended 10-20-86, Formerly 21A-20.001, Amended 8-13-06, 11-03-09,\_\_\_\_\_.

**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 NOS.:	RULE TITLES:
62-550.200	Definitions for Public Water Systems
62-550.310	Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels
62-550.500	General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals
62-550.514	Disinfectant Residuals and Disinfection Byproducts Monitoring Requirements
62-550.540	Monitoring of Consecutive Public Water Systems
62-550.550	Certified Laboratories and Analytical Methods for Public Water Systems
62-550.720	Recordkeeping
62-550.730	Reporting Requirements for Public Water Systems
62-550.821	Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors
62-550.822	Initial Distribution System Evaluations and Stage 2 Disinfection Byproducts Requirements
62-550.824	Consumer Confidence Reports

**PURPOSE AND EFFECT:** The Department is adopting the federal Stage 2 Disinfectants and Disinfection Byproducts Rule (D/DBPR) of the U.S. Environmental Protection Agency as is required and, where necessary, amending Chapter 62-550, F.A.C., to include items under that federal regulation that allow state discretion and where clarification is needed. The Department is also incorporating minor changes to the Stage 1 D/DBPR and Consumer Confidence Reports regulations promulgated with the Stage 2 D/DBPR.

**SUBJECT AREA TO BE ADDRESSED:** Adoption of the federal Stage 2 D/DBPR whose purpose is to provide for increased protection against the potential risks for cancer and reproductive and developmental health effects associated with disinfection byproducts in drinking water. (Preamble, Stage 2 D/DBPR, USEPA).

**RULEMAKING AUTHORITY:** 403.853(3), 403.861(9) FS.

**LAW IMPLEMENTED:** 403.0877, 403.852(12), (13), 403.853, (1), (3), (4), (7), 403.854, 403.859(1), 403.861(9), (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:** Monday, November 30, 2009, 1:00 p.m.

**PLACE:** Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, 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: Virginia Harmon at (850)245-8630. 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:** [www.dep.state.fl.us/water/notices.htm](http://www.dep.state.fl.us/water/notices.htm) or Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630

**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.:	RULE TITLE:
62-560.400	Scope of Drinking Water Public Notification Rules

**PURPOSE AND EFFECT:** The Department is updating the reference to the "Standard Health Effects Language for Public Notification" which is incorporated by reference into Rule 62-560.400, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Rule 62-560.400, F.A.C., is being amended to update the reference to the "Standard Health Effects Language for Public Notification" for drinking water contaminants in Appendix B to Subpart Q of 40 CFR 141.

**RULEMAKING AUTHORITY:** 403.861(9) FS.

**LAW IMPLEMENTED:** 403.857 FS.

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

**DATE AND TIME:** Monday, November, 30, 2009, 1:00 p.m.

**PLACE:** Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, 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: Virginia Harmon at (850)245-8630. 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: www.dep.state.fl.us/water/notices.htm or Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.002  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to update its disciplinary guidelines to incorporate the new offenses set forth in Section 456.072, F.S., that were added by the Legislature (Ch. Law 2009-223).

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.039(3), 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS.

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 Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NO.: 65G-4.013  
 RULE TITLE: Agency Assessment Instrument

PURPOSE AND EFFECT: The Purpose of this rule is to adopt an Assessment Instrument as required by Section 393.0661, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Agency Assessment Instrument.

RULEMAKING AUTHORITY: 393.0661(1)(a) FS.

LAW IMPLEMENTED: 393.0661 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: J. B. Black, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-1552

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-1.001  
 RULE TITLE: List of Approved Forms; Incorporation by Reference

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt three new forms that can be used by funeral establishments, direct disposal establishments and cinerator facilities to report a change of location and request an inspection of the new location by the Department.

SUBJECT AREA TO BE ADDRESSED: Notice of change in location and request for inspection of new location by funeral establishments, direct disposal establishments and cinerator facilities.

RULEMAKING AUTHORITY: 497.101(8), 497.103(5)(b), 497.141(2), (12)(f), 497.142(10)(g), (12), 497.146, 497.147(4)(a), (d), (5), 497.263(2)(a), 497.264(2)(a), 497.266(2), 497.269, 497.270(2), 497.272(7), 497.283(2)(c), 497.287(2), 497.367(2), 497.370(1), 497.375(1), 497.380(4), (12), 497.382(1), (2), 497.385(1)(a), (g)1., (2)(f), (g), 497.453(1)(a), (4)(b), (5)(a), (b), (7)(a), (8), 497.454(1), 497.456(13)(f), 497.461(4), (8), (12), (16), 497.462(2), (10), 497.464(3), 497.466(5)(c), (8)(a), 497.550(2), 497.551(3), 497.553(2), (6)(a), 497.554(2), 497.602(2)(a), 497.603(2), 497.604(2)(a), (6), 497.606(2)(a), (6), (9)(a), 497.608(2) FS.

LAW IMPLEMENTED: 497.101(8), 497.103(2)(c), 497.149, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.365, 497.367, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.461, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 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: November 23, 2009, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: LaTonya Bryant-Parker at (850)413-3083 or LaTonya.Bryant-Parker@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: LaTonya Bryant-Parker, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, FL 32399-0361, (850)413-4083 AND ON THE DIVISION'S WEBSITE (www.myfloridacfo.com/FuneralCemetery/) UNDER "ANNOUNCEMENTS."

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 Worker's Compensation**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69L-34.001	Definitions
69L-34.002	Mandatory Carrier Reporting
69L-34.003	Referral of Alleged Health Care Provider Violation
69L-34.004	Timeliness of Referral
69L-34.005	Referral Investigation
69L-34.006	Invalid Referrals

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to:

1. Clarify that the mandatory reporting of all instances of overutilization to the Division of Workers' Compensation (Division) shall be accomplished by means of the Carrier's compliance with the Division's medical claims information filing requirements in subsections 69L-7.602(5) and (6), Florida Administrative Code (F.A.C.), Florida Workers' Compensation Medical Services Billing, Reporting and Filing Rule; and
2. Introduce a discretionary reporting process by which Carriers may report to the Division, a Health Care Provider's violation of Chapter 440, Florida Statutes (F.S.), and applicable administrative rules.

SUBJECT AREA TO BE ADDRESSED: The process by which a Carrier shall comply with mandatory reporting requirements set forth in Section 440.13(8)(a), F.S., and the procedure by which a carrier may also report to the Division other Health Care Provider violations as specifically defined in this rule.

RULEMAKING AUTHORITY: 440.13(13)(g), 440.591 FS.  
LAW IMPLEMENTED: 440.13(4), (7), (8), (11), (13), (14), (16), 440.192 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: Wednesday, December 2, 2009, 9:00 a.m.  
PLACE: 104J Hartman Building, 2012 Capital Circle Southeast, 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: Eric Lloyd, (850)413-1689 or Eric.Lloyd@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Lloyd, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4232, (850)413-1689, Eric.Lloyd@myfloridacfo.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.039  
RULE TITLE: FVRS Voter Registration Procedures

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to codify procedures and practices affecting voter registration under the Florida Voter Registration System (FVRS) consistent with the requirements of chapter laws 2005-277, 2005-278, 2007-30, and 2008-95, Laws of Florida. The proposed rule also provides requirements for uploading street address indices in order to be able to validate residential street addresses as necessary for registration. These practices and procedures have evolved since FVRS was first implemented in January 2006. These processes ensure that the entry and processing of voter registration information is uniform, that registration records are accurate and current, and that the official list of registered voters contains only eligible registered voters.

SUMMARY: The proposed rule codifies uniform voter registration procedures for the FVRS.