

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-26.0041	Definitions and Terms
14-26.00411	Procedure for Issuance of Permits
14-26.0042	Exemption from Permit
14-26.00425	Criteria for Issuance of Permits
14-26.0043	Multi-State Travel
14-26.0044	Interstate Movements
14-26.0051	Criteria for Issuance of Permits
14-26.006	Procedure for Issuance of Road Use Permits
14-26.007	Liability of Permittee
14-26.008	Schedule of Fees
14-26.009	Exemptions from Fee Requirement
14-26.0091	Tire Requirements
14-26.010	Weight Limitations
14-26.011	Waiver of Axle Limitations
14-26.012	Movement Conditions and Restrictions
14-26.013	Permits to Move Buildings
14-26.01311	Permits to Move Sealed Containerized Loads
14-26.014	Non-Compliance
14-26.015	Penalties

PURPOSE AND EFFECT: Rule Chapter 14-26, F.A.C., is being amended to include new rules, revised definitions, repealed rules, and other overall restructuring of the chapter.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Rule Chapter 14-26, F.A.C.

SPECIFIC AUTHORITY: 316.550, 334.044(2) FS.

LAW IMPLEMENTED: 316.515, 316.516, 316.535, 316.550, 334.044(28) 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: March 6, 2009, 8:30 a.m.

PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

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

NOTE: The Preliminary Text will be available: <http://www.fdotmaint.com/permit/>.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40A-3.011	Policy and Purpose
40A-3.021	Definitions
40A-3.037	Water Well Contractor Licensing
40A-3.038	Violations of Licensing Requirements
40A-3.041	Permits Required
40A-3.051	Exemptions
40A-3.201	Permit Application Fees
40A-3.301	Conditions for Issuance of Permits
40A-3.321	Duration of Permits
40A-3.342	Permit Denial
40A-3.451	Emergency Authorization
40A-3.461	Inspections
40A-3.492	Violations of Permits Location
40A-3.504	Casing and Liner Pipe Standards
40A-3.507	Standard Well Construction Methods
40A-3.512	Grouting and Sealing
40A-3.517	Well Seals
40A-3.521	Abandoned Well Plugging
40A-3.531	Violations of Construction Standards
40A-3.550	Violations
40A-3.952	Enforcement and Penalties
40A-3.980	

PURPOSE AND EFFECT: Workshops are being held to solicit input on conceptual changes to the rule. The purpose and effect of the proposed rule development is to update the District's Regulation of Wells rule to address changes in industry standards; and, address changes in and maintain consistency with the Florida Statutes and related statewide Department of Environmental Protection Rules. The proposed rule development will also clarify and update language within the District's rule including construction standards.

SUBJECT AREA TO BE ADDRESSED: Consistency with DEP statewide rules and industry standards, and clarification of construction requirements and procedures.

SPECIFIC AUTHORITY: 373.026, 373.044, 373.046, 373.103, 373.109, 373.113, 373.171, 373.308, 373.309, 373.313, 373.323, 373.326, 373.329, 373.333, 373.337, 373.342 FS.

LAW IMPLEMENTED: 373.302, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.325, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, 373.342 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:
 DATE AND TIME: March 10, 2009, 8:00 a.m. – 11:00 a.m., Central Time

PLACE: Northwest Florida Water Management District, 800 Hospital Drive, Crestview, Florida 32539

DATE AND TIME: March 10, 2009, 1:00 p.m. – 4:00 p.m., Central Time

PLACE: Commission Chamber at Panama City Hall, 9 Harrison Avenue, Panama City, Florida 32401

DATE AND TIME: March 11 2009, 1:00 p.m. – 4:00 p.m., Central Time

PLACE: County Commission Chamber, 2864 Madison Street, Marianna, Florida

DATE AND TIME: March 12, 2009, 9:00 a.m. – 12:00 Noon Eastern Time

PLACE: Northwest Florida Water Management District, 81 Water Management Drive, Governing Board Room, Havana, Florida 32333

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 3 days before the workshop/meeting by contacting: Terri Peterson at (850)539-5999 (Voice), (850)539-2777 (Fax). 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: Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (Fax)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-7.034 RULE TITLE: Alternate-Site Testing

PURPOSE AND EFFECT: The agency is proposing to amend the rule that specifies the types of tests that can be performed at alternate test sites within hospitals.

SUBJECT AREA TO BE ADDRESSED: Rules related to laboratory tests of higher complexity, those that require limited reagent manipulations and to staffing requirements to ensure quality testing and patient care being performed at alternate sites within hospitals. Alternate-site tests are currently limited to those of moderate complexity and that require no reagent manipulations, treatment, extraction and separation or other processing of any kind.

SPECIFIC AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.106, 483.181, 483.201, 483.221, 483.23 FS.

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

DATE AND TIME: March 13, 2009, 1:30 p.m. – 4:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-7.035 RULE TITLE: Staffing Requirements

PURPOSE AND EFFECT: The agency is proposing to amend the rule that addresses who must supervise in clinical laboratories.

SUBJECT AREA TO BE ADDRESSED: Revisions to better align the requirements of supervision in clinical laboratories with recent revisions to Chapter 64B3, Florida Administrative Code are being reviewed.

SPECIFIC AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.035, 483.051, 483.111 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: March 11, 2009, 9:00 a.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-7.035 Staffing Requirements.

(1) The laboratory must be staffed with a director(s) who meets the qualifications specified under Chapter 483, Part III IV, F.S., for all specialties and subspecialties in which the laboratory is licensed.

(a) No change.

1. The laboratory director, if qualified, is authorized to perform the duties of the general supervisor, and clinical laboratory testing personnel, or delegate these responsibilities to personnel meeting the qualifications set forth in Chapter 483, Part III IV, F.S., and Chapter ~~64B3 590~~, F.A.C.

2. through 5. No change.

5. If the director is to be continuously absent from the laboratory for more than one month, it shall be the director's and owner's responsibility to make arrangements for a qualified substitute director. Such arrangements must be documented in writing and available for review by the agency.

6. The director must ensure that the laboratory employs personnel qualified under Chapter 483, Part III IV, F.S., and Chapter ~~64B3 590~~, F.A.C., to provide consultation, supervise and accurately perform tests and report test results according to this Rule and within the limitations described in Section 483.111, F.S.

(b) The laboratory must have at least one director who is qualified under Chapter 483, Part III IV, F.S., and provides, in addition to responsibilities specified under paragraph 59A-7.035(1)(a), F.A.C., clinical consultation as required for Clinical Consultants prescribed under the Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder as described in subsection 59A-7.020(6), F.A.C.

(2) Supervisor. The laboratory must have one or more supervisors.

(a) The supervisor must be licensed under Chapter 483, Part III IV, F.S., in accordance with Chapter 64B3, F.A.C., for all tests performed in the laboratory ~~all specialties in which the laboratory performs tests~~ except that the supervision of respiratory care practitioners, clinical laboratory personnel, and other persons performing blood gas analysis and specimen collection for the purpose of such analysis shall be specified in rules pursuant to Chapter 483, F.S.

(b) If the requirement of paragraph 59A-7.035(2)(a), F.A.C., is not met, the laboratory is authorized to be staffed with one or more supervisors licensed under Chapter 483, Part III, IV, F.S., such that all licenses combined provide supervisory coverage for all specialties and subspecialties in which the laboratory is licensed.

(c) No change.

(3) Clinical Laboratory Personnel. In addition to the personnel specified in subsections 59A-7.035(1) and (2), F.A.C., each laboratory must be staffed with technologists or technicians, as applicable, licensed under Chapter 483, Part III IV, F.S. Blood gas analysis procedures are permitted to be

performed by an individual licensed as a respiratory care practitioner or a respiratory therapist pursuant to Chapter 468, F.S.

(4) Exclusive Use Laboratories shall be staffed with:

(a) A director qualified under Chapter 483, Part III IV, F.S., and at least one director qualifying under paragraph 59A-7.035(1)(b), F.A.C.; and

(b) Clinical laboratory personnel licensed as a clinical laboratory director, supervisor, technologist, technician or exclusive use technician or registered as a trainee as provided under Chapter 483, Part III IV, F.S., and Chapter ~~64B3 590~~, F.A.C.

(5) Plasmapheresis centers performing only waived tests, total protein by refractometer or ABO and Rh typing shall be staffed with:

(a) A director qualified under Chapter 483, Part III IV, F.S., and at least one director qualifying under paragraph 59A-7.035(1)(b), F.A.C.; and

(b) Clinical laboratory personnel licensed as a clinical laboratory director, supervisor, technologist, or technician, as applicable, as provided under Chapter 483, Part III IV, F.S.

(6) Sites performing testing authorized under Rule 59A-7.034, F.A.C., must be staffed with personnel qualified under subsection 59A-7.034(5), F.A.C., under the direct supervision of the clinical laboratory director, supervisor or technologist qualified under Chapter 483, Part III IV, F.S.

(7) Laboratories located outside Florida and licensed under Chapter 483, Part I, F.S., and facilities issued a certificate of exemption under Section 483.106, F.S., must meet personnel qualification requirements established under the Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder as described in subsection 59A-7.020(6), F.A.C. Such personnel shall not be required to be licensed under Chapter 483, Part III IV, F.S.

Specific Authority 483.051 FS. Law Implemented 483.031, 483.035, 483.051, 483.111 FS. History—New 11-20-94, Amended 12-27-95,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE:
60BB-8.204	Uniform Attendance Policy for Funding the VPK Program

PURPOSE AND EFFECT: The purpose of the proposed rule development is to revise the Agency's Rule 60BB-8.204, Florida Administrative Code, to incorporate recent legislative amendments by establishing a minimum requirement for student attendance of eighty (80) percent of the total program hours for the program type (school-year or summer) in which a student is enrolled, redefining a student's absence for good cause, and providing for methods of payment depending upon student attendance.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed by the proposed rule are minimum requirements for student attendance, student absences for good cause, and methods of provider payment based upon student attendance.

SPECIFIC AUTHORITY: 1002.61(6)(d), 1002.79(2) FS.

LAW IMPLEMENTED: 1002.61(6)(d) FS.

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

DATE AND TIME: March 11, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: TCC Capitol Center, 300 W. Pensacola Street, Tallahassee, FL 32312

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 60BB-8.204 follows. See Florida Administrative Code for present text.)

60BB-8.204 Uniform Attendance Policy for Funding the VPK Program.

(1) Payment for the VPK program. An early learning coalition shall pay a private provider or public school for the VPK program in accordance with this rule.

(2) Attendance. A student is considered to have attended all of the instructional hours offered by a VPK provider for a day if the student attends any portion of the day.

(3) Minimum requirement for student attendance. A student meets the minimum requirement for student attendance if the student attends 80 percent or more of the program hours for the program type (school-year or summer) in which a student is enrolled. Notwithstanding any other provisions of this section, for purposes of the minimum requirement for student attendance, a student is considered to have attended all of the instructional hours offered by a VPK provider for a day if the VPK provider is out of compliance for the day. A VPK provider shall be deemed to be out of compliance if it fails to comply with the statutes or rules governing the VPK program.

(4) Absences.

(a) Up to 10 (ten) percent of the program hours for the program type in which a student is enrolled may be considered absences for good cause. Instructional days on which a student is absent for good cause shall be considered as hours attended for purposes of meeting the minimum requirement for student attendance.

(b) A student shall be considered absent for good cause if the student is absent for one of the following reasons:

1. Illness or injury of the child which requires hospitalization as documented by a doctor's note; or

2. Compliance with a court order (e.g., visitation, subpoena) as documented by a copy of the court order.

(c) A VPK provider shall maintain documentation of a student's absence for good cause for at least 3 years or, to the extent required, in accordance with the retention schedules and disposal process adopted under Section 119.021(2), Florida Statutes, whichever is greater. The VPK provider shall allow the Agency for Workforce Innovation or its early learning coalition to inspect the documentation during normal hours of operation, and shall submit a copy of the documentation to the Agency or the coalition upon request.

(d) An absence shall not be considered an absence for good cause prior to the student's first day of attendance or after the student's last day of attendance.

(5) Payment of Providers.

(a) If a student meets the minimum requirement for student attendance, a VPK provider shall be eligible to receive the student's full-time equivalent funding.

(b) If a student does not meet the minimum requirement for student attendance, a VPK provider shall be paid on a pro-rata basis for the hours the student attends.

(c) Notwithstanding paragraphs (5)(a) and (5)(b) above, if a student is reenrolled for good cause under Section 1002.71(4)(b), Florida Statutes, a VPK provider shall be paid on a pro-rata basis:

1. For hours a student attends unless the student meets the minimum requirement for student attendance with the provider.

2. For hours a student attends plus the remainder of the student's full-time equivalent funding after pro-rata payments are deducted from the student's full-time equivalent funding.

(d) A VPK provider shall be ineligible to receive a student's full-time equivalent funding if the VPK provider:

1. Fails to offer to the student all VPK program hours for the program type in which the student is enrolled, either through dismissal of the student or through closure, and shall, instead, be paid on a pro-rata basis for the hours the student attends the provider's program.

2. Is found out of compliance with VPK rule or statute and shall instead be paid:

a. On a pro-rata basis for hours a student attends, not including hours attended while the provider is out of compliance, if the student has not met the minimum requirement for student attendance.

b. The student's full-time equivalent funding less funding for hours during which the provider was out of compliance if the student meets the minimum requirement for student attendance.

(6) Temporary closures.

(a) A provider may readjust its calendar to offer the all program hours for the program type (school-year or summer) offered by the provider in the case of a temporary closure if the provider submits written documentation to the coalition which

demonstrates that the closure is temporary and caused by circumstances beyond the provider’s control. Circumstances beyond the provider’s control are circumstances wherein the provider cannot ensure the health, safety, shelter or well-being of students that are not a result of the actions or inactions of the provider or its employees.

(b) Documentation of the circumstances causing a temporary closure is not required if the private provider’s or public school’s VPK site is located in a county in which government offices normally open to the public are closed by the county, state, or federal governments, or public schools are closed by the school district, because a state of emergency is declared to exist in the county by the county government, the Governor, or the President of the United States. Documentation is required if government offices remain open or a state of emergency is not declared to exist.

(c) If a provider is unable to offer all of the program hours as a result of temporary closure, the provider shall be paid in accordance with paragraph (5)(b) above.

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(6)(d) FS. History—New 8-17-06, Amended 5-24-07,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.700	Low-Performing Provider; Voluntary Prekindergarten Education Program Improvement Plan and Implementation
60BB-8.701	Low-Performing Provider; Voluntary Prekindergarten Education Program First Year Probation
60BB-8.702	Low-Performing Provider; Voluntary Prekindergarten Education Program Second Year Probation
60BB-8.703	Low-Performing Provider; Removal From Voluntary Prekindergarten Education Program Eligibility

PURPOSE AND EFFECT: The purpose of the proposed rule development is to implement an improvement plan process by which Voluntary Prekindergarten Education (VPK) Program providers who fail to achieve minimum statewide kindergarten readiness rates, as determined by the State Board of Education, must comply with the provisions of Section 1002.67, Florida Statutes. Section 1002.75, Florida Statutes, requires the Agency for Workforce Innovation (the Agency) to adopt, in consultation with and subject to the approval of the Department of Education, procedures governing the administration of the VPK Program by the early learning coalitions and school districts for approving improvement plans of private prekindergarten providers and public schools under Section 1002.67, Florida Statutes; for placing providers on probation and requiring corrective actions under Section

1002.67, Florida Statutes; and for removing providers from eligibility to deliver the program due to remaining on probation beyond the time permitted under Section 1002.67, Florida Statutes. The proposed rules fulfill the Agency’s duty to adopt rules regarding the improvement process.

SUBJECT AREA TO BE ADDRESSED: In accordance with Florida Statutes, the proposed rules address the requirements for approving improvement plans submitted by VPK providers; the corrective actions providers are required to implement when on probation; and the procedures for removal of a VPK provider by coalitions or school districts as a result of remaining on probation beyond the time permitted by statute.

SPECIFIC AUTHORITY: 1002.79(2) FS.

LAW IMPLEMENTED: 1002.67(c), 1002.75(3)(a), 1002.75(3)(b), 1002.75(3)(c) FS.

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

DATE AND TIME: March 11, 2009, 1:00 p.m. – 3:00 p.m.

PLACE: TCC Capitol Center, 300 W. Pensacola Street, Tallahassee, FL 32312

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-8.700 Low-Performing Provider; Voluntary Prekindergarten Education Program Improvement Plan and Implementation.

(1) Improvement Plans. An early learning coalition or school district, as applicable, shall require any Voluntary Prekindergarten (VPK) provider which fails to meet the minimum kindergarten readiness rates for a program type (school-year or summer) adopted by the State Board of Education under Section 1002.69(6), F.S., to submit an improvement plan under Section 1002.67(3)(c)1., F.S., in accordance with this rule. Prior to submitting an improvement plan, a VPK provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C. An improvement plan shall include:

(a) A self assessment conducted within the last VPK program year, as defined in subsection 60BB-8.100(11), F.A.C. If a self assessment has not been conducted within the last VPK program year, then conducting a self assessment must be part of the improvement plan. A self assessment shall address at a minimum the following areas of the provider’s program:

1. Administrative and management practices, including training, educational level, and retention or turnover of prekindergarten instructors;

2. Developmentally appropriate curricula;
3. Classroom learning environment;
4. Classroom instructional practices;
5. Child developmental screenings and assessments;
6. Social-emotional interactions among prekindergarten instructors and children; and
7. Family involvement in the early childhood program.

(b) A description of strategies for improvement of the provider's VPK program and an implementation schedule that includes:

1. A list of target areas for the VPK provider's improvement based on the self assessment conducted under paragraph (1)(a) and any additional areas a provider deems important to its improvement;
2. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement of the targeted areas; and
3. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(2) Submission and Approval of Improvement Plan.

(a) A VPK provider shall submit its improvement plan as required in subsection (4) of this rule to the early learning coalition or school district, as applicable, within 30 days of acknowledging the VPK provider's designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C.

(b) An early learning coalition or school district, as applicable, shall approve or disapprove of a VPK provider's improvement plan within 14 days of receipt of the improvement plan. The early learning coalition or school district, as applicable, shall approve the improvement plan if the plan is complete and submitted in accordance with this rule. If the improvement plan is incomplete or insufficient, the early learning coalition or school district, as applicable, shall disapprove of the improvement plan and it shall be returned to the VPK provider with instructions for revision. An amended improvement plan must be submitted by the VPK provider within 30 days of the VPK provider's receipt of notification of disapproval of its improvement plan and instructions for revision.

(c) A VPK provider's improvement plan shall be deemed insufficient by the early learning coalition or school district, as applicable, only if implementation would negatively impact the health, safety, or well-being of children:

1. For a licensed VPK provider, in accordance with the standards set forth in Chapter 65C-20 or 65C-22, F.A.C.; and
2. For an accredited VPK provider, in accordance with the health, safety, and child well-being standards of an accrediting association pursuant to the provisions of subsections 1002.55(3)(b)1. and 2., Florida Statutes.

(d) If an insufficient improvement plan is submitted, the early learning coalition or school district, as applicable, shall offer to work with the VPK provider to revise the improvement plan to establish compliance with the applicable provisions of subsection (c) of this paragraph.

(e) A VPK provider's improvement plan shall be complete if it complies with the provisions of paragraphs (1)(a) and (1)(b) and is submitted in accordance with this rule.

(f) If a VPK provider does not submit its improvement plan as required, the early learning coalition or school district, as applicable, shall not pre-pay the VPK provider nor allow the VPK provider to offer the same type (school year program or summer program) of VPK program until the VPK provider has submitted, and the early learning coalition or school district, as applicable, has approved, the VPK provider's improvement plan.

(3) Implementation of the First Year Probation Improvement Plan. A VPK provider with an approved improvement plan shall submit periodic reports on its progress in implementing the plan to the early learning coalition or school district, as applicable, in accordance with this paragraph.

(a) A VPK provider shall submit four (4) periodic progress reports each year.

(b) A VPK provider shall submit its first periodic progress report 60 days from the date upon which the State Board of Education releases the provider's kindergarten readiness rate. If the day upon which the progress report is due is a weekend or state recognized holiday, the report shall be submitted on the following business day. The second, third, and fourth periodic progress reports shall be submitted in the same fashion 150 days, 240 days, and 330 days from the date upon which the State Board of Education releases the provider's kindergarten readiness rate, respectively.

(c) Periodic progress reports shall contain the following information:

1. A description of the use of a developmentally appropriate curricula; and
2. A description of strategies for improvement of the VPK program and an implementation schedule that includes the following:

a. A list of target areas for the VPK provider's improvement based on the self assessment conducted under paragraph 60BB-8.700(1)(a), F.A.C., and any additional areas a provider deems important to its improvement;

b. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement of the targeted areas; and

c. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(d) An active VPK provider must continue to submit periodic reports of progress until the Department of Education publishes a kindergarten readiness rate for the VPK provider which meets or exceeds the minimum satisfactory rate adopted by the State Board of Education under Section 1002.69(6), F.S.

(4) Electronic Submission of Improvement Plan; Alternative Submission Methods.

(a) Except as provided in paragraph (4)(b) of this rule, a private provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C., submit its improvement plan, and submit its periodic reports electronically through the website <http://www.ImproveVPK.org>.

(b) A VPK provider which is not able to electronically submit the information required by this rule may, upon request, be permitted to submit the information through an alternative method approved by the Agency for Workforce Innovation. A request must be submitted to the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/TDD (800)955-8771, Voice (800)955-8770.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)1., 1002.75(3)(a) FS. History--New

60BB-8.701 Low-Performing Provider; Voluntary Prekindergarten Education Program First Year Probation.

(1) Probation. An early learning coalition or school district, as applicable, shall place on probation any Voluntary Prekindergarten (VPK) provider which fails to meet the minimum kindergarten readiness rates for a program type (school-year or summer) adopted by the State Board of Education under section 1002.69(6), F.S., two consecutive times in accordance with Section 1002.67(3)(c)2., F.S. An early learning coalition or school district, as applicable, shall place a VPK provider on probation by sending a letter of probation notification to the VPK provider via certified mail or via email with a S/MIME receipt confirmation or other comparable receipt confirmation requested. The letter of probation notification shall contain at least the following provisions:

(a) Notification of the date on which the VPK provider was deemed to have been eligible for placement on probation;

(b) Notification that the VPK provider must resubmit an improvement plan in compliance with the requirements of this rule;

(c) Notification that the VPK provider must use a curriculum approved by the Department of Education;

(d) Information regarding the manner in which the VPK provider may obtain a list of the curriculum approved by the Department of Education;

(e) Notification that, according to statute, if the provider fails to meet the minimum kindergarten readiness rates for an additional two consecutive years, it will be removed from eligibility to provide the voluntary prekindergarten education program type (summer or school year) for which it has failed to meet the minimum kindergarten readiness rate; and

(2) Corrective Actions. An early learning coalition or school district, as applicable, shall require a VPK provider which has been placed on probation under subsection (1) of this rule to take certain corrective action(s) including submission of a first year probation improvement plan under Section 1002.67(3)(c)2., F.S., to the early learning coalition or school district, as applicable, in accordance with this rule. Prior to submitting a first year probation improvement plan, the VPK provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C. A first year probation improvement plan must include strategies for improvement of the provider's VPK program and an implementation schedule that includes the following:

1. A list of target areas for the VPK provider's improvement that includes:

(a) A description of the use of a developmentally appropriate curricula; and

(b) A description of at least one strategy for improvement of the VPK program;

2. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement of the targeted areas; and

3. An implementation schedule or timeline for the VPK provider to implement the proposed corrective action(s).

(3) Use of Department of Education Curriculum.

An early learning coalition or school district, as applicable, shall require a VPK provider who has been placed on probation to use a curriculum approved by the Department of Education under Section 1002.67(2)(c), F.S.

(4) Submission and Approval of a First Year Probation Improvement Plan.

(a) A VPK provider shall submit its first year probation improvement plan as required in paragraph (4) of this rule to the early learning coalition or school district, as applicable, within 30 days after acknowledging the VPK provider's designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C.

(b) An early learning coalition or school district, as applicable, shall approve or disapprove of a VPK provider's first year probation improvement plan within 14 days of receipt of the first year improvement plan. The early learning coalition or school district, as applicable, shall approve the first year probation improvement plan if the plan is complete and submitted in accordance with this rule. If the first year probation improvement plan is incomplete or insufficient, the

early learning coalition or school district, as applicable, shall disapprove of the first year probation improvement plan and it shall be returned to the VPK provider with instructions for revision. An amended first year probation improvement plan must be submitted by the VPK provider within 30 days of the VPK provider's receipt of notification of disapproval of its first year probation improvement plan and instructions for revision.

(c) A VPK provider's first year probation improvement plan shall be deemed insufficient by the early learning coalition or school district, as applicable, only if implementation would negatively impact the health, safety, or well-being of children in accordance with the following:

1. For a licensed VPK provider, the standards set forth in Chapter 65C-20 or 65C-22, F.A.C.:

2. For an accredited VPK provider, the health, safety, and child well-being standards of an accrediting association pursuant to the provisions of Section 1002.55(3)(b)1. and 2., Florida Statutes:

(d) If an insufficient first year probation improvement plan is submitted, the early learning coalition shall offer to work with the VPK provider to revise the plan to establish compliance with the applicable provisions of paragraph (4)(c) of this rule.

(e) A VPK provider's improvement plan shall be complete if it complies with the provisions of subsection (1) of this rule and is submitted in accordance with this rule.

(f) If a VPK provider subject to this rule does not comply with its provisions, the early learning coalition or school district, as applicable, shall not pre-pay the VPK provider nor allow the VPK provider to begin instruction for a new VPK program of the same type (summer program or school year program) until the VPK provider has complied with the provisions of this section and the early learning coalition or school district, as applicable, approves the VPK provider's first year probation improvement plan.

(5) Implementation of the First Year Probation Improvement Plan. A VPK provider with an approved first year probation improvement plan shall submit periodic reports on its progress in implementing the plan to the early learning coalition or school district, as applicable, in accordance with this paragraph.

(a) A VPK provider shall submit four (4) periodic progress reports each year.

(b) A VPK provider shall submit its first periodic progress report 60 days from the date upon which the State Board of Education releases the provider's kindergarten readiness rate. If the day upon which the progress report is due is a weekend or state recognized holiday, the report shall be submitted on the following business day. The second, third, and fourth periodic progress reports shall be submitted in the same fashion 150

days, 240 days, and 330 days from the date upon which the State Board of Education releases the provider's kindergarten readiness rate, respectively.

(c) Periodic progress reports shall contain the following information:

1. A description of the use of a developmentally appropriate curricula; and

2. A description of strategies for improvement of the VPK program and an implementation schedule that includes the following:

a. A list of target areas for the VPK provider's improvement based on the self assessment conducted under paragraph 60BB-8.700(1)(a), F.A.C., and any additional areas a provider deems important to its improvement;

b. A list of those specific actions already taken, or proposed to be taken, by the VPK provider for improvement of the targeted areas; and

c. An implementation schedule or timeline for the VPK provider to implement the proposed actions.

(d) An active VPK provider must continue to submit periodic reports of progress until the Department of Education publishes a kindergarten readiness rate for the VPK provider which meets or exceeds the minimum satisfactory rate adopted by the State Board of Education under Section 1002.69(6), F.S.

(6) Electronic Submission of Improvement Plan: Alternative Submission Methods.

(a) Except as provided in paragraph (6)(b) of this rule, a private provider must acknowledge its designation as a low-performing provider in accordance with subsection 6A-1.099821(5), F.A.C., submit its improvement plan, and submit its periodic reports electronically through the website <http://www.ImproveVPK.org>.

(b) A VPK provider which is not able to electronically submit the information required by this rule may, upon request, be permitted to submit the information through an alternative method approved by the Agency for Workforce Innovation. A request must be submitted to the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/TDD (800)955-8771, Voice (800)955-8770.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)2., 1002.75(3)(b) FS. History--New _____.

60BB-8.702 Low-Performing Provider: Voluntary Prekindergarten Education Program Second Year Probation.

(1) Probation. An early learning coalition or school district, as applicable, shall place on probation for a second year any Voluntary Prekindergarten (VPK) provider which fails to meet the minimum kindergarten readiness rates for a program type (school-year or summer) adopted by the State

Board of Education under Section 1002.69(6), F.S., three consecutive times in accordance with Section 1002.67(3)(c)3., F.S. An early learning coalition or school district, as applicable, shall place a VPK provider on second year probation by sending a letter of second year probation notification to the VPK provider via certified mail or via email with a S/MIME receipt confirmation or other comparable receipt confirmation requested. The letter of second year probation notification shall contain at least the following provisions:

(a) Notification of the date on which the VPK provider was deemed to have been eligible for placement on second year probation;

(b) Notification that the VPK provider must continue to submit periodic progress reports as part of its corrective actions based upon the target areas identified in the provider's first year probation improvement plan submitted in accordance with Rule 60BB-8.701, F.A.C.;

(c) Notification that the VPK provider must continue to use a curriculum approved by the Department of Education under Section 1002.67(2)(c), F.S.;

(d) Information regarding the manner in which the VPK provider may obtain a list of curriculum approved by the Department of Education under Section 1002.67(2)(c), F.S.;

(e) Notification that, according to statute, if the provider fails to meet the minimum kindergarten readiness rate the following year, it will be removed from eligibility to provide the voluntary prekindergarten program type (summer or school year) for which it has failed to meet the minimum kindergarten readiness rate; and

(2) Corrective Actions. An early learning coalition or school district, as applicable, shall require a Voluntary Prekindergarten (VPK) provider who has been placed on second year probation to continue the corrective actions enumerated in Rule 60BB-8.701, F.A.C., by continuing to submit periodic progress reports as part of its corrective actions based upon the target areas identified in the provider's improvement plan submitted in accordance with Rule 60BB-8.701, F.A.C., and using a Department of Education approved educational curriculum.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)2., 1002.75(3)(b) FS. History--New _____.

60BB-8.703 Low-Performing Provider; Removal From Voluntary Prekindergarten Education Program Eligibility.

An early learning coalition or school district, as applicable, shall remove a private Voluntary Prekindergarten (VPK) provider which fails to meet the minimum kindergarten readiness rates for a program type (school-year or summer) adopted by the State Board of Education under Section 1002.69(6), F.S., four consecutive times from eligibility to offer the program type (school year or summer) for which the

VPK provider has failed to meet the minimum kindergarten readiness rates. The early learning coalition or school district, as applicable, shall remove such a VPK provider by:

(1) Issuing a Letter of Removal to the provider via certified mail or via email with a S/MIME receipt confirmation or other comparable receipt confirmation requested. A Letter of Removal shall contain at least the following provisions:

(a) Notice of the program type (school-year or summer) for which the provider is ineligible;

(b) The date upon which the provider was deemed ineligible to offer the program type;

(c) Notice of termination of current provider agreements under which the provider is offering or would offer in the future the program type for which the provider has been deemed ineligible; and

(d) The effects of ineligibility, including but not limited to the provider's inability to submit requests for payment for offering the program type which the provider is ineligible following receipt of the Letter of Removal; and

(2) Removing the provider from VPK payment rosters, the VPK provider designation from Child Care Resource and Referral Databases, and from VPK provider profiles.

Specific Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)4., 1002.75(3)(c) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE:
61G5-18.0055	Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: The purpose and effect is to implement House Bill 601.

SUBJECT AREA TO BE ADDRESSED: Supervised Cosmetology Practice Exception.

SPECIFIC AUTHORITY: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-18.0055 Supervised Cosmetology Practice Exception.

Following the completion of the first licensing examination by a graduate of licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, an

applicant for licensure as a cosmetologist by examination is eligible to practice temporarily in a current, actively licensed cosmetology salon under the following conditions:

(1) No change.

~~(2) An applicant who fails any part of the examination may not practice as a cosmetologist and may immediately apply for re-examination. In the event that the applicant fails to obtain a passing score on either the written or clinical examination on the first attempt, the applicant shall not be eligible to practice cosmetology under this rule until the applicant:~~

~~1. Applies to the Department for authorization to retake the failed portion(s) of the examination; and~~

~~2. Presents the salon owner a copy of both the reexamination application and the examination scheduling authorization letter from the testing vendor.~~

~~3. Upon completion of these conditions, the applicant is eligible to practice cosmetology in a licensed cosmetology salon subject to the provisions of paragraph (c) referenced below, provided that the applicant posts the examination results for both examinations at their work station with a recent photograph affixed thereto, which practice may extend for a period of no more than 60 days from the date of the reexamination application. The applicant must discontinue practicing when 180 days have passed from the date the original examinations were taken if reexamination has not yet been completed. Under no circumstances shall the applicant be eligible to practice prior to having applied for reexamination and having obtained the examination scheduling authorization letter from the testing vendor.~~

~~(c) All cosmetology services performed by the applicant under this exception shall be performed under the supervision of a licensed cosmetologist. "Under the supervision of a licensed cosmetologist" shall mean that an individual who then holds a current, active Florida license as a cosmetologist shall be physically present at all times when the applicant is performing cosmetology services.~~

~~(2) In the event an applicant, who previously failed either or both of the examinations on the first attempt, fails to obtain a passing score on either or both of the second licensure examination(s), the applicant is no longer eligible to practice cosmetology under this exception and must immediately discontinue practicing cosmetology until the applicant has been issued a license to practice by the Department.~~

Specific Authority 477.016, 477.019(4) FS. Law Implemented Section 29, HB 601, 477.019(4) FS. History—New 11-25-98, Amended 2-25-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.010
 RULE TITLE: Qualifying Activities for Laws and Rules Requirements

PURPOSE AND EFFECT: The purpose and effect is to eliminate obtaining PDH's in laws and rules of the Board by attending a board meeting and to revise and clarify what board members will receive for their service as members.

SUBJECT AREA TO BE ADDRESSED: Qualifying Activities for Laws and Rules Requirements.

SPECIFIC AUTHORITY: 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.010 Qualifying Activities for Laws and Rules Requirements.

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by:

~~(a) Either completing a continuing education course, as detailed in subsection (2) below, by attending a board meeting at which disciplinary hearings are conducted as detailed in subsection (3) below, or~~

~~(b) By serving as a board member, as detailed in subsection (3) below, or~~

~~(c) By approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.~~

(2) No change.

~~(3) Four PDH's in laws and rules of the Board may be obtained by attending one full day, regardless of actual length, or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Professional Engineers and complying with the following:~~

~~(a) The licensee must sign in with staff of the Board before the meeting day begins.~~

~~(b) The licensee must remain in continuous attendance.~~

~~(c) The licensee must sign out with staff of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive PDH credit in laws and rules for attending the board meeting only if he or she is attending on that date solely for that purpose. He or she may not receive such credit if appearing at the Board meeting for another purpose.~~

~~(3)(4) Members of the Board of Professional Engineers shall receive four (4) PDH's in laws and rules of the Board for their service as board members conducting these meetings.~~

(4) No change.

Specific Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History–New 9-16-01, Amended 9-4-02, 1-16-03,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-1.007 List of Approved Forms;
 Incorporation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address revised Physician Assistant and Anesthesiologist Assistant application forms in the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of revised forms.

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: RULE TITLE:
64B20-2.001 Licensure by Certification of
 Credentials

PURPOSE AND EFFECT: The proposed rule amendment is to incorporate Form SPA-1 by reference.

SUBJECT AREA TO BE ADDRESSED: Licensure by Certification of Credentials.

SPECIFIC AUTHORITY: 456.013(7), 468.1135(4) FS.

LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 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 Hawerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: RULE TITLE:
64B20-4.001 Certification of Assistants

PURPOSE AND EFFECT: The proposed rule amendment is to incorporate Form SPA-3 by reference.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants.

SPECIFIC AUTHORITY: 468.1125(9), 468.1135(4) FS.

LAW IMPLEMENTED: 468.1125(3), (9), 468.1215 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 Hawerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-503.002 RULE TITLE: Renewal of an Active License

PURPOSE AND EFFECT: To update the rule by removing out of date and inaccurate information about the renewal period.

SUBJECT AREA TO BE ADDRESSED: Renewal of an Active License.

SPECIFIC AUTHORITY: 120.53(1), 490.015 FS.

LAW IMPLEMENTED: 490.007 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 32399-3255

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.001 RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to disallow Basic Life Support (BLS) classes as continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements.

SPECIFIC AUTHORITY: 456.013(8), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-45.008 RULE TITLE: Assessment of Administrative Penalties for Violations relating to Blue Crab Management

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish administrative penalties for violations relating to the blue crab management. These administrative penalties would apply when criminal violations such as trap molestation, trap theft, illegal bartering of tags, and fishing with untagged traps are committed. The purpose of creating Rule 68B-45.008, F.A.C., is to fulfill a requirement of Florida Statute 379.366(4)(a) that states “the Commission shall adopt by rule the administrative penalties authorized by this subsection”. The proposed draft rule amendment would create a standardized tiered penalty system that allows the penalties to be assessed relative to the severity of the violation and the number of previous violations up to the maximum amount allowed as defined in Section 379.366 F.S. This proposed rule would be consistent with existing rules establishing administrative penalties for the stone crab and spiny lobster fisheries in Chapters 68B-13 and 68E-18, F.A.C., respectively. SUBJECT AREA TO BE ADDRESSED: Administrative fees for blue crab violations.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-25.004
 RULE TITLE: Limited License for Retired Professionals During Times of Critical Need

PURPOSE AND EFFECT: Section 497.143, F.S., authorizes the Department to adopt rules permitting practice by retired professionals as limited licensees during times of critical need. The proposed rule sets forth the procedures for obtaining such a limited license.

SUBJECT AREA TO BE ADDRESSED: Limited licensure for retired professionals during times of critical need.

SPECIFIC AUTHORITY: 497.103(5)(b), 497.143 FS.

LAW IMPLEMENTED: 497.143 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: March 16, 2009, 10:00 a.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: Doug Shropshire (850)413-3039 or doug.shropshire@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S. E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-25.004 Limited License for Retired Professionals During Times of Critical Need.

(1) A limited licensee shall only provide services during times of critical need within the State and shall work for an entity licensed under Chapter 497, F.S. A limited license shall be effective for so long as the executive order from the Governor or federal order declaring a state of emergency remains in effect including the time the state of emergency is extended as authorized by law.

(2) Each person desiring to obtain a limited license as a retired funeral director, embalmer, or combination funeral director/embalmer shall apply to the Department by submitting the following:

(a) A completed "Application for Retired Professionals," Form DFS-N1-1746, effective 10/06, which is incorporated by reference in Rule 69K-1.001, F.A.C., and is available on the Department's website (www.myfloridacfo.com/FuneralCemetery) or by contacting the Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

(b) A notarized affidavit stating that the applicant:

1. Has been licensed to practice in any jurisdiction in the United States for at least ten years in the profession for which the applicant seeks a limited license;
2. Has retired from the practice of that profession;
3. Intends to practice only pursuant to the restrictions of the limited license; and
4. Shall not engage in preneed sales under such license.

Specific Authority 497.103(5)(b), 497.143 FS. Law Implemented 497.143 FS. History--New _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-149.150
 RULE TITLE: Dependent Coverage

PURPOSE AND EFFECT: To solicit information and questions from the public regarding implementation of newly created Section 627.6562, F.S.

SUBJECT AREA TO BE ADDRESSED: Dependent Coverage for Health Insurance.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 627.6562(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: March 26, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Beth Senkewicz, Deputy Commissioner, Life and Health, Office of Insurance Regulation, E-mail Marybeth.Senkewicz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: PERSONS ARE REQUESTED TO PROVIDE ANY AND ALL QUESTIONS THEY MAY HAVE ABOUT THIS NEW LEGISLATION TO GARY EDENFIELD, AT gary.edenfield@flor.com

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

**Section II
Proposed Rules**

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

RULE NO.: 71-1.001
RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose of the proposed new Rule 71-1.001, F.A.C., is to grant delegation of authority to the Executive Director of the Agency for Enterprise Information Technology (AEIT) from the Governor and Cabinet for the general day-to-day administrative duties of the agency and for those duties and responsibilities outlined in Florida Statute Ch. 14.204, establishes the AEIT, and outlines the responsibilities of the agency in regards to enterprise IT services in the State of Florida; Ch. 282.201, F.S. outlines the duties and responsibilities of the AEIT concerning the State Data Center System; and Ch. 282.318, F.S. outlines the duties and responsibilities relating to enterprise information security. Duties which cannot be delegated, and which require approval of the Governor and Cabinet by statute, include (1) final approval of the Agency’s Annual Operational Work Plan; (2) Initiation of the rule-making process; and (3) Final approval of rules created by the Agency.

SUBJECT AREA TO BE ADDRESSED: Delegation of Authority.

SPECIFIC AUTHORITY: 14.204, 282.201, 282.318 FS.

LAW IMPLEMENTED: 14.204, 282.201, 282.318 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 2 days before the workshop/meeting by contacting: Dawn Creamer at (850)922-7502. 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: Dawn Creamer at (850)922-7502

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 Plant Industry

RULE NO.: 5B-57.012
RULE TITLE: Casuarina Cunninghamiana Windbreaks

PURPOSE AND EFFECT: The purpose of this rule is to establish procedures for propagating male Casuarina cunninghamiana trees in nurseries to be used as windbreaks around commercial citrus groves, and permitting procedures that grove owners or operators must follow to plant and maintain Casuarina cunninghamiana windbreaks in designated areas of Indian River, Martin and St. Lucie Counties. The effect will be to provide fast growing trees to serve as windbreaks to protect citrus groves in those counties from the spread of citrus canker disease while ensuring that the Casuarina cunninghamiana trees will not spread into and disrupt the environment.

SUMMARY: This rule requires nurseries to obtain a permit from the Department in order to propagate Casuarina cunninghamiana trees. It requires the trees to be vegetatively propagated from registered source trees that have been certified as male trees by the Department. It also requires citrus growers in the three counties to obtain a permit from the Department in order to plant Casuarina cunninghamiana windbreaks. It establishes requirements for maintenance of the windbreak plantings, and destruction of the windbreaks if they are no longer properly maintained, the grove is no longer operating, or hybridization is found to occur. It also establishes fees for the permits.

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

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

SPECIFIC AUTHORITY: 570.07(23), 581.031(1), (3), (8), 581.091 FS.

LAW IMPLEMENTED: 570.07(2), (13), 570.32(5), (6), 581.031(1), (17), 581.091 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100