

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09414
 RULE TITLE: Course Descriptions for Grades 6-12, Exceptional Student Education

PURPOSE AND EFFECT: The purpose of the rule development is to review the course descriptions for prekindergarten, general academics, subject areas, special skill courses, therapy, supported levels 9-12, participatory levels 9-12, gifted, career and technical education for students with disabilities and non-credit to ensure alignment with Next Generation Sunshine State Standards and Common Core State Standards.

SUBJECT AREA TO BE ADDRESSED: Course requirements for grades PK-12, exceptional student education.

RULEMAKING AUTHORITY: 1001.03(1), 1011.62(1)(s) FS.
 LAW IMPLEMENTED: 1001.42(9), 1003.42, 1011.62(1)(s) 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: Teresa Sweet, Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines Street, Tallahassee, Florida or teresa.sweet@fldoe.org

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact Lynn Abbott at lynn.abbott@fldoe.org or (850)245-9661

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.: 6A-10.0315
 RULE TITLE: College Preparatory Testing, Placement, and Instruction

PURPOSE AND EFFECT: The purpose of the rule development is to clarify the courses for which a student has demonstrated readiness with an FCAT 2.0 Reading score of 262.

SUBJECT AREA TO BE ADDRESSED: College preparatory testing.

RULEMAKING AUTHORITY: 1001.26(6), 1008.30(3) FS.

LAW IMPLEMENTED: 1001.02, 1008.30 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: Cassandra Brown, Division of Florida Colleges, cassandra.brown@fldoe.org

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact Lynn Abbott at lynn.abbott@fldoe.org or (850)245-9661

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-10.0315 College Preparatory Testing, Placement and Instruction.

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

(b) A score of 262 on Grade 10 Florida Comprehensive Assessment Test 2.0 (FCAT 2.0)- Reading demonstrates readiness for college-level coursework in Reading and writing ~~the curriculum area~~. Students who achieve such a score and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the Reading and writing subtests of the Florida Postsecondary Education Readiness Test pursuant to subsection (1) above.

(3) through (12) No change.

Rulemaking Authority 1001.02(6), 1008.30(3) FS. Law Implemented 1001.02, 1008.30 FS. History—New 7-15-84, Amended 6-6-85, Formerly 6A-10.315, Amended 5-17-88, 7-25-91, 10-18-94, 8-28-95, 6-25-96, 3-28-00, 2-12-12, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.095
 RULE TITLE: Site Determined Baccalaureate Access

PURPOSE AND EFFECT: The purpose of the rule development is to align the rule with changes made in the 2011 Legislative Session to Section 1007.33, Florida Statutes, which eliminates the opportunity for Florida College System institutions to apply for exemption status from the State Board of Education approval process for new baccalaureate programs. Additionally, the rule will be reviewed from a process perspective to ensure language is clear and consistent with statutory language.

SUBJECT AREA TO BE ADDRESSED: Provisions relating to approval of baccalaureate programs at Florida College System institutions.

RULEMAKING AUTHORITY: 1001.02, 1007.25, 1007.33(7) FS.

LAW IMPLEMENTED: 1007.25, 1007.33, 1008.32(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: Abbey Cunningham, Coordinator of Baccalaureates and Common Prerequisites, Division of Florida Colleges, abbey.cunningham@fldoe.org.

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact Lynn Abbott at lynn.abbott@fldoe.org or (850)245-9661. To submit a comment on this rule and review the rule text, please go to: <https://app1.fldoe.org/rules/default.aspx>

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.003
 RULE TITLE: Participation Agreement

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida College Investment Plan Disclosure Statement and Participation Agreement.

SUBJECT AREA TO BE ADDRESSED: The Florida College Investment Plan Disclosure Statement and Participation Agreement.

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

LAW IMPLEMENTED: 1009.981 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: July 6, 2012, 2:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request to the Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor’s completed application and the disclosure statement and participation agreement. The Florida College Investment Plan Disclosure Statement and Participation Agreement, Form No. FPCB ~~2012-04~~ ~~2010-4~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (3) No change.

(4) The disclosure statement and ~~A~~ participation agreement shall remain in effect until terminated pursuant to Rule 19B-16.010, F.A.C.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History—New 11-27-02, Amended 12-28-04, 6-2-05, 7-13-06, 12-4-07, 5-29-08, 6-3-09, 6-22-10, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.830
 RULE TITLE: Death Row

PURPOSE AND EFFECT: The purpose and effect of the rule is to amend definitions, clarify the clothing, bedding and linen, and comfort items for Phase I and II inmates, authorize additional security measures and provide for Consulate Visits.

SUBJECT AREA TO BE ADDRESSED: Death Row.

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: Laura Gallagher 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.830 Death Row.

(1) Definitions.

(a) No change.

(b) Institutional Classification Team (ICT) – the team consisting of the warden, or assistant warden, classification supervisor, a correctional officer chief and other members as necessary when appointed by the warden or designated by rule that is responsible for making inmate status decisions and for making other recommendations to the state classification office, regional director, and warden.

(c) No change.

(d) State Classification Office (SCO) – A staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving, ~~disapproving, or modifying, or rejecting~~ ICT recommendations.

~~(e) Major Rule Violation – any assault, battery or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession or trafficking of weapons, ammunition, explosives, cell phones, unauthorized drugs, escape paraphernalia, or any other item that presents a threat to the safe and secure operation of the institution; and any escape or escape attempt.~~

(2) No change.

(3) Reviews.

(a) No change.

(b) ICT Reviews – The ICT shall conduct a review of a death row inmate when the inmate:

1. Is found guilty of a disciplinary report; or

2. Has had restrictions placed on his outdoor exercise pursuant to subparagraph (7)(i)(+)~~3~~. This review shall be conducted every six months after imposition of the restriction.

(4) through (6) No change.

(7) Conditions and Privileges – The following conditions and privileges apply to all death row inmates except Phase I and Phase II inmates.

~~(a) Clothing and Bedding – No death row inmate will be issued a belt. “Croc” style shoes will be provided as regulation foot wear. Unless there is a clear indication of a security concern, death row inmates will be issued clothing and bedding similar to that issued to the general population, except that~~ Death row inmates will be distinguished by designated different clothing that must be worn whenever they are out of the death row unit for the purpose of escort or transport. ~~Otherwise, death row inmates shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. If an inmate’s clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. The effective date of the form is 4-6-11. Under no circumstances shall an inmate be left without a means to cover himself or herself. Shower slides or personal canvas shoes will be provided as regulation foot wear. No death row inmate will be issued a belt.~~

~~(b) Bedding and linen – Bedding and linen shall be issued and exchanged for death row inmates shall be the same as is provided to the general inmate population, and any restrictions shall be based on potential harm to individuals or threat to the security of the institution. The senior correctional officer on duty must initially approve the decision to make an exception to the general bedding and linen exchange and shall document the action on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. The duty warden shall make the final decision regarding the appropriateness of the action no later than the next working day.~~

~~(c)(b) Comfort Items – Unless there is a clear indication of a security concern, inmates on death row shall be permitted personal hygiene items and other medically needed or prescribed items, such as eye glasses and hearing aids. Death row inmates shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. At a minimum, death row inmates will be provided a toothbrush, toothpaste, a bar of soap, a towel or paper towels, toilet tissue, and feminine hygiene products for women.~~

~~(d)(e) Personal Property – Inmates on death row shall be allowed to possess personal property such as comfort items, watches, rings, stamps, envelopes, writing paper, and approved televisions, fans, walkman-type radios, MP3 players, headphones, and earbuds unless there is a clear indication of a security concern. Each inmate may possess no more than one approved television, fan, radio, MP3 player, set of headphones, and set of earbuds.~~

~~(e)(d) Canteen – Death row inmates shall be permitted to make authorized canteen orders in accordance with Rule 33-203.101, F.A.C once per week.~~

~~(f)(e) Writing Utensils – Inmates on death row shall possess only security pens, with a possession limit of four. If no security pens are available, an inmate will be allowed to sign out a regular pen from the assigned officer, which must be returned upon completion of preparation of the document. Care will be taken to ensure that an inmate who requests a pen in order to prepare legal documents or legal mail or to file a grievance with the Department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.~~

~~(g)(f) Reading Material – Inmates shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C., unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is such a threat, the material will be removed. Removal of reading material shall be documented and reviewed in accordance with paragraph (7)(i)(h).~~

~~(h)(g) Televisions – An inmate on death row may possess a television in his cell. Approved televisions may be purchased from the institutional canteen; otherwise, televisions will be provided by the Department, if available, as follows:~~

1. through 6. No change.

~~(i)(4)~~ Removal or Denial of Items – Any item may be denied an inmate or removed from a death row cell to prevent the inmate from inflicting injury to himself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security. The senior correctional officer on duty must initially approve the decision to deny or remove clothing, bedding, or any other items from the cell and document the action on Form DC6-229, Daily Record of Special Housing. Removal of any personal property item will also be documented by security staff on Form DC6-220, Inmate Impounded Personal Property List, and signed by the inmate designating what personal items were removed. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. The effective date of the form is 10-06. The original Form DC6-220 will be placed in the inmate's property file, and a copy of the form will be given to the inmate for his records. The duty warden shall make a final decision regarding the appropriateness of any removal no later than the next working day. ~~If an inmate's clothing is removed, a modesty garment shall be provided to the inmate immediately; if the inmate chooses not to wear the garment, it shall be left in the cell, and this action shall be documented on Form DC6-229. Under no circumstances will the inmate be left without a means to cover himself.~~ If items are removed from a death row cell pursuant to this paragraph, staff shall re-assess the need for continued restriction every 72 hours thereafter and document the assessment on Form DC6-229. The warden, based on this assessment, will make a final determination on the continued denial or return of the items and document the decision on Form DC6-229. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction is present.

~~(j)(4)~~ Exercise – An exercise schedule shall be implemented to ensure a minimum of six hours per week of exercise out-of-doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing.

1. No change.

2. The ICT is authorized to deny exercise for an individual inmate when the inmate is found guilty of a major rule violation as defined in this rule Rule 33-601.800, F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide; this shall be documented on Form DC6-229.

3. The ICT is authorized to restrict the place and manner of outdoor exercise, such as an inmate's ability to interact with other inmates or use exercise equipment, if the inmate has been

convicted of or found guilty through the department's disciplinary process in Chapter 33-601.03, F.A.C. or an investigation sufficiently documents that the inmate was involved in, of:

a. Assault or battery, murder, or attempted murder of a correctional officer, volunteer, visitor, or other inmate within an institution; or

b. Escape or attempted escape; ~~or~~

c. Possession of escape paraphernalia; ~~or~~

d. Any major rule violation which requires heightened security measures to ensure the safety of staff, inmates and the public or the security of the institution.

4. Phase III inmates shall be restricted from exercise pursuant to subparagraph (15)(b)8.

~~(k)(4)~~ Telephone Privileges – When alternative means of access are not feasible, telephone privileges shall be allowed for emergency situations, such as notifications of family deaths, and when necessary to ensure the inmate's access to attorneys or the courts. The necessity of the telephone call may be verified before the inmate is allowed to make the call. Calls to attorneys will not be monitored.

~~(l)(4)~~ Visitation – Death row visits shall be contact visits unless security concerns indicate that a non-contact visit is necessary, in which case the non-contact visit shall be approved by the warden in advance. Visitation shall be on Saturday or Sunday (only one day of visitation per week per inmate) between the hours of 9:00 a.m. and 3:00 p.m. The visitation provisions of Chapter 33-601, F.A.C., otherwise apply. News media visits shall be in accordance with Rule 33-104.203, F.A.C.

~~(m)(4)~~ Library Services – Inmates shall be allowed to check out library books once weekly, with a possession limit of four books.

~~(n)(4)~~ Self-Improvement Programs – Inmates shall be permitted to participate in self-improvement programs unless participation poses a security threat to inmates or staff. Such programs shall take place in the inmate's housing area in a manner that conforms to the need for security.

(8) Personal Hygiene – Inmates on death row shall meet the same personal hygiene standards required of the general population.

(9) Correspondence – Correspondence shall be in accordance with Chapter 33-210, F.A.C.

(10) Attorney and Consulate Visits – Attorney visits shall be in accordance with Rule 33-601.711, F.A.C. and Consulate visits shall be in accordance with Rule 33-601.7115, F.A.C.

(11) through (12) No change.

(13) Form DC6-228, Inspection of Special Housing Record, shall be maintained in each death row unit. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. The effective date of the form is 2-01. Each staff person shall sign the form when entering and leaving the death row unit. Prior to departure, each staff member shall indicate any

specific problems, including any inmate who requires special attention. Upon completion, Form DC6-228 will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis, where it will be maintained on file pursuant to the current retention schedule.

(14) Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate in the death row unit. ~~Form DC6-229 shall be maintained in the housing area~~ for 30 days, after which the form will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in each inmate’s respective file. Form DC6-229 shall be utilized to document any and all activities, including cell searches, items removed, showers, recreation, haircuts, and shaves. Form DC6-229B, Daily Record of Special Housing – Supplemental, may be used if further writing space is needed. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C. The effective date of the form is 4-27-08. Additionally, staff shall fully and completely document when:

(a) through (j) No change.

(15) Death Warrants – Upon receipt of a death warrant signed by the Governor authorizing execution, the warden or designee will determine the housing location of the inmate. Inmates housed at Union Correctional Institution will be immediately transferred to Florida State Prison. Upon arrival, the warden will inform the inmate of the death warrant, and the inmate shall be allowed to contact his attorney and a family member at state expense. If the inmate is housed at Lowell Correctional Institution, the inmate shall not be transferred to Florida State Prison until Phase II. The warden at Lowell will inform the inmate of the death warrant and allow the inmate to contact her attorney and a family member at state expense.

(a) No change.

(b) Conditions and privileges for Phase I and Phase II inmates.

1. Phase I and Phase II inmates may possess the following state issued property:

a. through r. No change.

s. Form DC1-303, Request for Administrative Remedy or Appeal, and Form DC6-236, Inmate Request, as needed. Forms DC1-303 ~~is and DC6-236 are~~ incorporated by reference in Rule ~~33-103.006 33-103.019~~, F.A.C. The effective date of the form is 2-05. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. The effective date of the form is 6-12.

2. through 4. No change.

5. Canteen privileges will be allowed in accordance with paragraph (7)(~~e~~)(4) above but may be restricted or denied if they pose a security threat. Canteen orders shall be reviewed by the administrative lieutenant prior to delivery.

6. through 7. No change.

8. Exercise for all inmates with signed death warrants, including Phase III inmates, shall be suspended. However, an inmate shall be permitted to resume exercise and recreation in accordance with subparagraphs (7)(~~d~~)(1)-3. if he remains in Phase III status longer than 90 days.

(16) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-22-10, Amended 9-27-11,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-1.035
RULE TITLE: Determining Generally Accepted Professional Medical Standards

PURPOSE AND EFFECT: Subparagraph 59G-1.010(166)(a)3., Florida Administrative Code (F.A.C.) provides that medical necessity must be consistent with generally accepted professional medical standards, as determined by the Medicaid program, and not by experimental or investigational standards as defined in subsection 59G-1.010(84), F.A.C. This rule specifies the Medicaid program’s process for determining the circumstances under which a drug, device, medical or therapeutic treatment, or procedure is consistent with generally accepted professional medical practice and standards. It provides guidelines which are to be used when making a coverage determination of a new drug, device, medical or therapeutic treatment or procedure, including services such as applied behavior analysis. The rule includes the types of data referenced in the decision making process and names the person(s) qualified to make the final coverage determination.

SUBJECT AREA TO BE ADDRESSED: Determining Generally Accepted Professional Medical Standards.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-1.035, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.912, 409.913 FS.

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

DATE AND TIME: Monday, July 9, 2012, 2:30 p.m. – 4:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by contacting: Ronique Hall at the Bureau of Medicaid Services,

(850)412-4281. 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: Ronique Hall, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4281, e-mail: ronique.hall@ahca.myflorida.com

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-2.017
 RULE TITLE: Health Safety Standards

PURPOSE AND EFFECT: The Purpose of this new rule is to set food safety and environmental health sanitation standards for facilities licensed by the Agency for Persons with Disabilities.

SUBJECT AREA TO BE ADDRESSED: Health Safety Standards for Licensed Facilities; Section 393.067, Florida Statutes.

RULEMAKING AUTHORITY: 393.501(1) FS.

LAW IMPLEMENTED: 393.067(7) FS.

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

DATE AND TIME: July 11, 2012, 10:00 a.m. –12:00 Noon
 PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, 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 7 days before the workshop/meeting by contacting: Miranda Johnson, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)414-9132, miranda_johnson@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Miranda Johnson, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)414-9132, miranda_johnson@apd.state.fl.us

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

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-15.001	Purpose
5M-15.002	Definitions
5M-15.003	Dispute Regarding Exemption
5M-15.004	Eligibility for a Binding Determination

5M-15.005	Documentation of Dispute
5M-15.006	Exemption Criteria
5M-15.007	Binding Determination Process
5M-15.008	Final Agency Action

PURPOSE AND EFFECT: Pursuant to Section 373.407, Florida Statutes this rulemaking proposes to develop definitions and procedures by which the Department will make binding determinations about whether activities, which alter the topography of land, are or are not exempt from Environmental Resource Permitting requirements of Chapter 373, Florida Statutes.

SUMMARY: The proposed rule establishes procedures that the Department will use to render binding written opinions, when requested, as to whether or not an agricultural activity is exempt under Section 373.406(2), F.S. The Department’s opinion will ultimately affect whether or not agricultural operations that have a valid dispute need to obtain an Environmental Resource Permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 373.407, 570.02(23) FS.

LAW IMPLEMENTED: 373.406(2), 373.407 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301 (850)617-1700 or Fax (850)617-1701