

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047 **RULE TITLE:** State Building Code Adopted

PURPOSE AND EFFECT: Consideration of the 2007 edition of the Florida Building Code including Technical Advisory Committee recommendations concerning proposed modifications and amendments; local amendments; declaratory statements and interpretations; and integration of updated foundation codes.

SUBJECT AREA TO BE ADDRESSED: The Florida Building Code.

SPECIFIC AUTHORITY: 553.73(1), (2), (7) FS.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9) FS.

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

DATE AND TIME: June 27, 2007, 8:30 a.m. or as soon thereafter as the matter comes before the Commission pursuant to its agenda. Please refer to Florida Building Commission website at www.floridabuilding.org for meeting agenda with order of issues to be considered and additional materials.

PLACE: 6842 Main Street, Miami Lakes, Florida 33314
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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.0472 **RULE TITLE:** Carbon Monoxide Detection

PURPOSE AND EFFECT: To provide requirements for carbon monoxide detectors in certain buildings for which application is made for the initial building permit after July 1, 2008.

SUBJECT AREA TO BE ADDRESSED: Requirements for Carbon Monoxide Detection in buildings.

SPECIFIC AUTHORITY: 553.885(2) FS., as created by CS for CS for Senate Bill 1822, First Enrolled (2007).

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.885(2) FS., as created by CS for CS for Senate Bill 1822, First Enrolled (2007).

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

DATE AND TIME: June 27, 2007, 8:30 a.m. or as soon thereafter as the matter comes before the Commission pursuant to its agenda. Please refer to Florida Building Commission website at www.floridabuilding.org for meeting agenda with order of issues to be considered and additional materials.

THIS WORKSHOP IS CONTINGENT UPON THE SUBJECT LEGISLATION BECOMING LAW IN ADVANCE OF THE WORKSHOP DATE.

PLACE: 6842 Main Street, Miami Lakes, Florida 33314
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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.0475 **RULE TITLE:** Mitigation Retrofits Required

PURPOSE AND EFFECT: Identify and develop cost effective means to incorporate mitigation related elements in existing buildings that are subject to permitted work.

SUBJECT AREA TO BE ADDRESSED: Requirements for integration of mitigation elements in existing buildings when subject to permitted work.

SPECIFIC AUTHORITY: 553.844(3) FS., as created by CS for House Bill 7057, First Enrolled (2007).

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.844(3) FS., as created by CS for House Bill 7057, First Enrolled (2007).

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

DATE AND TIME: June 27, 2007, 8:30 a.m. or as soon thereafter as the matter comes before the Commission pursuant to its agenda. Please refer to Florida Building Commission website at www.floridabuilding.org for meeting agenda with order of issues to be considered and additional materials.

THIS WORKSHOP IS CONTINGENT UPON THE SUBJECT LEGISLATION BEING EXECUTED BY THE GOVERNOR IN ADVANCE OF THE WORKSHOP DATE.

PLACE: 6842 Main Street, Miami Lakes, Florida 33314

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.0477 RULE TITLE: Electrical Bonding of Pools

PURPOSE AND EFFECT: To consider, identify and adopt an alternative means for electrical bonding of swimming pools than that provided in the 2005 edition of the National Electrical Code.

SUBJECT AREA TO BE ADDRESSED: Requirements for electrical bonding of new swimming pools constructed in the State of Florida.

SPECIFIC AUTHORITY: s. 1, CS for CS for Senate Bill 2836, First Enrolled (2007).

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9) FS., s. 1, CS for CS for Senate Bill 2836, First Enrolled (2007).

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

DATE AND TIME: June 27, 2007, 8:30 a.m. or as soon thereafter as the matter comes before the Commission pursuant to its agenda. Please refer to Florida Building Commission website at www.floridabuilding.org for meeting agenda with order of issues to be considered and additional materials.

THIS WORKSHOP IS CONTINGENT UPON THE SUBJECT LEGISLATION BEING EXECUTED BY THE GOVERNOR IN ADVANCE OF THE WORKSHOP DATE.

PLACE: 6842 Main Street, Miami Lakes, Florida 33314

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

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|------------|------------------------------|
| RULE NOS.: | RULE TITLES: |
| 9B-74.010 | Definitions |
| 9B-74.020 | Administration and Fees |
| 9B-74.030 | Plans Review and Approval |
| 9B-74.040 | Applicable Standards |
| 9B-74.050 | Challenges to Plans Approval |

PURPOSE AND EFFECT: To consider amendment of rule to accommodate new contractor if one is available, and to repeal the rule in the event a contractor is not selected.

SUBJECT AREA TO BE ADDRESSED: Prototype plan approval.

SPECIFIC AUTHORITY: 553.77(5) FS.

LAW IMPLEMENTED: 553.77(5) FS.

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

DATE AND TIME: June 26, 2007, 3:30 p.m. or as soon thereafter as the matter comes before the Commission pursuant to its agenda. Please refer to Florida Building Commission website at www.floridabuilding.org for meeting agenda with order of issues to be considered and additional materials.

PLACE: 6842 Main Street, Miami Lakes, Florida 33314

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.019 RULE TITLE: Inmate Grievances – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC6-236, Inmate Request, to include a check box for requests to Mental Health.

SUBJECT AREA TO BE ADDRESSED: Inmate grievance forms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway or Perri K. Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 2-9-05;

(2) Form DC6-236, Inmate Request, effective _____ 8-1-00.

(3) Form DC1-306, Grievance Approval Action Form, effective 8-1-00.

(4) Form DC2-901, Training Attendance Report, effective 12-17-06.

(5) Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, effective 10-11-00.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.085 RULE TITLE: Early Intervention Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007. The handbook revisions include updated policies and procedures. The effect will be to incorporate by reference in the rule the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007.

SUBJECT AREA TO BE ADDRESSED: Early Intervention Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

DATE AND TIME: Monday, June 25, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Blvd., Bldg. 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samantha Delloso, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7316

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.085 Early Intervention Services.

(1) No change.

(2) All Early Intervention Services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007 ~~October 2003, updated July 2005~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on

Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent Provider Inquiry at (800)377-8216.

(3) The following form that is included in the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook is incorporated by reference: Early Intervention Services Request to Exceed Medicaid Limitations Form, AHCA Med Serv Form 019, August 2007, four pages, Appendix B. The form is available by photocopying it from the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History--New 2-1-94, Amended 4-30-00, 8-9-04, 5-22-06, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

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|------------|---------------------------|
| RULE NOS.: | RULE TITLES: |
| 60L-35.001 | Scope and Purpose |
| 60L-35.002 | Definitions |
| 60L-35.003 | Minimum Requirements |
| 60L-35.004 | Career Service |
| 60L-35.005 | Selected Exempt Service |
| 60L-35.006 | Senior Management Service |

PURPOSE AND EFFECT: To establish minimum requirements and procedures for evaluating performance of Career Service, Selected Exempt Service and Senior Management Service employees pursuant to Sections 110.224, 110.403 and 110.605, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the performance evaluation policies and procedures for employees in the Career Service, Selected Exempt Service and Senior Management Service.

SPECIFIC AUTHORITY: 110.1055, 110.224(3), 110.403(1), 110.605(3) FS.

LAW IMPLEMENTED: 110.1055, 110.224, 110.403(1)(b), 110.605(1)(b) FS.

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: Kimberly Kemp at (850)488-8176. 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: Sharon D. Larson, Director of Human Resource Management, 4050 Esplanade Way, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60L-35.001 Scope and Purpose.

This chapter sets forth the rules governing the Performance Management System, which is the basis for reviewing and evaluating the job performance of employees in the state's Career Service, Selected Exempt Service, and Senior Management Service. The Performance Management System enables employees to receive feedback concerning performance of assigned duties and responsibilities. It informs them of their strengths and areas of needed improvement in job performance, identifies current and future training needs, and provides documentation for awarding discretionary merit increases, and lump sum bonuses in accordance with Section 110.1245(2), Florida Statutes.

Specific Authority 110.1055, 110.224(3), 110.403, 110.605 FS. Law Implemented 110.1245(2)(b)5, 110.224 FS. History--New _____.

60L-35.002 Definitions.

For the purpose of administering this chapter, the following definitions shall apply:

(1) Agency Designated Evaluation Date – The date selected by an agency which begins the 60-day period within which all annual evaluations shall be conducted.

(2) Evaluation Period – The period of time covered by the performance plan, not to exceed one year.

(3) Overall Rating – The average of the individual ratings for each performance expectation reviewed that shall indicate the employee's level of performance for the evaluation period. In calculating this average, all digits four or more places to the right of the decimal shall be dropped.

(4) Performance Evaluation – An oral and written assessment of an employee's performance of assigned duties and responsibilities as reflected in the employee's performance expectations and documented on a performance evaluation form.

(5) Performance Expectation – A statement that describes satisfactory performance of a specific duty or responsibility as listed in the position description and the core missions of the agency.

(6) Performance Plan – An oral and written notification prepared by the rater in conjunction with the employee that identifies the performance expectations by which the employee will be evaluated at the end of the designated evaluation period.

(7) Rater – The employee's current immediate supervisor or a designated managerial employee who has knowledge of the employee's duties, responsibilities and job performance.

Specific Authority 110.1055, 110.224(3) FS. Law Implemented 110.1245(2)(b)5, 110.224 FS. History--New _____.

60L-35.003 Minimum Requirements.

(1) The rater shall conduct a performance planning session with the employee to identify the performance expectations by which an employee shall be evaluated and to review the

performance expectations and rating scale. The rater shall also provide an opportunity for employee feedback regarding what is expected in the position. A performance plan shall be signed by the rater and the employee, indicating that the performance expectations have been discussed. A copy of the signed performance plan shall be made available to the employee. In the event an employee refuses to sign the performance plan, the rater shall make a signed and dated notation on the plan that the employee refused to sign.

(2) The rater shall manage performance by:

(a) Conducting written and oral performance evaluations of his/her employees at least annually. Such evaluations must be completed within sixty (60) calendar days following the agency designated evaluation date.

(b) Providing employees with coaching and meaningful feedback regarding job performance throughout the evaluation period.

(c) Informing the employee orally and in writing, of performance deficiencies or areas where improvement is needed.

(3) At a minimum, a written performance evaluation shall include:

(a) A rating of the employee’s job performance during the evaluation period for each performance expectation identified in the performance plan. The performance expectations shall be measured using the following scale:

| PERFORMANCE MANAGEMENT SYSTEM RATING SCALE | | |
|--|---------------|--|
| RATING | NUMERIC SCALE | DEFINITION AND EXAMPLES |
| Exceptional | 5 | Employee consistently exceeds the performance expectation(s) of the position. For example: The employee requires little or no supervision from management in accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses highly advanced job knowledge. The employee is relied upon to solve complex problems and applies creativity and innovative approaches in formulating solutions. |
| Above Expectations | 4 | Employee consistently meets and often exceeds the performance expectation(s) of the position. For example: The employee requires minimal supervision from management in accomplishing his/her tasks. The employee possesses a thorough knowledge of the job, and often solves or assists in solving complex problems. |
| Meets Expectations | 3 | Employee consistently meets and may occasionally exceed the performance expectation(s) of the position. For example: The employee requires moderate supervision from management in accomplishing his/her tasks. The employee possesses sufficient knowledge and/or initiative to execute his/her duties and responsibilities. |
| Below Expectations | 2 | Employee exhibits inconsistent job performance, but has the capacity to improve to meet the performance expectation(s) of the position. For example: At times the employee requires close supervision where he/she should be operating on his/her own. The employee sometimes lacks the initiative, and/or job knowledge to execute his/her duties and responsibilities. |
| Unacceptable | 1 | Employee consistently fails to meet the designated performance expectation(s). For example: the employee requires close supervision and his/her work requires continual correction. The employee’s job knowledge is insufficient to meet daily requirements. |
| N | None given | No longer applicable or unable to determine. |

(b) Comments relating to the employee’s job performance for each performance expectation rating of “Exceptional” and “Above Expectations”.

(c) Comments relating to the employee’s job performance for each performance expectation rating of “Below Expectations” and “Unacceptable”, as well as prescribed developmental activities and corrective action(s) for areas where improvement is required.

(d) An overall rating of the employee’s job performance during the evaluation period.

(e) At the agency’s discretion, performance plans and evaluations may be reviewed by a higher level authority. Completed performance plans and evaluations shall not be changed by a higher level authority.

(4) Employees with an overall rating of either “Below Expectations” or “Unacceptable” shall be considered to have not met their performance expectations for the position during that evaluation period.

(5) Employees who do not receive a performance evaluation within sixty (60) calendar days following the agency designated evaluation date shall be considered to have met their performance expectations as documented on their performance plan, and will receive a rating of "Meets Expectations" for each performance expectation and for the overall rating.

(6) A description of training and educational opportunities for the employee may be included as part of the performance planning/evaluation process. Training opportunities may include those available under Sections 110.1099 and 110.235, F.S.

(7) The performance evaluation shall be signed by the rater and the employee. The signature of the employee shall indicate only that the employee's job performance has been discussed with the employee and does not imply that the employee agrees or disagrees with the rater's assessment of his/her performance. The employee may attach written comments to the performance evaluation form in response to the evaluation. In the event an employee refuses to sign the performance evaluation, the rater shall make a signed and dated notation on the evaluation that the employee refused to sign.

(8) A performance evaluation is considered to be complete when it has been discussed with the employee and the employee has signed or refused to sign the evaluation. The evaluation shall then be included in the employee's personnel file, and a copy shall be made available to the employee.

(9) Agencies may develop additional internal performance evaluation policies that comply with this performance management rule. These policies may include:

(a) Provisions for conducting performance evaluations more frequently than designated in the rule.

(b) Instructions regarding when supervisors should take documented corrective action needed to improve an employee's performance level, and when to take further action in accordance with Rule 60L-36.005, F.A.C.

(10) An agency may use forms developed by the Department of Management Services or forms developed by their agency to evaluate and document their employee's performance.

Specific Authority 110.1055, 110.224(3) FS. Law Implemented 110.1245(2)(b), 110.224 FS. History--New _____.

60L-35.004 Career Service.

(1) Agencies shall comply with this performance management rule when reviewing and evaluating the performance of Career Service employees.

(2) Upon original appointment, promotion, demotion, or reassignment to a position with different job duties or responsibilities, and at the beginning of each evaluation period, the rater shall conduct a performance planning session with the employee.

(3) Career Service employees in probationary status shall have a performance evaluation completed within thirty (30) calendar days prior to the end of the probationary period provided that, if the probationary period is extended pursuant to agency policy, the extension shall be noted on the evaluation form and the employee shall have another performance evaluation completed within thirty (30) calendar days prior to the end of the extended probationary period.

Specific Authority 110.1055, 110.224(3) FS. Law Implemented 110.1245(2)(b), 110.224 FS. History--New _____.

60L-35.005 Selected Exempt Service.

(1) Agencies shall comply with this performance management rule when reviewing and evaluating the performance of Selected Exempt Service employees covered by collective bargaining agreements.

(a) Upon original appointment and at the beginning of each evaluation period, the rater shall conduct a performance planning session with the employee.

(b) Agencies may also incorporate any elements that the agency head deems appropriate for evaluating performance in relationship to the requirements of the position filled by the employee, so long as such elements do not conflict with this rule.

(2) Agencies shall develop their own respective performance management system for reviewing and evaluating the performance of all other Selected Exempt Service employees. Such agency performance management system shall incorporate performance expectations that, at a minimum, address the following:

(a) The efficiency, productivity and effectiveness of the individual employee; and

(b) The efficiency, productivity and effectiveness of the organizational unit(s) under the employee's direction, if applicable.

(3) An agency head may propose for Department approval an alternative performance management system for Selected Exempt Service employees. Provided, however, that performance plans developed for Selected Exempt Service employees who are covered by a collective bargaining agreement shall incorporate performance expectations that, at a minimum, address the following:

(a) The efficiency, productivity and effectiveness of the individual employee; and

(b) The efficiency, productivity and effectiveness of the organizational unit(s) under the employee's direction if applicable.

Specific Authority 110.1055, 110.605 FS. Law Implemented 110.1245(2)(b), 110.605 FS. History--New _____.

60L-35.006 Senior Management Service.

(1) Agencies shall comply with this performance management rule when reviewing and evaluating the performance of Senior Management Service employees.

(a) Upon original appointment and at the beginning of each evaluation period, the rater shall conduct a performance planning session with the employee.

(b) The performance plan of Senior Management Service employees shall incorporate performance expectations that, at a minimum, address the following:

1. The efficiency, productivity and effectiveness of the individual employee; and

2. The efficiency, productivity and effectiveness of the organizational unit(s) under the employee’s direction.

(c) Agencies may also incorporate any elements that the agency head deems appropriate for evaluating performance in relationship to the requirements of the position filled by the employee, so long as such elements do not conflict with this rule.

(2) An agency head may propose for Department approval an alternative performance management system for Senior Management Service employees. Such agency systems shall incorporate, at a minimum, performance expectations that address the following:

(a) The efficiency, productivity and effectiveness of the individual employee; and

(b) The efficiency, productivity and effectiveness of the organizational unit(s) under the employee’s direction.

Specific Authority 110.1055, 110.1099(5), 110.201, 110.224(3), 110.403, 110.605 FS. Law Implemented 110.1245(2)(b)5., 110.224, 110.227 FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:

61G1-11.013 Definitions

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

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

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| RULE NO.: | RULE TITLE: |
| 64B8-56.002 | Equipment and Devices; Protocols for Laser and Light-Based Devices |

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the time when laser and light-based training may be taken.

SUBJECT AREA TO BE ADDRESSED: Laser and Light-Based training.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Electrolysis Council/MQA, 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 Pharmacy

| | |
|--------------|---|
| RULE NO.: | RULE TITLE: |
| 64B16-28.120 | All Permits – Storage of Legend Drugs; Prepackaging |

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language concerning accessibility of stored medicinal drugs and propriety preparations.

SUBJECT AREA TO BE ADDRESSED: Storage of medicinal drugs and propriety preparations.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.
 LAW IMPLEMENTED: 465.022, 465.003(7), 465.019(2) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.120 All Permits – Storage of Legend Drugs; Prepackaging.

(1) All medicinal drugs or drug preparations as defined by Section 465.003(8), F.S., shall be stored:

(a) Within the confines of the prescription department of a community pharmacy permittee as defined in Section 465.018, F.S.

(b) In a Class II Institutional pharmacy as defined by Section 465.019(2)(b), (c), F.S., within the confines of the pharmacy provided, however, that those medicinal drugs established by the consultant pharmacist as supportive to treatment procedures such as medical drugs, surgical, obstetrical, diagnostic, etc., may be permitted to be stored in those areas where such treatment is conducted consistent with proper control procedures as provided by the policy and procedure manual of the pharmacy.

(2) All medicinal drugs or drug preparations as defined in Section 465.003(8), F.S., within Class I Institutional permittees as defined in Section 465.019(2)(a), F.S., and Special ALF Permit Rule 64B16-28.870, F.A.C., shall:

(a) Be administered from individual prescription containers to the individual patient; and

(b) Be prohibited within the confines of Class I Institutional pharmacies unless obtained upon a proper prescription and properly labeled in accordance with Chapter 499, F.S., and the rules and regulations contained in Chapter 59A-4, F.A.C., incorporated by reference and effective August 1, 2006, pertaining to the licensure of nursing homes and related facilities.

(3) Prepackaging of medication, whether a part of a unit dose system or a part of a multiple dose drug distribution system in an extended care facility or hospital holding a valid Class II Institutional pharmacy permit, must be done in accordance with procedures set up by the consultant pharmacist in the policy and procedure manual; and in the case of a pharmacy holding a valid community pharmacy permit must be done in accordance with procedures set up by the prescription department manager.

(4) Medicinal drugs and proprietary preparations as identified above that are stored in treatment areas must be accessible only to licensed staff (pharmacists, nurses, physicians, Advanced Registered Nurse Practitioner’s, physician assistants, respiratory and physical therapists, radiology technicians and pharmacy technicians, etc.) in accordance with their license and or practice act.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.003(7), 465.019(2) FS. History–New 9-18-84, Formerly 21S-1.44, 21S-1.044, Amended 7-31-91, Formerly 21S-28.120, 61F10-28.120, 59X-28.120, Amended 2-8-07, _____.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE NO.: 20-3.002
 RULE TITLE: Processed Citrus Product Report
 PURPOSE AND EFFECT: Amendments clarifying the categories of citrus fruit dealers required to report and clarifying the information required to be reported.
 SUMMARY: Clarifying the categories of citrus fruit dealers required to report and clarifying the information required to be reported.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 601.10(1), (8), 601.15(2), (4), (10), 601.69, 601.701 FS.

LAW IMPLEMENTED: 601.10(8), 601.15(4), 601.69 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 18, 2007, 10:30 a.m.

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148