

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF STATE****Division of Historical Resources**

RULE NOS.:	RULE TITLES:
1A-39.001	Division of Historical Resources Grant Programs
1A-39.002	Definitions
1A-39.003	Grant Funding
1A-39.004	Grant Programs
1A-39.005	Non-Allowable Costs
1A-39.006	Match Contributions
1A-39.007	Application Procedures
1A-39.008	Application Review
1A-39.009	Grant Award Agreement
1A-39.010	Reporting Requirements
1A-39.011	Restrictive Covenant
1A-39.012	Preservation Agreement

PURPOSE AND EFFECT: The purpose of the rule is to establish administrative procedures for Division of Historical Resources historic preservation grant programs conducted pursuant to Section 267.0617, F.S., and shall apply to all applications received for grant assistance and all grant awards made following the date of adoption.

SUBJECT AREA TO BE ADDRESSED: This rule will provide guidance and information regarding the Historic Preservation Small Matching and Special Category Grant programs administered by the Division, including: explanation of the federal and state sources of grant funding, descriptions of the two grant programs and their respective grant categories, identification of non-allowable grant expenditures, explanation of required match contributions (including Rural Economic Development waivers and reductions), description of application submission and review procedures and key provisions of the Historic Preservation Grant Award Agreement that establishes the administrative procedures governing grants, explanation of Grantee reporting requirements (expenditure documentation, project progress reporting, photographic documentation and compliance with the Florida Single Audit Act), and the restrictive covenants and preservation agreement required as a condition of receipt of grant funds.

RULEMAKING AUTHORITY: 267.031(1) FS.

LAW IMPLEMENTED: 267.0617(2) FS.

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

DATE AND TIME: Friday, May 8, 2009, 10:00 a.m.

PLACE: Room 307, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250

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: Lynnsey Weissenberger; (850)245-6451 or 1(800)847-PAST. 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: David Ferro; (850)245-6363 or 1(800)847-PAST

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

DEPARTMENT OF LEGAL AFFAIRS**Division of Victim Services and Criminal Justice Programs**

RULE NOS.:	RULE TITLES:
2A-5.005	Minimum Safety Standards for Convenience Businesses
2A-5.011	Enforcement

PURPOSE AND EFFECT: The Division proposes the development of rule amendments to address rule language which is out of date with regard to changes in the industry.

SUBJECT AREA TO BE ADDRESSED: Amendments to convenience business rules.

RULEMAKING AUTHORITY: 812.176 FS.

LAW IMPLEMENTED: 120.57, 812.173 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

DEPARTMENT OF LEGAL AFFAIRS**Division of Victim Services and Criminal Justice Programs**

RULE NO.:	RULE TITLE:
2A-8.005	Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent change in the Consumer Price Index.

SUBJECT AREA TO BE ADDRESSED: Benefits to be paid beginning July 1, 2009.

RULEMAKING AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability

PURPOSE AND EFFECT: The purpose of the rule development is to amend the sections of rule pertaining to the calculation of school grades.

SUBJECT AREA TO BE ADDRESSED: School Grades.

RULEMAKING AUTHORITY: 1008.34(8) FS.

LAW IMPLEMENTED: 1008.34 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:

DATES AND TIMES: May 11, 2009, 9:00 a.m. – 12:00 p.m.; May 12, 2009, 9:00 a.m. – 12:00 p.m.; May 15, 2009, 9:00 a.m. – 12:00 p.m.

PLACE: May 11, 2009, The School District of Palm Beach County, Fulton-Holland Educational Services Center, 3300 Forest Hill Boulevard, Thurber B Conference Room, West Palm Beach, Florida 33406; May 12, 2009, The Educational Leadership Center for Orange County Public Schools, 445 West Amelia Street, Orlando, Florida 32801; May 15, 2009, Knott Building, 400 South Monroe Street, Room 412, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juan Copa, Chief, Bureau of Research and Evaluation, 325 West Gaines Street, Room 844, Tallahassee, Florida 32399-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; (850)245-9661 or e-mail lynn.abbott@fldoe.org or <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NOS.: RULE TITLES:

12E-1.0052	Unidentifiable Collections
12E-1.014	Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full Collection Services

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12E-1.014, F.A.C., is to reflect the change in 42 USC Section 664(c) which now allows the certification of past-due amounts for Internal Revenue Service Tax Refund Offset in non-public assistance cases where the child has emancipated. The amendment also changes the certification threshold for passport denial from \$5000 to amounts over \$2500 as allowed by Section 409.2564(10), F.S., as amended July 1, 2007. Other amendments provide new exception criteria for restoring passport privileges to an obligor who owes more than \$2500. The effect of the proposed rule is to inform the public the Department will certify past-due amounts for non-public assistance cases for a child for Internal Revenue Service Tax Refund Offset, even if the child has emancipated. The rule also informs the public that the certification threshold for past-due support for passport denial has changed from \$5000, to past-due support of more the \$2500. Finally, the rule informs the public the Department may consider exceptions to restoring an obligor's passport even if the obligor was not certified in error and has not paid the past-due support balance amount below \$2500. The purpose of creating proposed Rule 12E-1.0052, F.A.C., is to provide guidance to the public about the Department's procedures for resolving unidentifiable Title IV-D support payments received by the State Disbursement Unit. The proposed rule also provides information to the public about how to reclaim unidentifiable collections. The effect of the proposed rule is to provide: (1) information on identifying support payments that could not be processed because there was not enough information to identify who the payment was for; (2) information on how a noncustodial parent may seek the return of a payment which was never processed; and (3) guidance on how the Department will process payment return requests.

SUBJECT AREA TO BE ADDRESSED: Rule 12E-1.014, F.A.C.: The subject of this workshop is: (1) the certification threshold amount for passport denial; (2) the certification of past-due support amounts for Internal Revenue Service Tax Refund Offset; and (3) the exception criteria for restoring passport privileges. Rule 12E-1.0052, F.A.C.: The subject of this workshop is: (1) to develop procedures for determining a

collection to be unidentifiable; and (2) to provide a method of retrieving unidentifiable collections when the collection becomes identified.

RULEMAKING AUTHORITY: 409.2557(3)(i), 409.2557(3)(j), 409.2558(4), 409.2558(9) FS.

LAW IMPLEMENTED: 61.17, 409.2558(3), 409.2558(4), 409.2564 FS.

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

DATE AND TIME: May 11, 2009, 1:00 p.m.

PLACE: Room 301, 4070 Esplanade Way, 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: For information concerning the proposed changes to Rule 12E-1.014, F.A.C., contact Steve Robinson, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030; telephone (850)922-9716; e-mail robinsos@dor.state.fl.us, and for information concerning proposed new Rule 12E-1.0052, F.A.C., contact Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030; telephone (850)922-9558; e-mail scruggsp@dor.state.fl.us. The draft rules are published on the department's Internet site at myflorida.com/dor/rules

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-7.002 RULE TITLE: Investment Policy Guidelines

PURPOSE AND EFFECT: To adopt the revised Investment Policy Guidelines approved by the Trustees effective July 1, 2008, reflecting the addition of information as to investment strategies, risks, and other changes.

SUBJECT AREA TO BE ADDRESSED: Investment Policy Guidelines for the Local Government Surplus Funds Trust Fund.

RULEMAKING AUTHORITY: 218.412 FS.

LAW IMPLEMENTED: 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17) 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, May 11, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1197; tina.joanos@sbafla.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: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1182; ruth.smith@sbafla.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19-7.002 Investment Policy Guidelines.

The Local Government Investment Pool (Non-Qualified) Investment Policy Guidelines, as approved by the Trustees of the State Board of Administration and made effective July 1, 2008, are hereby adopted and incorporated by reference. The Investment Policy Guidelines may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308; Attn.: Local Government Investment Pool Program, or by accessing the sbafla.com website, clicking on Local Government Investment Pool under the Related Websites section and then clicking on Investment Policy Guidelines under the Documents section.

Rulemaking Authority 218.412 FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), 218.409(9), 218.415(17) FS. History—New

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE NO.: 40D-1.139
RULE TITLE: Americans With Disabilities Act and Discrimination in Federally Funded Programs Public Grievance Procedures

PURPOSE AND EFFECT: To amend Rule 40D-1.139, F.A.C., to rename it and merge the requirements of the two incorporated public grievance procedures into one entitled, Public Grievance Procedure: Americans With Disabilities Act and Discrimination in District Programs and Activities. Currently the District has a procedure to satisfy the requirements for a public grievance process under the Americans with Disabilities Act (ADA) and another for the Rehabilitation Act of 1973. The new procedure will combine the two procedures, designate an ADA Compliance Coordinator and provide updated contact, address and email information to provide prompt and equitable resolution of grievances alleging that the District has violated any provision of the referenced federal regulations.

SUBJECT AREA TO BE ADDRESSED: Agency Procedures.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 286.26, 373.083, FS., 28 C.F.R. §§35.106 and 35.107

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: Lori Tetreault, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899; (352)796-7211, extension 4659

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

DEPARTMENT OF MANAGEMENT SERVICES**Agency for Workforce Innovation**

RULE NO.: 60BB-8.205
RULE TITLE: Advance Payment and Reconciliation for the Voluntary Prekindergarten Education Program

PURPOSE AND EFFECT: The purpose of the proposed rule development is to implement the authority of the Agency for Workforce Innovation to adopt a rule related to advance payment of early learning coalitions and Voluntary Prekindergarten Education (VPK) providers in conformance with recently revised legislation.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed by the proposed rule include the process by which coalitions will receive advance payments and by which VPK providers may receive an advance payment for each VPK class.

RULEMAKING AUTHORITY: 1002.75(2)(h), 1002.75(4), 1002.79(2) FS.

LAW IMPLEMENTED: 1002.71(5)(b), 1002.75(2)(h), 1002.75(4) FS.

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

DATE AND TIME: May 8, 2009, 1:30 p.m. – 3:00 p.m. or until conclusion of business

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Tallahassee, Florida 32399-4128

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: available online at <http://www.florida.jobs.org/earlylearning/index.html> or from the contact person listed above.

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.: 64B8-8.011
RULE TITLE: Notice of Noncompliance

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address initial offenses of minor violations which are appropriate for the issuance of a notice of noncompliance.

SUBJECT AREA TO BE ADDRESSED: Notices of Noncompliance.

RULEMAKING AUTHORITY: 456.073(3), 458.309 FS.

LAW IMPLEMENTED: 456.0575, 456.073(3) 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 Medicine

RULE NO.:	RULE TITLE:
64B8-30.005	Physician Assistant Licensure Renewal and Reactivation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address requirements and credit for continuing medical education (CME) with regard to physician assistants.

SUBJECT AREA TO BE ADDRESSED: Requirements for continuing medical education.

RULEMAKING AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 456.036, 458.347 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 Medicine

RULE NO.:	RULE TITLE:
64B8-30.013	Notice of Noncompliance

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address minor violations which are appropriate for issuance of notices of noncompliance.

SUBJECT AREA TO BE ADDRESSED: Violations which are appropriate for notices of noncompliance.

RULEMAKING AUTHORITY: 456.073(3), 458.309, 458.347(7)(e), (g), (12) FS.

LAW IMPLEMENTED: 456.073(3), 458.331, 458.347(7)(g), (12) 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 Osteopathic Medicine

RULE NO.:	RULE TITLE:
64B15-6.0035	Physician Assistant Licensure Renewal and Reactivation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address credit for continuing medical education (CME) with regard to physician assistants.

SUBJECT AREA TO BE ADDRESSED: Credit for continuing medical education.

RULEMAKING AUTHORITY: 456.013, 456.033(1), 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 459.022(7)(b), (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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.:	RULE TITLE:
64B15-6.0105	Notice of Noncompliance

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address minor violations which are appropriate for issuance of notices of noncompliance.

SUBJECT AREA TO BE ADDRESSED: Violations which are appropriate for notices of noncompliance.

RULEMAKING AUTHORITY: 456.073(3), 459.005, 459.022(7)(f), (12) FS.

LAW IMPLEMENTED: 456.073(3), 458.347(7)(f), (12), 459.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:

64B32-2.001 License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to: add the rule number to the form as required by Section 120.55(1)(a)4., F.S.; provide that the Licensure Verification Form be submitted to both state and countries where the applicant has held a "license" to practice respiratory care; to delete from the form the question "Is there any derogatory information?" and replacing it with "Has any other action been taken against this applicant?" on the application.

SUBJECT AREA TO BE ADDRESSED: License by Endorsement.

RULEMAKING AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2),(3), 468.365 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:

64B32-2.001 License by Endorsement.

(1) Applicants for licensure as a Registered Respiratory Therapist or Certified Respiratory Therapist in the State of Florida shall apply on Form DH-MQA 1145, Application by

Endorsement, Revised 1/09, incorporated herein as this Board's application form and available from the Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN CO5, Tallahassee, FL 32399-3255 or on the web at <http://www.doh.state.fl.us/mqa/respiratory/index.html>. A properly completed application must be submitted with the appropriate fee as set forth in Rule 64B32-2.003, F.A.C.

(2) No change.

(3)(a) through (c) No change.

(d) An applicant who has ~~been out of the~~ not practiced of respiratory care for 2 years or more must complete a Board-approved comprehensive review course or be recredentialed in the level in which he or she is applying to practice in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) hours in the topics and numbers of hours as follows:

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary Function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway Care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

Rulemaking Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History--New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05, 6-12-07, 5-15-08,

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to approve for continuing education credit FEMA courses that meet the requirements set forth in paragraph 64B32-6.004(3)(b), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Continuing education credit requirements.

RULEMAKING AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-15.002	Sites – Mobile Home, Lodging, and Recreational Vehicle Parks
64E-15.003	Water Supply
64E-15.004	Sewage Disposal
64E-15.006	Plumbing
64E-15.007	Garbage and Refuse Disposal
64E-15.009	Recreational Camp Standards

PURPOSE AND EFFECT: Develop rules to bring incorporated references current; incorporate necessary modifications to avert waterborne pathogen transmission; and remove certain language to eliminate the need for variances being filed by the regulated community.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: water supply, sewage disposal, plumbing, garbage and refuse disposal, and electrical wiring in recreational camps.

RULEMAKING AUTHORITY: 381.0011(4), 381.006(14), 513.05 FS.

LAW IMPLEMENTED: 513.05 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: David B. Wolfe, Department of Health, Bureau of Community Environmental Health Programs, HSEC, 4052 Bald Cypress Way, Bin # A08, Tallahassee, FL 32399-1710

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.:	RULE TITLE:
64F-1.0015	Materials Incorporated by Reference

PURPOSE AND EFFECT: This rule adopts and incorporates by reference federal regulations governing the Special Supplemental Food Program for Women, Infants and Children.

SUBJECT AREA TO BE ADDRESSED: The Food Program for Women, Infants and Children.

RULEMAKING AUTHORITY: 383.011(2)(b), 120.54(6) FS.

LAW IMPLEMENTED: 383.011(2)(b) 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: Earl B. ("Brad") Christy, Jr., Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, FL 32399-1703; telephone (850)245-4005

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-1.0015 Materials Incorporated by Reference.

Title 7 Code of Federal Regulations Part 246 and Title 7 Code of Federal Regulations Parts 3015 and 3016, as published in the January ~~2007~~ 2008 edition of the Code of Federal Regulations are hereby adopted and incorporated by reference. A copy of these portions of the federal regulations can be located at <http://www.gpoaccess.gov/cfr/index.html> or can be obtained from the Department of Health, Bureau of WIC and Nutrition Services, 4052 Bald Cypress Way, Bin #A-16, Tallahassee, Florida 32399-1726.

Rulemaking Specific Authority 383.011(2)(b), 120.54(6) FS. Law Implemented 383.011(2)(b) FS. History--New 12-6-07, Amended

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.:	RULE TITLE:
64F-17.001	Materials Incorporated by Reference

PURPOSE AND EFFECT: Rule Chapter 64F-17, F.A.C., will be revised and amended to adopt new and revised manuals by reference, to update, clarify and expand existing rules that will assure the efficient administration of the Child Care Food Program while promoting program integrity and the quality of food and service provided to children.

SUBJECT AREA TO BE ADDRESSED: The Child Care Food Program.

RULEMAKING AUTHORITY: 383.011 FS.

LAW IMPLEMENTED: 383.011 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: Earl B. ("Brad") Christy, Jr., Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, FL 32399-1703; telephone (850)245-4005

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-17.001 Materials Incorporated by Reference.

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, ~~2008~~ ~~2007~~, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published January 1, ~~2008~~ ~~2007~~, are incorporated by reference.

(2) The Department of Health's publications entitled "Procedure Manual for Sponsors of Unaffiliated Centers," dated August 1, 2006, the "Procedure Manual for Sponsors of Day Care Homes," dated April 1, 2007, and the "Procedure Manual for Sponsors of Affiliated Child Care Centers," dated September, 2007 are incorporated by reference.

(3) The Department of Health's publication entitled "Afterschool Snack Program Procedure Manual," dated February 2009 is incorporated by reference.

(4) The Department of Health's publication entitled "Procedure Manual for Independent Child Care Centers," dated July 2008 is incorporated by reference.

~~(5)(3)~~ Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to the Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Rulemaking Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History--New 7-22-99, Amended 2-20-04, 4-10-07, 12-6-07,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-4.209 Income

PURPOSE AND EFFECT: The proposed rule amendment amends policy to exclude Workforce Investment Act earned income for a child, amends language defining a child and removes the verification requirement for a sponsoring agency or organization. Included in this proposed rule amendment are some wording changes and technical changes of a non-substantive nature improving the overall content of the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment amends and clarifies income requirements and policy for the Temporary Cash Assistance Program.

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.095 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:

TIME AND DATE: May 11, 2009, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room, 455 Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700; (850)410-3291

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-6.0011	Possession of Wildlife in Captivity; Permit Requirements
68A-6.002	Categories of Captive Wildlife
68A-6.0021	Possession or Transfer of Class I Wildlife as Personal Use Wildlife; Transfer of Wildlife
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.0023	General Regulations Governing Possession of Captive Wildlife
68A-6.0024	Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee
68A-6.0025	Captive Wildlife Sanctuaries; Retired Performing Wildlife Identification Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.003	Standard Caging Requirements for Captive Wildlife
68A-6.004	Exceptions to Standard Caging Requirements for Captive Wildlife
68A-6.0041	Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals
68A-6.005	Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern
68A-6.007	Record Keeping and Reporting Requirements
68A-6.0071	

PURPOSE AND EFFECT: The purpose and effect of this rule development is to address the possession, housing and transportation of captive wildlife. The proposed rules will clarify record keeping, documentation of experience, and housing requirements for the possession of captive wildlife. The proposed rules will address changes in classification of captive wildlife and public contact with captive wildlife. Additionally, the proposed new rule establishes requirements for the operation of captive wildlife sanctuaries.

SUBJECT AREA TO BE ADDRESSED: Subject areas to be covered in the proposed rules include possession, transportation and housing of captive wildlife; public contact with captive wildlife; and captive wildlife sanctuaries.

RULEMAKING 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: Captain Linda Harrison, Division of Law Enforcement, Investigations Section, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600; (850)488-6253

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.006

RULE TITLE: Wildlife Rehabilitation Permit

PURPOSE AND EFFECT: The purpose and effect of this rule development is to address the rehabilitation of injured, orphaned or otherwise impaired wildlife. The proposed rule will clarify the length of time wildlife may be possessed for rehabilitation purposes and final disposition of such wildlife. The rule will be considered together with proposed changes to Rule Chapter 68A-6, F.A.C., relating to wildlife in captivity.

SUBJECT AREA TO BE ADDRESSED: Subject area to be covered in the proposed rule includes the rehabilitation of native wildlife.

RULEMAKING 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: Captain Linda Harrison, Division of Law Enforcement, Investigations Section, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600; (850)488-6253

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:

RULE TITLES:

69O-149.003

Rate Filing Procedures

69O-149.005

Reasonableness of Benefits in Relation to Premiums

69O-149.007

Annual Rate Certification (ARC) Filing Procedures

PURPOSE AND EFFECT: To provide more pooling of cancer forms and to make a few clarifications to existing provisions.

SUBJECT AREA TO BE ADDRESSED: Florida law requires rates for health insurance to be reasonable in relation to the benefits. Section 627.410(6)(b), F.S., provides that the Commission may establish by rule procedures to be used in ascertaining the reasonableness of filed rates. These rules provide guidelines for insurers so they can be assured the rates they charge comply with this mandate. There are three amendments to the rules. The first, in Rule 69O-149.003, F.A.C., establishes rules for pooling of cancer claims. The second, in Rule 69O-149.005, F.A.C., prohibits an insurer knowingly pricing an individual rate to be charged to an insured to be excessive. The third tightens up the requirements for rate certifications, to make sure that when an insurer annually states its rates meet Florida law, that statement is true. The rule does this by setting forth the steps an insurer must take to rectify the problem if the Office determines a rate certification was inaccurate. Pursuant to the rule, knowingly filing a false rate certification constitutes an unfair and deceptive trade practice in violation of Section 626.9541(1)(e), F.S.

RULEMAKING AUTHORITY: 624.424, 627.410 FS.

LAW IMPLEMENTED: 627.9175 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: May 27, 2009, 9:30 a.m.

PLACE: 142 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: Gerry Smith, Office of Insurance Regulation, e-mail Gerry.Smith@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: Gerry Smith, Office of Insurance Regulation; e-mail Gerry.Smith@flor.com

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: This amendment limits each organization to one application per funding cycle, requires that grant applicants be funded in order of score, reduces the minimum qualifying score from 85 to 80 points, and incorporates the program guidelines and required grant forms.

SUMMARY: This amendment limits the number of applications an organization may submit, revises the grant funding method, and incorporates the program guidelines and required grant forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs associated with this amendment and it does not have an impact on small business. Any person who wishes to provide information regarding the statement of regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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.

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: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (6), 265.286(2)(b), (f), 265.286(5)(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.286(1), 265.286(5), 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.0656(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 18, 2009, 11:00 a.m.

PLACE: Room 307, 3rd Floor, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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: Morgan Lewis, Division of Cultural Affairs, (850)245-6470. 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 IS: Morgan Lewis, Division of Cultural Affairs; (850)245-6470

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (12) No change.

(13) Culture Builds Florida Grant Program (Notice: for complete program information and application instructions, see the Culture Builds Florida Program Guidelines and Instructions, and the following forms, all of which are required for administration of this program, hereby incorporated by reference and available on the Division's web site at www.florida-arts.org: Application (CA2E141, eff. _____); Grant Agreement (CA2E140, eff. _____); Grant Amendment Request Form (CA2E002, eff. _____); and State Grant Funds Expenditure Log (CA2E136, eff. _____)). This program supports projects, with grants up to \$25,000, that strengthen the role that arts and culture play in make connections between the arts and the key areas of the Division's Strategic Plan which are: ~~of~~ learning and wellness, strengthening the economy, leadership, and design and development.

(a) In addition to the basic eligibility requirements in subsection (5) of this rule, the following are required: (i) the proposed grant must either fund a new project ~~or initiative~~ in at least one of the four key areas above, or fund a new facet of an existing ~~project program~~ in at least one key area; (ii) only one organization may apply for those organizations working in partnership on one project; (iii) organizations may submit only one application each funding cycle; and ~~(iv)(iii)~~ the cash match