

SUBJECT AREA TO BE ADDRESSED: Immigration Bonds.
RULEMAKING AUTHORITY: 624.308(1), 648.26(1) FS.
LAW IMPLEMENTED: 648.24, 648.25(5), 648.279, 648.30 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: February 15, 2010, 2:00 p.m.
PLACE: Room 142, Larson Building, 200 E. 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: Richard Brinkley, (850)413-5654 or Richard.Brinkley@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Brinkley, Bureau of Investigations, Division of Agent and Agency Services, Room 412, Larson Building, Tallahassee, Florida 32399, (850)413-5654 <http://www.myfloridacfo.com/LegalServices/RuleHearing/>

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 TRANSPORTATION

RULE NO.: 14-15.0081
RULE TITLE: Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing changes in the Toll Facilities Description and Toll Rate Schedule. Video toll rates on the Florida Turnpike System will be established and cash toll will be discontinued. Cash payments will no longer be accepted at the tolling facilities on the Homestead Extension of Florida’s Turnpike (H.E.F.T.), including Miramar Toll Plaza, N.W. 27th Avenue, and County Line Road.

SUMMARY: Pursuant to Section 338.2216, F.S., Florida’s Turnpike Enterprise is implementing video tolling as an additional payment method in its toll collection operations. Video tolling customers, as defined in Rule 14-100.005, F.A.C., will be subject to the video toll rate. Video tolling will be known as “Toll-by-Plate” on the Turnpike System and the

video toll rate will be known as the “Toll-by-Plate” toll rate. The Toll-by-Plate program will allow infrequent users of the Turnpike to benefit from uninterrupted travel however, SunPass toll rates will remain the lowest toll rate option for Turnpike customers because of the lower cost of collection. The facilities affected by the Toll-by-Plate toll rate will be Florida’s Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida’s Turnpike (H.E.F.T.), Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, and the Florida’s Turnpike Enterprise segment of the Western Beltway, Part C. The effective date of the Toll-by-Plate toll rate will be the first day the facility is open to video toll traffic.

Approximately six months after the implementation of video tolling on the H.E.F.T., cash toll collection on the roadway will be discontinued. As a result, the cash toll rates on the H.E.F.T. including Miramar Toll Plaza, N.W. 27th Avenue, and County Line Road will no longer be effective as of the date the cash collection toll booths are closed for removal, currently scheduled to be in February of 2011. Cash payment for tolls will still be accepted off the roadway through various payment methods, including a new cash payment option available at participating retail stores across the State of Florida.

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

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

RULEMAKING AUTHORITY: 334.044(2), 338.155(1) FS.
LAW IMPLEMENTED: 338.155, 338.222, 338.2216, 338.231 FS.

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

DATE AND TIME: February 18, 2010, 6:00 p.m.
PLACE: This rulemaking hearing is being held as a statewide webinar proceeding which can be accessed by registering at the following website: www.floridasturnpike.com/allelectronicolling/publicmeeting.html

For those persons wishing to participate who do not have access to the World Wide Web can attend in person at one of several access points across the state.

Video Toll Rate 14-15.0081 Hearing Notice
SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:
PLACES:

1. Florida’s Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761
2. Florida Department of Transportation, District 4 Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, FL 33309

3. Florida Department of Transportation, District 7 Executive Conference Room, 11201 North Malcolm McKinley Drive, Tampa, FL 33612

4. Florida Department of Transportation, District 6 Auditorium, 1000 N.W. 111th Avenue, Miami, Florida 33172

5. Florida Department of Transportation, District 1, HR Training Room, 801 N. Broadway, Bartow, Florida 33831

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: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. 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: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, October 26, 2006, January 15, 2007, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Rulemaking Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.155, 338.222, 338.2216, 338.231 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, 10-26-06, 1-15-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, Chief Director and Chief Executive Officer, Florida's Turnpike Enterprise

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-100.005 Video Tolling

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing a new rule under Rule Chapter 14-100 Part I: Tolls Enforcement, in order to implement a new method of electronic toll collection to be known as video tolling. This rule establishes a process and administrative charge for the video toll collection method implemented on the Florida's Turnpike System and other Department owned toll facilities.

SUMMARY: A new rule on video tolling and the associated administrative charge is being added.

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

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

RULEMAKING AUTHORITY: 334.044(2), 338.2216(1)(d) FS.

LAW IMPLEMENTED: 316.1001, 334.044(16), 338.155(1), 338.231, 338.231(3)(b) FS.

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

DATE AND TIME: February 18, 2010, 6:00 p.m.

PLACE: The rulemaking hearing is being held as a statewide webinar proceeding which can be accessed by registering at the following website: www.floridasturnpike.com/allelectronic tolling/publicmeeting.html. Those persons not having access to the World Wide Web may attend in person at one of several access points across the state.

SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:

PLACES:

1. Florida's Turnpike Enterprise Headquarters Auditorium Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761
2. Florida Department of Transportation, District 4 Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, FL 33309

3. Florida Department of Transportation, District 7 Executive Conference Room, 11201 North Malcolm McKinley Drive, Tampa, FL 33612

4. Florida Department of Transportation, District 6 Auditorium, 1000 N.W. 111th Avenue, Miami, Florida 33172

5. Florida Department of Transportation, District 1, HR Training Room, 801 N. Broadway, Bartow, Florida 33831

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: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. 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: Deanna R. Hurt, Senior Attorney and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

Part I: Tolls Enforcement

14-100.005 Video Tolling.

(1) Purpose. The purpose of this rule is to establish the process of video tolling on the Florida Turnpike System and other Department owned toll facilities. Video tolling provides a video based method for the collection of tolls without the need for a transponder, while improving efficiency, reducing customer delay, and enhancing safety.

(2) Definition. "Video Tolling" or "Toll-by-Plate" means an image based toll collection system using photographic images of a vehicle's license plate to identify the customer responsible for toll payment.

(3) Process. If a vehicle passes through a toll collection facility and the toll payment is not made by either using cash or a transponder, a photographic image of the vehicle's license plate will be captured at the toll lane and the first-listed registered owner of that vehicle will be considered the video toll customer. The license plate numbers (LPN) are extracted from the image of the vehicle's license plate, and matched to the LPN for the video account registered with the Department. If no registered video account is found, the registered owner of the vehicle will be identified through a vehicle registration lookup process. The unregistered video toll customer will have 10 days after the usage of the toll facility to contact the Department and establish a pre-paid toll account. If the video toll customer does not contact the Department within that 10 day period and establish a pre-paid toll account, an invoice of

the accumulated toll amounts and an administrative charge as described in subsection (7), applicable to the first 14 days of transactions, will be mailed to the vehicle's registered owner for payment. Any subsequent invoice will reflect the customer's video toll transactions for a one-month or shorter period of time.

(4) Establishment of accounts. Video accounts will be established by either the customer or the Department.

(a) Customers may establish a video account by registering the vehicle LPN and specifying a prepaid or post-paid account.

(b) If a video account has not been established by a customer within the 10 day period after the first toll transaction use, the Department will establish an unregistered post-paid account. Identification of the vehicle will be by review of the LPN image taken at the tolling facility, supplemented as necessary by identifying the vehicle's characteristics and subsequent LPN lookup.

(5) Method of video toll payment. Video accounts can either be set up as pre-paid or post-paid accounts for payment of the video toll and administrative charges.

(a) Pre-Paid Video Accounts. Customers have the option of establishing and maintaining a registered pre-paid toll account via credit or debit card, cash, check or money order deposits, from which applicable toll amounts are debited. Only pre-paid video account customers whose balance is insufficient to cover the monthly accumulated toll amounts are subject to an invoice for the full toll amount and the administrative charge.

(b) Post-Paid Video Accounts. Customers will receive an invoice on a scheduled billing cycle for post payment of toll amounts and applicable administrative charges. Invoice payments by Post-Paid Video Account customers will be applied to the oldest toll transaction first, or as specified by the account customer.

(6) Video Toll Rate. Video toll customers shall pay the video toll rate established in Rule 14-15.0081, F.A.C., for each facility that offers video toll collection.

(7) Administrative Charges. The Department will establish and collect amounts to recover the costs of administering video tolling. This amount covers the additional administrative costs of the Department, including reviewing photographic images of license plates captured at the toll collection facilities, generating and sending invoices, processing payments received, managing video accounts, and other related costs. The administrative charge shall be \$2.50 per invoice.

(8) Video Accounts and Toll Collection. Video toll customers with post-paid accounts will be sent an invoice at the end of the billing cycle with the administrative charge added to the invoice, in addition Video Toll Chapter 14-100, F.A.C. Notice Final Draft January 6, 2010 to the unpaid toll amount based on the video toll rate applicable to the location of usage. For facilities that do not offer "Toll-by-Plate" video

tolling, the administrative charge will be added to each notice of unpaid toll, in addition to the unpaid toll amount based on the cash toll rate applicable to the location of usage.

(9) Unpaid Invoice. A video toll customer has 30 calendar days from the date on the invoice to pay the total toll amount and the administrative charge. If the invoice has not been paid in full within those 30 days, a late payment notice with an additional administrative charge will be sent. If the total amount of unpaid tolls and administrative charges is not paid within 30 days after the date on the late payment notice, a Uniform Traffic Citation (UTC) will be created and sent to the customer for each individual unpaid toll transaction associated with the original invoice.

Rulemaking Authority 334.044(2), 338.2216 (1)(d) FS. Law Implemented 316.1001, 334.044(16), 338.155(1), 338.231, 338.231(3)(b) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Ely, Chief Director and Chief Executive Officer,
Florida’s Turnpike Enterprise

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 19, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 25, 2009

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: RULE TITLE:
40B-4.3020 Content of Works of the District
 Development Permit Applications

PURPOSE AND EFFECT: The purpose of the proposed rule is to update this section of Chapter 40B-4, F.A.C., based on staff review of the current Application for General Works of the District Development Permit. Additional content will be included on the application form for the applicants to verify that the applicant understands certain requirements for projects within works of the District. In accordance with subparagraph 120.55(1)(a)4., F.S., the form will also be incorporated by reference into the appropriate corresponding rule.

SUMMARY: This proposed rule will include additional content on the form, thereby ensuring better comprehension of the subject rules, and decreasing cost of rules compliance and enforcement.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.084, 373.085, 373.086 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Rules Coordinator, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-4.3020 Content of Works of the District Development Permit Applications.

(1) Applications for a general district floodway development permit shall be filed with the district and shall contain the following:

(a) Form 40B-4.3020A 40B-1-901(11), “Application for General Work of the District Development Permit for District Floodways,” DATE Suwannee River Water Management District, July 7, 2008, hereby incorporated by reference. This form is available at District headquarters and on the District’s website at www.mysuwanneeriver.com. The application form and which contains the following:

1. The applicant’s name and complete address including zip code;
 2. The owner’s name and complete address if applicant is other than the owner;
 3. If applicable, the name, complete address, phone number, and contact person of the applicant or owner;
- (b) through (2)(h) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 3-19-86, 9-13-04, 8-8-07, 7-6-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NOS.:	RULE TITLES:
58L-2.001	Definitions
58L-2.003	Purpose
58L-2.005	Prohibitions
58L-2.007	Procedures

PURPOSE AND EFFECT: The purpose of the proposed repeal of the rules under this rule chapter is that the language is to be incorporated under Rule Chapter 58L-1, F.A.C., Long-Term Care Ombudsman Program. The effect is to consolidate all ombudsman rules under one rule chapter.

SUMMARY: These rules are being repealed, as conflict of interest language is to be included in Rule Chapter 58L-1, F.A.C., Long-Term Care Ombudsman Program, under Rule 58L-1.006, F.A.C., Conflict of Interest.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule repeal will not have an impact on small business as defined in Section 288.703, F.S. It will also not have an impact on small cities or counties as defined in Section 120.52, F.S. Therefore a statement of estimated regulatory costs has not been 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.

RULEMAKING AUTHORITY: 400.0065, 400.0067, 400.0069, 400.0087 FS.

LAW IMPLEMENTED: 400.0065, 400.0067, 400.0069, 400.0087, 400.0091 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 24, 2010, 9:00 a.m. – 10:00 a.m. EST

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone (850)414-2113; Email address: crochethj@elderaffairs.org. 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 RULES IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone (850)414-2113; Email address: crochethj@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULES IS:

58L-2.001 Definitions.

Rulemaking Specific Authority 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1) FS. Law Implemented 400.0065(1)(a), (3), 400.0067(4), 400.0069(4), (10), 400.0087(1), (3) FS. History–New 6-27-94, Amended 10-20-03, Repealed.

58L-2.003 Purpose.

Rulemaking Specific Authority 400.0087(3) FS. Law Implemented 400.0065(3), 400.0067(5), 400.0069(10), 400.0087(1), (3) FS. History–New 6-27-94, Repealed.

58L-2.005 Prohibitions.

Rulemaking Specific Authority 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1), (3) FS. Law Implemented 400.0065(3), 400.0067(4), 400.0069(4), (10), 400.0087(1), (3) FS. History–New 6-27-94, Amended 10-20-03, Repealed.

58L-2.007 Procedures.

Rulemaking Specific Authority 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1) FS. Law Implemented 400.0065(3), 400.0067(4), 400.0069(10), 400.0087(1), 400.0091 FS. History–New 6-27-94, Amended 10-20-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Crochet

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NO.:	RULE TITLE:
60FF-5.002	Rural County Grants

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the grant application.

SUMMARY: The rule amendment will update the grant application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 365.172(6)(a)11. FS.
 LAW IMPLEMENTED: 365.172(9)(a),(b),(c), 365.173(2)(g) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Board Chair, E911 Board, 4030 Esplanade Way, Ste. 160, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.002 Rural County Grants.

The E911 Rural County Grant program is a semi-annual grant program provided for the purpose of assisting rural counties, as defined by Section 365.172(3)(y), F.S., with the installation and maintenance of an Enhanced 911 (E911) system.

- (1) No change.
- (2) General conditions.

(a) Each rural county applying for rural county grant funds shall complete and submit W Form 1A, "Application for the E911 Rural County Grant Program," effective 12/1/2009 ~~7/1/2009~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
 ATTN: Administrative Assistant
 4050 Esplanade Way
 Building 4030 – Suite 160
 Tallahassee, Florida 32399-0950

The applicant must provide the original grant application and seven nine copies postmarked or delivered to the Board's Office on or before March 1 or October 1 of each year, dependent on the fall or spring application period.

- (b) through (i) No change.
- (j) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 Rural County Grant funds in the account shall be accounted for separately from other grantee funds. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board. Extension of time will not be granted unless the county has executed a contract for the grant equipment and/or services, or demonstrates good cause for failure to execute a contract within twelve months of award. Grant extensions shall be limited to a maximum of one additional year when approved by the Board.
- (k) through (l) No change.

(m) The County's Board of County Commission Chairperson shall be notified when overdue quarterly reports, final document and final reports are not received before the next E911 Board meeting following the month after the end of the quarter in which they are due.

(n) Funding continuance will be based on timely submission of quarterly reports.

(o) Grant awards will be withheld for failure to submit final documentation and closeout of previous rural county grants.

- ~~(p)(m)~~ No change.
- ~~(q)(n)~~ No change.
- (3) through (4) No change.

Rulemaking Specific Authority 365.172(6)(a)11. FS. Law Implemented 365.173(2)(g), 365.172(9)(a), (b), (c) FS. History—New 12-7-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 E911 Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NOS.:	RULE TITLES:
61E13-2.004	Initiation of Rate Change
61E13-2.009	Effective Date of Orders
61E13-2.011	Request for Hearing Pursuant to the Administrative Procedure Act

PURPOSE AND EFFECT: The Board proposes the repeal of the rules for Rules 61E13-2.004, 61E13-2.009 and 61E13-2.011, F.A.C., as these rules simply reiterate or paraphrase statutory material.

SUMMARY: These rules are being repealed.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 310.151(1)(c) FS.
 LAW IMPLEMENTED: 310.151 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: Robyn Barineau, Executive Director, Pilotage Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61E13-2.004 Initiation of Rate Change.

~~The process by which the Board fixes rates of pilotage may be initiated by:~~

- ~~(1) the filing of an application by pilot; or~~
- ~~(2) the filing of an application with the Board by "persons other than a pilot or group of pilots."~~

~~Rulemaking Specific Authority 310.151(1)(c) FS. Law Implemented 310.151 FS. History--New 8-8-95, Repealed _____.~~

61E13-2.009 Effective Date of Orders.

~~The order of intended agency action issued by the Board shall fix the rates of pilotage to be charged by licensed state pilots at the affected port as of a date specified in the order.~~

~~Rulemaking Specific Authority 310.151(1)(c) FS. Law Implemented 310.151 FS. History--New 8-8-95, Repealed _____.~~

61E13-2.011 Request for Hearing Pursuant to the Administrative Procedure Act.

~~Within 21 days after receipt or publication of the notice, the applicant or any person whose substantial interests will be affected by the intended Board action may request an administrative hearing pursuant to the Administrative Procedure Act. The request for hearing shall be in conformance with Florida Administrative Code Chapter 28-5.106 of the "Uniform Rules of Procedure." The failure to request an administrative hearing within 21 days after receipt or publication of notice of the intended agency action shall constitute a waiver of any right to an administrative hearing and shall cause the order modifying the pilotage rates in that port to be entered as a final order by filing with the clerk of the Department of Business and Professional Regulation.~~

~~Rulemaking Specific Authority 310.151(1)(c) FS. Law Implemented 310.151, 120.57 FS. History--New 8-8-95, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Pilotage Rate Review Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pilotage Rate Review Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-21.003
RULE TITLE: Filing Claims

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the form name and number; incorporate the form by reference into the rule; delete reference to Rule 61G4-12.006, F.A.C.; and correct the mailing address where the form can be downloaded.

SUMMARY: The rule amendment will update the form name and number; to incorporate the form by reference into the rule; delete reference to Rule 61G4-12.006, F.A.C.; and to correct the address where the form may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 489.108 FS.

LAW IMPLEMENTED: 489.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.003 Filing Claims.

(1) A claim against the Recovery Fund shall be made on Form DBPR/CILB/022, (Rev. October 2008) "Florida Homeowners' Construction Recovery Fund Claim Form," hereby adopted and incorporated by reference as provided in Rule 61G4-12.006, F.A.C. The address of the Fund where the form can be obtained is: Suite 42, 1940 North Monroe Street, Tallahassee, FL 32399-2215. The Fund phone number is (850)921-6593.

(2) through (8) No change.

~~Rulemaking Specific Authority 489.108 FS. Law Implemented 489.141 FS. History--New 7-11-95, Amended 7-1-96, 7-7-05, 4-27-08, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

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 JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.002	Definitions
63E-7.009	Behavior Management
63E-7.010	Residential Case Management Services
63E-7.011	Delinquency Intervention and Treatment Services
63E-7.016	Program Administration

PURPOSE AND EFFECT: The amendments incorporate the use of enhanced programming in the behavior management and delinquency intervention systems for residential programs. The amendments provide for the use of promising practices, found by research to reduce recidivism or address criminogenic need. Administration and staffing requirements are amended to facilitate the programming, and a form is updated.

SUMMARY: Amending rules governing behavior management, delinquency intervention and treatment services, and program administration in residential programs. The amendments facilitate the use of outcome-based programming in residential facilities.

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

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

RULEMAKING AUTHORITY: 985.64, 985.601(3)(a) FS.

LAW IMPLEMENTED: 985.601(3) FS.

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

DATE AND TIME: Tuesday, February 23, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-7.002 Definitions.

For the purpose of this rule chapter, the following words shall have the meanings indicated.

(1) through (4) No change.

(5) Authority for Evaluation and Treatment (AET) – The document that, when signed by a parent or guardian, gives the department the authority to assume responsibility for the provision of necessary and appropriate physical and mental health care to a youth in the department's physical custody. The Authority for Evaluation and Treatment (HS 002, ~~December 2009~~ ~~May 2007~~) is incorporated into this rule and is accessible electronically at http://www.djj.state.fl.us/forms/health_services_forms_index.html.

(6) through (24) No change.

(25) Director of Programming – The individual responsible for the overall management of delinquency intervention in the facility.

(25) through (64) renumbered (26) through (65) No change.

(66) Promising Practices for Delinquency Intervention – Manualized curricula that have been evaluated and found to reduce the likelihood of recidivism or at least one criminogenic need with a juvenile offending population. The evaluation must have used sound methodology, including, but not limited to, random assignment or quasi experimental design, use of control or comparison groups, valid and reliable measures, and appropriate analysis. Such studies shall provide evidence of statistically significant positive effects. In addition, there must be evidence that replication by different implementation teams at different sites is possible with similar positive outcomes.

(65) through (86) renumbered (67) through (88) No change.

Rulemaking Authority 20.316, 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History–New 9-30-07, Amended 8-25-08, 7-8-09, 12-21-09,_____.

63E-7.009 Behavior Management.

(1) Consistent with its approach to treatment and delinquency intervention, a residential commitment program shall establish a behavior management system, ~~utilizing practices with demonstrated effectiveness,~~ that is responsive to the unique characteristics of the program's population. Only someone with training or experience in behavior management techniques or systems shall develop or modify a program's behavior management system. A program's behavior management system shall foster accountability for behavior and compliance with the residential community's rules and expectations.

(2) A residential commitment program's behavior management system shall be described in writing and designed to:

(a) through (c) No change.

(d) Provide opportunities for positive reinforcement and recognition for accomplishments and positive behaviors at a minimum ratio of 4:1 positive to negative consequences;

(e) through (g) No change.

(h) Minimize separation of youth from the general population; ~~and~~

(i) Complement the performance planning process, including coordination with any individual behavior plan when applicable. A copy of an individual behavior plan for any youth who has been identified as a client of the Agency for Persons with Disabilities will be provided to that agency; ~~and-~~

(j) Assure consistent implementation and equitable treatment through the ongoing oversight and training of direct-care staff.

(3) through (5) No change.

~~Rulemaking Specific~~ Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New 12-24-07, Amended 8-25-08,_____.

63E-7.010 Residential Case Management Services.

(1) through (8) No change.

(9) Performance Review and Reporting.

(a) Performance Reviews. A residential commitment program shall ensure that the intervention and treatment team reviews each youth's performance, including RPACT reassessment results, progress on individualized performance plan goals, positive and negative behavior, including behavior that resulted in physical interventions, and if the youth has a treatment plan, treatment progress. Performance reviews shall result in revisions to the youth's performance plan when determined necessary by the intervention and treatment team in accordance with paragraph 63E-7.010(6)(c), F.A.C., and reassessments when deemed necessary by the intervention and treatment team in accordance with paragraph 63E-7.010(5)(b), F.A.C.

1. through 2. No change.

3. The intervention and treatment team shall provide an opportunity for youth to demonstrate skills acquired in the program, and shall document each formal and informal performance review in the official youth case record, including the youth's name, date of the review, meeting attendees, any input or comments from team members or others, and a brief synopsis of the youth's progress in the program.

(b) Performance Reporting. The intervention and treatment team shall prepare a Performance Summary at 90-day intervals, beginning 90 days from the signing of the youth's performance plan, or at shorter intervals when requested by the committing court. Additionally, the intervention and treatment team shall prepare a Performance Summary prior to the youth's release, discharge or transfer from the program.

1. No change.

2. The staff member who prepared the Performance Summary, the intervention and treatment team leader, the program director or designee, and the youth shall review, sign and date the document. Prior to the youth signing the document, program staff shall give the youth an opportunity to add comments, providing assistance to the youth, if requested. The program shall distribute the performance summary plan as specified below within 10 working days of its signing.

a. through c. No change.

(10) through (12) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History—New 12-9-08, Amended 12-21-09,_____.

63E-7.011 Delinquency Intervention and Treatment Services.

A residential commitment program shall provide delinquency intervention and treatment services that are gender-specific pursuant to Section 985.02, F.S., and that focus on preparing youth to live responsibly in the community upon release from the program. The program shall design its services and service delivery system based on the common characteristics of its primary target population, including age, gender, and special needs, and their impact on youths' responsivity to intervention or treatment. However, in accordance with Rule 63E-7.010, F.A.C., the program shall individualize and coordinate the provision of delinquency intervention and treatment services based on each youth's prioritized risk and needs as identified through the RPACT and document services delivered in the youth's individual management record.

(1) No change.

(2) Delinquency Intervention Services.

(a) No change.

(b) Education and work experience shall be considered by the Director of Programming when determining staff delivery of delinquency intervention services.

~~(c)(b)~~ A staff person whose regularly assigned job duties include implementation of a specific delinquency intervention model, strategy or curriculum shall receive training in its effective implementation.

~~(d)(e)~~ A residential commitment program shall provide delinquency intervention services that include, at a minimum, the following:

1. No change.

2. Life and Social Skill Competency Development. The program shall provide interventions or instruction that focus on developing life and social skill competencies in youth. For purposes of this rule chapter, life skills are those skills that help youth to function more responsibly and successfully in everyday life situations, including social skills that specifically address interpersonal relationships. Non-clinical staff may implement life and social skills interventions or instruction under the supervision of the Director of Programming except when the instructional materials are specifically designed for

use by clinical staff or when the skill training is delivered in response to a youth's treatment plan, thereby requiring a clinician's implementation. In a DJJ facility or program designated for Medicaid behavioral health overlay services (BHOS) or Medicaid fee-for-service, individuals providing Medicaid funded life skills or social skills shall meet the specific education and training requirements established by the Agency for Health Care Administration (AHCA), as may be found in the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook.

a. No change.

b. Direct care staff shall model prosocial behaviors for youth throughout the course of each day in the program, reinforce delinquency interventions, and guide and re-direct youth toward prosocial behaviors and positive choices. Additionally, staff shall engage youth in constructive dialogue to peacefully resolve conflict when it occurs or, if imminent safety and security issues delay intervention to resolve the conflict, as a follow-up process after safety and security are restored.

3. through 6. No change.

~~(e)(4)~~ Rehabilitative Planning and Follow-up Requirements for Off-Campus Activities. A residential commitment program shall ensure that off-campus activities addressed in this subsection are purposeful, deliberately planned, and related to the rehabilitation of the participating youth. Programs shall comply with eligibility, risk classification, notification and approval, supervision, and other security requirements related to off-campus activities specified in subsection 63E-7.013(19), F.A.C. Additionally, the program shall comply with the following rehabilitative planning and follow-up requirements for youth participating in supervised off-campus activities, such as community service projects, field excursions and other transition-related activities, and unsupervised temporary release activities, such as community employment, or day activities and home visits with youths' parents or guardians. However, the following requirements are not mandatory for supervised recreational off-campus activities earned by youth as incentives in accordance with the program's behavior management system.

1. through 2. No change.

(3) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History--New 12-9-08, Amended 12-21-09,_____.

63E-7.016 Program Administration.

(1) through (5) No change.

(6) A residential commitment program shall report as follows:

(a) through (c) No change.

(d) Posting of abuse reporting phone numbers throughout the facility and unhindered access for staff and youth to report abuse to the Department of Children and Family Services

central abuse hotline addressed in Chapter 39, F.S., or if the allegedly abused youth is 18 years or older, the department's Central Communication Center. For purposes of this rule, unhindered access means the program shall allow youth and staff to make the decision to report allegations of abuse without obtaining permission. The program shall provide youth with timely telephone access to report allegations of abuse without intimidation or reprisal. However, if the youth requests telephone access during a scheduled structured activity, the program shall provide access as soon as that activity concludes.

(7) through (12) No change.

(13) A residential commitment program shall establish a records management system that addresses all records maintained by the program including, but not limited to, administrative files, personnel records, fiscal and accounting records, property inventories, and records pertaining to youth.

(a) No change.

(b) The program shall clearly label each official youth case record, individual management record, and individual ~~healthcare management~~ record as confidential. All official youth case records shall be secured in a locked file cabinet or a locked room. The program shall clearly identify any file cabinet used to store official youth case records as confidential.

(c) through (d) No change.

(14) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History--New 4-13-08, Amended 8-25-08, 12-21-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darryl Olson, Assistant Secretary for Residential Services.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Peterman, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-4.004

RULE TITLE: Advertising Specialty Services

PURPOSE AND EFFECT: To repeal the rule due to the case of Ducoin v. Board of Dentistry.

SUMMARY: The Board proposes to repeal the rule due to the case of Ducoin v. Board of Dentistry.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d), 466.0282 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-4.004 Advertising Specialty Services.

~~(1) The Board recognizes as a specialty only those specialties recognized by the American Dental Association (ADA).~~

~~(2) Any advertisement of specialty services must state whether the service will be performed by a general dentist or a specialist. Only dentists who meet the qualifications of subsection 64B5-4.004(4), F.A.C., may hold themselves out as specialists. Specialty services advertised by a dentist who is not so qualified and who limits his practice to a specialty area must be advertised in the following manner: "General Dentist, Practice limited to (particular specialty area)."~~

~~(3) Specialty services for the purpose of this rule shall include all endodontic procedures (ADA Code # 03000-03999), all orthodontic procedures (ADA Code # 08000-08999), all oral surgery procedures except nonsurgical extraction (ADA Code # 07200-07999), and all periodontal surgical procedures (ADA Code # 04200-04272). Use of terms which generally describe specialty services, i.e. children's dentistry, pediatric dentistry, pedodontics or similar phrases are also considered to be advertisement of specialty services.~~

~~(4) No dentist may hold himself or herself out as a specialist unless such licensee meets one of the following qualifications:~~

~~(a) The dentist is eligible for examination by an ADA recognized national specialty board.~~

~~(b) The dentist is a diplomate of an ADA recognized national specialty board.~~

~~(c) The dentist has continuously held himself out as a specialist since December 31, 1964.~~

~~(d) The dentist has completed a specialty educational program approved by the American Dental Association and the Commission on Dental Accreditation.~~

~~(5) No dentist may advertise a service in a manner which in its form or content would lead a reasonable person to believe that the service is a specialty unless that service is a specialty recognized by the Board. For example, it is misleading for a~~

~~dentist to advertise that he is a specialist or that he limits his practice to the diagnosis and treatment of temporomandibular joint disorders, facial pain therapy or implantology since these are not Board recognized specialties. However, a dentist may advertise that he diagnoses and treats temporomandibular joint disorders or facial pain and that he places dental implants.~~

~~Rulemaking Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d), 466.0282 FS. History--New 1-11-89, Formerly 21G-4.004, 61F5-4.004, Amended 6-9-96, Formerly 59Q-4.004, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2009

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-11.003 Reexamination

PURPOSE AND EFFECT: The purpose of this amendment is to modify the Application for Nursing Home Administrators Re-Examination form DH-MQA 1129 (revised 6/09).

SUMMARY: The amendment modifies the revision date on the Application for Nursing Home Administrators Re-Examination form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 456.017(2), 468.1685(1) FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.003 Reexamination.

(1) No change.

(2) An applicant must pass both parts of the examination within one year from first failure; otherwise, the applicant must retake both parts of the examination and pay the full fees. The application shall be made on the Application for Nursing

Home Administrators Re-Examination form DH-MQA 1129 (revised ~~6/09~~ ~~8/08~~), hereby adopted and incorporated by reference) and can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

Rulemaking Specific Authority 456.017(2), 468.1685(1) FS. Law Implemented 456.017(2) FS. History--New 12-26-79, Amended 3-1-82, 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92, Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended 5-15-00, 11-6-02, 2-15-06, 4-22-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 2009

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.003 RULE TITLE: Fees; Application
PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application for licensure.
SUMMARY: The amendment to the application brings the rule into compliance with the new legislative requirement.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
RULEMAKING AUTHORITY: 456.013, 468.221, 468.204 FS.
LAW IMPLEMENTED: 468.209(1), 468.221 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year

from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form DH-MQA 1152, (revised ~~08/09~~ ~~09-08~~), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy's website at <http://www.doh.state.fl.us/mqa/occupational/>.

Rulemaking Specific Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.209(1), 468.221 FS. History--New 4-28-76, Amended 9-9-85, Formerly 21M-13.07, Amended 6-29-89, Formerly 21M-13.007, 61F6-13.007, 59R-61.007, Amended 1-12-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.001 RULE TITLE: Fees; Application
PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application for licensure.
SUMMARY: The amendment to the application brings the rule into compliance with the new legislative requirement.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
RULEMAKING AUTHORITY: 456.036, 468.221, 468.204 FS.
LAW IMPLEMENTED: 468.221, 468.209(1) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.001 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form DH-MQA 1152, (revised ~~08/09~~ ~~09-08~~), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy's website at <http://www.doh.state.fl.us/mqa/occupational/>.

Rulemaking Specific Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.221, 468.209(1) FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-14.06, Amended 6-29-89, Formerly 21M-14.006, 61F6-14.006, 59R-62.006, Amended 1-12-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2009

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.005	Admissions
12A-1.085	Exemption for Qualified Production Companies
12A-1.097	Public Use Forms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 52, December 31, 2009 issue of the Florida Administrative Weekly.

NAME OF PERSON ORIGINATING PROPOSED RULES: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULES: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief

Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development Workshop was published in the Florida Administrative Weekly on September 25, 2009 (Vol. 35, No. 38, pp. 4637-4638). A rule development workshop was conducted on October 13, 2009. No comments were received by the Department.

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-15.0081	Toll Facilities Description and Toll Rate Schedule

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 42, October 17, 2008 issue of the Florida Administrative Weekly has been withdrawn.

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."

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-21.007	Salient Factor Scoring
23-21.021	Warrant and Arrest
23-21.022	Revocation of Parole and Compulsory Conditional Release; Preliminary Hearings; Final Hearings

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

23-21.007 Salient Factor Scoring.

Salient factors (1) through ~~(3), (5), and~~ (6) shall be calculated on the inmate's criminal record.

(1) through (7) No Further Modifications.

23-21.021 Warrant and Arrest.

(1) through (5) No Further Modifications.

(6) Emergency Warrants.

(a) No Further Modifications.