

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.034
RULE TITLE: Polling Place Procedures Manual
PURPOSE AND EFFECT: The proposed changes are to the polling place procedures manual, DS-DE 11, incorporated by reference in the rule. This manual is used as a guide for poll workers during the early voting period and election day. The proposed changes clarify procedures for voter intake at the polling place and for handling a ballot that has been overvoted. It also enhances the provisions governing persons with disabilities.
SUBJECT AREA TO BE ADDRESSED: Polling Place Procedures.
RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 102.014(5) FS.
LAW IMPLEMENTED: 102.014(5) 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 3, 2010, 3:00 p.m.
PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria Matthews, Assistant General Counsel, Florida Department of State at: mimatthews@dos.state.fl.us or (850)245-6536, or Donald Palmer, Director, Division of Elections, Florida Department of State at: DLPalmer@dos.state.fl.us or (850)245-6200
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.039
RULE TITLE: FVRS Voter Registration Processes
PURPOSE AND EFFECT: The proposed language codifies a number of uniform practices and procedures relating to registering voters in the Florida Voter Registration System.
SUBJECT AREA TO BE ADDRESSED: FVRS Voter Registration Procedures.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1)-(2), 97.052(1), 98.015(10)-(12), 98.035(5), 98.045(5) FS.
LAW IMPLEMENTED: 97.052, 97.053, 98.015, 98.035, 98.045 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 3, 2010, 3:00 p.m.
PLACE: Room 307, R. A. Gray Building, 500 S. Bronough 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: Eddie Phillips, Executive Assistant, Office of the General Counsel, Florida Department of State at elphillips@dos.state.fl.us or (850)245-6536. 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: Maria Matthews, Assistant General Counsel, Office of the General Counsel, Florida Department of State; mimatthews@dos.state.fl.us or (850)245-6536
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-8.005
RULE TITLE: 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, 2010.
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.: 6A-4.0163 RULE TITLE: Reading Endorsement Competencies

PURPOSE AND EFFECT: The purpose of this rule development is to establish the updated six competencies that must be completed to earn the Reading Endorsement. The effect of this rule will be to establish a clear description of the six updated Reading Endorsement competencies and their accompanying indicators which have been updated to align with the most current research.

SUBJECT AREA TO BE ADDRESSED: Reading Endorsement.

RULEMAKING AUTHORITY: 1001.02(2), 1001.215, 1012.55(1) FS.

LAW IMPLEMENTED: 1001.215, 1012.55(1) FS.

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

DATE AND TIME: May 5, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Department of Education, 325 West Gaines Street, Turlington Building, Room 1727, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Elzie, Interim Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, (850)245-0503. The draft Reading Endorsement Competencies are available at <http://www.justreadflorida.com/docs/nre.rtf>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03315 RULE TITLE: Private School Scholarship Compliance

PURPOSE AND EFFECT: The purpose of the rule development is to clarify the current compliance reporting requirements for private schools to be eligible to participate in the state scholarship programs. The effect will be to develop a rule that is consistent with the current procedures and the governing statutes.

SUBJECT AREA TO BE ADDRESSED: Private school scholarship compliance.

RULEMAKING AUTHORITY: 220.187, 1002.39, 1002.421 FS.

LAW IMPLEMENTED: 220.187, 2002.39, 1002.421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Harrison, Director of Scholarship Programs, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, FL 32399-0400; (850)245-0502

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.03315 Private School Scholarship Compliance.

Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs 2008, hereinafter Scholarship Compliance Form, which is hereby incorporated by reference to become a part of this rule effective upon the effective date of this rule.

(1) No change.

(2) Renewing schools. The signed, notarized Scholarship Compliance Form must be postmarked by March 1 of each year for participation in the subsequent school year. Following the timely submission of the Scholarship Compliance Form, any outstanding compliance issues, including submission of the annual survey required by Section 1002.42, Florida Statutes, must be resolved by the private school on or before ~~prior to~~ May 1 of each year or within forty-five (45) days of receipt of notification from the Department of any noncompliance issue, whichever is later, for the school to remain eligible to participate in the scholarship programs. Renewing schools as a part of the renewal process are required to have a review of compliance documentation every third year. The Department shall mail notice to renewing schools subject to the compliance documentation review by December 1 of each year. This does not limit the Department’s ability to request compliance related documentation at other times.

(3) through (5) No change.

Rulemaking Specific Authority 1002.39, 1002.42, 1002.421 FS. Law Implemented 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, 1002.39, 1002.42, 1002.421, 1003.22, 1003.23 FS. History–New 10-13-04, Amended 9-20-05, 1-18-07, 1-5-09,_____.

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 NOS.:	RULE TITLES:
19-7.010	Pooled Investment Accounts
19-7.011	Rate of Return Calculation
19-7.012	Pool Participation
19-7.013	Reporting Procedures
19-7.015	Allocation of Earnings
19-7.016	Close of Business
19-7.017	Pooled Investment Account Reserve Fund

PURPOSE AND EFFECT: To amend the rate of return calculation rule to reflect that the calculation will be in accordance with the yield methodology of SEC Rule 2a-7 for money market funds; to amend the reporting procedures rule to eliminate investment service charges; to amend the allocation of earnings rule to allow the closing of an account if the balance is less than \$1,000; to amend the close of business rule to indicate 1:00 p.m. EST as the close of business; to delete Rules 19-7.012 and 19-7.017, F.A.C.; to update references.

SUBJECT AREA TO BE ADDRESSED: Revised Local Government Surplus Trust Funds account procedures; revised rate of return calculation; to update references.

RULEMAKING AUTHORITY: 218.405, 218.412 FS.

LAW IMPLEMENTED: 218.405, 218.409, 215.515 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, April 26, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tina Joanos, Office of the General Counsel, 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, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1182; ruth.smith@sbafla.com

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.210	Custody Classification

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the procedures for custody classification assessment and review.

SUBJECT AREA TO BE ADDRESSED: Custody Classification.

RULEMAKING AUTHORITY: 944.09, 958.11 FS.

LAW IMPLEMENTED: 20.315, 921.20, 944.09, 944.17, 944.1905, 958.11 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.210 Custody Classification.

(1) Facility Assignments.

(a) A mission description shall be prepared for each facility of the Department of Corrections to which an inmate can be assigned. The mission description shall be based upon such factors as staffing patterns, perimeter security, construction features, electronic monitoring capability, type of health services provided, available programs, and any other factors ~~that which~~ may affect the security and safety of the staff, inmates, or the general public. The mission descriptions shall be used to aid in the assignment of inmates to facilities in a manner which will best enable the department to maintain security and order. Inmate evaluation and facility assignment shall be based upon such factors as nature and severity of offense, characteristics of sentence, criminal history, age, ~~and~~ health status, and any other factor relating to the security and order of the institution or the security and safety of the general public. An inmate shall be assigned to a facility that can provide appropriate security and supervision, that can meet the health needs of the inmate as identified by the department's health services staff, and, to the extent possible, can meet the inmate's need for programs and is near the location of the

inmate's family. The ~~Secretary~~ ~~secretary~~ may modify the mission of any facility to meet changing needs in response to changes in population characteristics, or in the event of riot, emergency conditions, or other circumstances affecting security and safety of the general public, staff, and inmates.

(b) Inmates who have been committed under the Youthful Offender Act shall not be placed at a non-youthful offender institution except under the following circumstances:

1. ~~The If the~~ youthful offender is convicted of a new crime ~~that which~~ is a felony under the laws of this state;

2. ~~The If the~~ youthful offender becomes such a serious management or disciplinary problem as to render his assignment to the youthful offender program detrimental to the program and to other youthful offender inmates assigned thereto;

3. ~~The If the~~ youthful offender needs medical treatment, health services, or other specialized treatment otherwise not available at the youthful offender institution or facility;

4. ~~The If the~~ department determines that the youthful offender should be transferred outside of the state correctional system, as provided by law, for services not provided by the department; or

5. ~~Bed If bed~~ space is not available in a designated community facility. In such case, the youthful offender shall be separated, insofar as is practicable, from other offenders.

(2) Custody Grade Classification.

(a) Each inmate shall be placed in one of the five custody grades: community, minimum, medium, close, or maximum.

(b) Information from all available sources shall be used to complete an automated custody classification questionnaire ~~Classification Questionnaire~~. The questionnaire shall reflect the degree of supervision appropriate for the inmate.

(c) No change.

(d) The custody grade resulting from an inmate's score may be modified if circumstances indicate the need for an exception. The specific reason for the modification shall be explained in the automated system. Reasons for increasing or decreasing the custody grade might, in appropriate cases, include one of the following comments with proper explanation:

1. through 4. No change.

5. Community and public interest concerns (i.e., judge's or prosecutor's recommendation, victim/victim family interest, legislative inquiry, law enforcement interest, executive inquiry, personal notoriety, case notoriety, ~~ete~~).

a. Family environment (no family ties, strong family ties, married/head of household, crime history in family, family desertion, family transience, ~~ete~~).

b. No change.

6. No change.

7. Status prior to sentencing (i.e., high bond, bond forfeiture, release on bond, jail adjustment, ~~ete~~).

8. No change.

(e) through (g) No change.

(h) Except for the offenses listed below, any inmate who is convicted or has been previously convicted or adjudicated delinquent for any crime where a sex act was intended, attempted, or completed shall not be eligible for assignment to community or minimum custody status unless he has previously successfully completed the mentally disordered sex offender program prior to the repeal of Chapter 917, F.S.:

1. through 6. No change.

(i) Any inmate who has been certified as a mentally disordered sex offender pursuant to Chapter 917, F.S., shall not be assigned to minimum custody status unless ~~he has they have~~ successfully completed the mentally disordered sex offender program.

(j) Any inmate who has been designated as an alien by the department, who has been in the custody of the department less than six months, and:

1. through 2. No change.

3. For whom a A decision has been made to deport, shall not be assigned to lower than close custody status.

(k) No change.

(l) The Chairperson of the State Classification Office may approve an inmate listed in paragraph (k) for lower custody after consideration of the following criteria:

1. through 6. No change.

7. Whether the inmate poses a threat to the public.

8. through 10. No change.

(3) Review of Inmates Who Have Special Needs. The secretary shall appoint a special needs committee in central office to review those cases in which inmates have been determined by medical services as having special medical needs or inmates who are elderly and have special needs ~~that which~~ may be in conflict with the custody levels authorized. The special needs committee will evaluate the special needs, the custody requirements, and the institutional placement best suited to meet an inmate's needs. This committee has the authority to make the final assignment that meets the inmate's needs within the medical and facility resources of the department. This may include a special custody exception on a case by case basis. Inmates identified as having special needs or requiring special review shall be recommended to the impaired inmate special needs coordinator in the central office who will coordinate with classification services and refer each case to the special needs committee. The special needs committee shall be comprised of the Chairperson of the State Classification Office, the Americans with Disabilities Act Coordinator, and the Impaired Inmate Coordinator for Health Services. Committee decisions shall be reviewed by the Secretary ~~secretary~~.

(4) Progress Assessments.

(a) No change.

(b) Assessments shall be periodically prepared for the purpose of:

1. Recording the inmate's adjustment to the institution and treatment program.

~~2. Recording changes of program that have taken place.~~

~~2.3. Evaluating the inmate's potential future adjustment.~~

~~3.4. Establishing positive adjustment~~ Making recommendations for program changes, establishing goals and motivating the inmate to achieve those the goals.

5. ~~Providing~~ Provide the inmate with an opportunity to become involved in assessing his progress needs and in stating his work and program interests selecting programs to meet those needs.

a. Periodic assessments will record the inmate's program interests.

b. Program goals and placements will be based on the needs assessments tool and within the parameters of that tool.

(c) All inmates are required to appear for assessments and reviews unless a permanent medical condition makes them incapable of participating and the reason is documented in the review. Under any other circumstances, the assessment and review shall be rescheduled if the inmate fails to appear or is temporarily unavailable to attend as scheduled. An inmate shall be notified a minimum of forty-eight hours in advance of an assessment and review unless the inmate waives such notice in writing. All inmates shall be scheduled for assessments at least every 12 months, and reviews as follows:

~~1. Inmates with three years or less remaining to serve shall receive an assessment and review every six months;~~

~~2. Inmates with more than three years remaining to serve shall receive an assessment and review every twelve months;~~

~~3. Inmates with life sentences with no parole, life sentences with no established release date, or death sentences will receive an assessment and review every twenty four months. At the point where a parole release date is established in these cases the schedule of progress reports shall be in accordance with subparagraphs 33-601.210(4)(c)1. and 2., F.A.C.~~

4. Close management, ~~work release and transition plan~~ documentation may be substituted for the required assessments.

(d) through (e) No change.

(f) In preparing assessments, care should be taken that all pertinent facts are included to insure that all up-to-date information concerning changes in an inmate's activity are documented. Additionally, any new recommendations of the committee in regard to inmate goals should be carefully documented and supporting facts included. ~~If at the time of the review the inmate is being recommended for work release, the~~

~~Form DC6-127, Checklist for Transfers to Work Release Centers will suffice for the assessment. Form DC6-127 is incorporated by reference in Rule 33-601.602, F.A.C.~~

(g) An assessment and review will be completed on all transfers by the receiving facility ~~transfer recommendations except as authorized by a member of the State Classification Office.~~ Movement from one location to another on a temporary basis does not require an assessment and review.

(h) An assessment and review shall be prepared whenever an inmate is being recommended for parole ~~or for permanent transfer to another institution. When an inmate is transferred on an emergency basis and there is insufficient time to prepare an assessment and review, a written statement will be included in the inmate record outlining the emergency situation and any pertinent security or medical problems. An assessment and review from the sending institution should be forwarded to the receiving institution as soon as possible.~~

(i) All recommendations for a transfer to another facility, ~~or to a contract drug treatment program, or for work release~~ shall require the approval of the State Classification Office.

(j) At the time of the first assessment and review, should the inmate record not contain either a pre-sentence or post-sentence investigation, the classification officer is responsible for requesting such documents from the Probation and Parole Services Office in the region from which the inmate was committed. Care should be exercised to ensure that at least sixty (60) days ~~have has~~ lapsed since the post-sentence investigation was originally requested prior to making this follow-up.

(k) No change.

(l) Assessments and reviews may contain recommendations for the setting of sentences pursuant to Section 921.22, F.S. Such recommendations should specify a definite period of years or months, taking into account the tentative expiration date on the set term, the amount of gain time earned and the amount of time it will take to process the recommendation. Such recommendations should be based on all information concerning the inmate ~~that which~~ is available to the team.

(m) The department may in selected cases recommend to the Florida Parole Commission that an inmate be placed on parole at an earlier date than scheduled. Note should be made of an inmate's presumptive parole release date (PPRD) when considering such possibilities. If it is felt that such significant progress has taken place since the setting of the PPRD that it should be moved forward to an earlier date, then such recommendations should be made to the Parole Commission in an assessment and review setting forth the basis for recommending a change in the PPRD. All assessments and reviews containing parole recommendations will be reviewed and approved or disapproved by the Institutional Classification Team and forwarded to the State Classification Office for

approval or disapproval. The assessment and review shall then be submitted to the Chief of the Bureau of Classification and Central Records who, on behalf of the Secretary secretary, shall make a recommendation to the Parole Commission. A copy of the report shall be forwarded to the Parole Commission.

Rulemaking Specific Authority 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History—New 12-7-81, Formerly 33-6.09, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, Formerly 33-6.009, Amended 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended 9-19-00, 2-25-07, 11-4-08,_____.

COMMISSION ON ETHICS

RULE NO.: 34-7.010 RULE TITLE: List of Forms and Instructions

PURPOSE AND EFFECT: These amendments to Rule 34-7.010, F.A.C, are intended to satisfy the requirements of Section 120.55(1)(a)4., Florida Statutes, which requires agencies to adopt their forms in the substantive rule. Thus, CE Form 20, CE Form 20-R, and CE Form 24 are being transferred to Chapter 34-12, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The forms that executive branch agency lobbyists use to register and renew their registrations (CE Form 20 and CE Form 20-R), as well as the form used by lobbying firms to report their compensation (CE Form 24), are affected by this rulemaking.

RULEMAKING AUTHORITY: Art. II, Sec. 8(f), (h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 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: Julia Cobb Costas, Assistant General Counsel, Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

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

COMMISSION ON ETHICS

RULE NOS.: 34-12.200, 34-12.330, 34-12.400 RULE TITLES: Registration Requirements, Annual Renewals, Expenditure Reporting Requirements

PURPOSE AND EFFECT: These amendments to Chapter 34-12, F.A.C, are intended to satisfy the requirements of Section 120.55(1)(a)4., Florida Statutes, which requires agencies to adopt their forms in their substantive rules. Thus, CE Form 20, CE Form 20-R, and CE Form 24 are being transferred from Rule 34-7.010, F.A.C., to Chapter 34-12, F.A.C. Also, the most current version of the North American Industry Classification System (NAICS) will be adopted by reference.

SUBJECT AREA TO BE ADDRESSED: The forms that executive branch agency lobbyists use to register and renew their registrations (CE Form 20 and CE Form 20-R), as well as the form used by lobbying firms to report their compensation (CE Form 24), are affected by this rulemaking. Additionally, the version of the NAICS that principals use to identify and designate their main business, will be updated.

RULEMAKING AUTHORITY: 112.3215, 112.322(9) FS.

LAW IMPLEMENTED: 112.3215 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: Julia Cobb Costas, Assistant General Counsel, Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: 40D-4.021, 40D-4.051 RULE TITLES: Definitions, Exemptions

PURPOSE AND EFFECT: The purpose of the proposed revisions will create a new environmental resource permitting (ERP) exemption for activities that involve less than 4,000 square feet of impervious or semi-impervious surface subject to vehicular traffic in uplands and activities that involve less than 9,000 square feet of total impervious or semi-impervious surface in uplands. The revisions also incorporate a new definition for “semi-impervious” to clarify the types of surfaces that will contribute to the new exemption threshold area. Concurrent with these rule revisions, the District is proposing revisions to Rule 40D-400.475, F.A.C. that delete the 4,000 and 9,000 square foot threshold requirements from the permit criteria of this NGP. The effect of the proposed revisions, if adopted, will allow the regulated public to conduct minor activities that the District has determined have minimal individual or cumulative impacts to the water resources

without applying to the District for confirmation that a proposed activity qualifies for either an exemption or NGP and paying the applicable fee.

SUBJECT AREA TO BE ADDRESSED: Individual Environmental Resource Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.079(4)(a), 373.083(5), 373.403, 373.406, 373.413, 373.414, 373.414(9), 373.416 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: Barbara Martinez, Senior Administrative Assistant, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, extension 4660, or barbara.martinez@watermatters.org (File #2009056)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-400.475 **RULE TITLE:** General Permit for Minor Activities

PURPOSE AND EFFECT: The purpose and effect of the proposed revision to Rule 40D-400.475, Florida Administrative Code (F.A.C.), is to delete the 4,000 and 9,000 square foot threshold requirements from the permit criteria of this Noticed General Permit. These threshold requirements are included in revisions the District is proposing to Rule 40D-4.051 F.A.C., to create a new environmental resource permitting (ERP), exemption for minor activities. The District is also proposing to amend Rule 40D-4.021 F.A.C., to add a definition of “semi-impervious” to clarify the types of surfaces that will contribute to the new exemption threshold area. The new exemption will include activities that involve less than 4,000 square feet of impervious or semi-impervious surface subject to vehicular traffic in uplands and activities that involve less than 9,000 square feet of total impervious or semi-impervious surface in uplands.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 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: Barbara Martinez, Senior Administrative Assistant, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, extension 4660, or barbara.martinez@watermatters.org (File #2009059)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-13.131	Traumatic Brain Injury and Spinal Cord Injury Waiver Services Fee Schedule

PURPOSE AND EFFECT: The proposed amendment to Rule 59G-13.131, F.A.C., incorporates by reference the Traumatic Brain Injury and Spinal Cord Injury Waiver Services Fee Schedule, July 2010 The fee schedule is being changed to add two new services, transition case management and transition home modifications, that are specific to nursing home transition activities and available only to those recipients who have transitioned on to the waiver from a nursing home placement. This rule is the stand alone rule for the Fee Schedule for services available under the Traumatic Brain Injury and Spinal Cord Injury (TBI/SCI) waiver. This revised fee schedule adds services specific to nursing home transition and increases the number of services from 12 to 14.

SUBJECT AREA TO BE ADDRESSED: Traumatic Brain Injury and Spinal Cord Injury Waiver Services Fee Schedule.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 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: Tuesday, May 11, 2010, 3:00 p.m. – 4:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Arlene Walker at the Bureau of Medicaid Services,

(850)412-4270. 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: Arlene Walker, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4270, e-mail: Arlene.walker@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.131 Traumatic Brain Injury and Spinal Cord Injury Waiver Services Fee Schedule.

All traumatic brain and spinal cord injury waiver services providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Fee Schedule, July 2010 ~~October 2007~~, which is incorporated by reference. The fee schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the fee schedule may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History--New 8-5-09, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.005 Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect of this proposed rule development is to amend the disciplinary guidelines for imposing penalties on public food service establishments and public lodging establishments in administrative actions.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address the disciplinary guidelines for imposing penalties on public food service establishments and public lodging establishments in administrative actions.

RULEMAKING AUTHORITY: 455.2273, 509.032 FS.

LAW IMPLEMENTED: 386.207, 509.032, 509.261, 509.281, 509.292 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: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-33.003 Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the automatic extension and the completion of CPE hours and to remove the requirement that proof of completion be post marked or recorded online.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

RULEMAKING AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (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 IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.003 Continuing Professional Education.

(1)(a) No change.

(b) Florida certified public accountants who do not meet the requirements by June 30th will be granted an automatic extension until September 15th provided the Florida certified public accountant completes submits an additional 8 hours in Accounting and Auditing subjects. An automatic extension will be granted until December 31st provided the Florida certified public accountant completes submits an additional 16 hours in Accounting and Auditing subjects. ~~Florida-certified public accountants utilizing the automatic extension must submit the required information postmarked or recorded on-line by September 15th or December 31st.~~

(2) through (7) No change.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01, 3-21-05, 5-18-05, 7-10-05, 7-23-06, 12-10-09,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.006
 RULE TITLE: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees

PURPOSE AND EFFECT: The Board proposes the rule amendment to correct the reestablishment dates by which required continuing professional education hours must be completed after a license is reactivated.

SUBJECT AREA TO BE ADDRESSED: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

RULEMAKING AUTHORITY: 455.271, 473.304, 473.311, 473.312, 473.313 FS.

LAW IMPLEMENTED: 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

(1) through (3) No change.

(4) The first establishment period after reactivation shall commence on the following ~~June~~ January 1st and the initial designated reestablishment date shall be the third ~~June~~ June 30th ~~December 31st~~ following reactivation.

Rulemaking Authority 455.271, 473.304, 473.311, 473.312, 473.313 FS. Law Implemented 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) FS. History—New 12-4-79, Amended 2-3-81, 11-6-83, 3-29-84, 8-20-85, Formerly 21A-33.06, Amended 4-8-86, 12-28-89, 10-16-90, Formerly 21A-33.006, Amended 12-14-93, 5-26-96, 7-23-06, 12-10-09,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-1.009
 RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the probable cause panel.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

RULEMAKING AUTHORITY: 455.225, 475.614 FS.

LAW IMPLEMENTED: 455.225 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: Thomas O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-1.009 Probable Cause Panel.

(1) The ~~determination of probable cause panel shall determine~~ if probable cause exists that a registrant, licensee, certificate holder, or permit holder ~~or the subject of the investigation~~ has violated the Real Estate Appraisal License Law, Part II, Chapter 475, Florida Statutes, or any of the board's rules or orders, shall be made by the probable cause panel of the board and regulations.

(2) There may be multiple ~~two~~ probable cause panels of the board. The probable cause panels shall be composed of two members which shall constitute a quorum. The members of the panel shall be appointed by the chairperson of the board and shall serve for the period directed by the chairperson. As provided in Section 455.225(4), Florida Statutes, one of the panel members may be a former member of the board, one must be a present member of the board, and one must be a former or present consumer member, if one is available, willing to serve, and is authorized to do so by the chairperson. ~~Panel members shall not participate in the determination and issuance of the final order to be rendered in each disciplinary case.~~

Rulemaking ~~Specific~~ Authority 455.225, 475.614 FS. Law Implemented 455.225 FS. History—New 10-15-91, Formerly 21VV-1.009, Amended 8-8-93, 1-29-95, 7-2-95, 1-8-06, 12-4-06,_____.

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

Division of Medical Quality Assurance

RULE NO.: 64B-9.002
RULE TITLE: Physician Survey Procedures
PURPOSE AND EFFECT: To update the survey questions.
SUBJECT AREA TO BE ADDRESSED: Physician Survey Procedures.

RULEMAKING AUTHORITY: 458.3191(4), 459.0081(4) FS.
LAW IMPLEMENTED: 381.4018, 458.3191, 459.0081 FS.

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

DATE AND TIME: May 5, 2010, 10:00 a.m. – 1:00 p.m.
PLACE: Department of Health, Capital Circle Office Center, Building #4052, Room 301, 4052 Bald Cypress Way, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Jessica Swanson Rivenbark at (850)245-4444, x-2711, or mailing address, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jessica Swanson Rivenbark

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-9.002 Physician Survey Procedures.

(1) At time of licensure renewal, each medical doctor and osteopathic physician who renews his or her license on line at www.FLHealthSource.com must fully complete on line all applicable portions of the physician workforce survey, form DH-MQA 1119, entitled Physician Workforce Survey, effective 08/10, ~~08/09~~ which is incorporated herein by reference and also may be viewed at <http://www.doh.state.fl.us/mqa/medical/index.html> or at <http://www.doh.state.fl.us/mqa/osteopath/index.html>. The address where physicians who do not renew online are required to obtain, complete and submit a paper copy of the survey with their renewal is 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399.

(2) No change.

Rulemaking Authority 458.3191(4), 459.0081(4) FS. Law Implemented 381.4018, 458.3191, 459.0081 FS. History–New 4-21-08, Amended 10-20-08, 9-30-09,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-1.047
RULE TITLE: Crisis Status Criteria

PURPOSE AND EFFECT: The purpose and effect of these Rule Development Workshops is to solicit public input on a petition that has been filed to amend Rule 65G-1.047, F.A.C. The Petition proposes that children living in out-of-home foster care without the possibility of a permanent placement be added to the "first priority" crisis category of the rule.

SUBJECT AREA TO BE ADDRESSED: Crisis Categories.

RULEMAKING AUTHORITY: 393.501(1), 393.065(2) FS.

LAW IMPLEMENTED: 393.065(2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: May 12, 2010, 6:00 p.m. – 8:00 p.m. EDT,
PLACE: APD Conference Room, 201 West Broward Blvd., Ft. Lauderdale, Florida 33301; ADA Contact: Ft. Lauderdale Area Office (954)467-4218

DATE AND TIME: May 19, 2010, 6:00 p.m. – 8:00 p.m. EDT
PLACE: University Area Community Center, 14013 North 22nd St., Tampa, Florida 33613; ADA Contact: Tampa Area Office (813)233-4300

DATE AND TIME: May 20, 2010, 6:00 p.m. – 8:00 p.m.
PLACE: Hurston Building South Tower, Conference Rooms A&B, 400 W. Robinson Street, Orlando, Florida 32801; ADA Contact: Orlando Area Office (407)245-0440

DATE AND TIME: May 26, 2010, 6:00 p.m. – 8:00 p.m. EDT
PLACE: APD Central Office, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399; ADA Contact: APD Central Office 1(800)APD-CARE

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: Terri McGarrity, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, (850)414-7452. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terri McGarrity, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, (850)414-7452

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 AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-2.042
RULE TITLE: Secondary Containment Standards
PURPOSE AND EFFECT: To adopt by reference Federal containment regulations stipulated in 40 CFR 165, relevant to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing activities. Adoption of the regulations referenced in the proposed rule will address the areas of non-equivalency which were identified by the US Environmental Protection Agency during their evaluation of Florida's Aboveground Storage Tank Systems Rule, Chapter 62-762, F.A.C.

SUMMARY: The rule will adopt by reference Federal containment regulations stipulated in 40 CFR 165, relevant to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency that states commercial costs associated with the installation or modification of a secondary containment pad for pesticide dispensing activities, are likely to be incurred by some businesses subject to the rule. Specifically, these costs would be incurred by those businesses which currently do not have a containment pad that meets the requirements of 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: 487.051, 570.07(23) FS.

LAW IMPLEMENTED: 487.051(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: Mr. Bruce Nicely, Chief of the Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650; (850)487-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.042 Secondary Containment Standards.

(1) The standards applicable to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing activities at facilities identified in 40 CFR 165.80(b) (2008) are set forth and specified in 40 CFR 165.3, 165.80(b), 165.81, 165.82, 165.83, 165.85(a), 165.85(b), 165.85(c)(3) & (c)(4), 165.85(e), 165.85(f), 165.87(a), 165.87(b), 165.87(c)(2) & (c)(3), 165.87(e), 165.87(f), 165.90 and 165.95 (2008).

(2) All federal regulations contained in this rule are hereby adopted and incorporated by reference and may be obtained on the U.S. Government Printing Office's Website <http://www.gpo.gov/fdsys/search/home.action>, or from the Superintendent of Documents, Attn: New Orders, P. O. Box 371954, Pittsburgh, PA 15250-7954. Charge orders may be telephoned to the Government Printing Office order desk at (202)512-1800.

Rulemaking Authority 487.051, 570.07(23) FS. Law Implemented 487.051(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H. Rackley, Director of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0021
RULE TITLE: Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt changes to the competencies and skills for the Guidance and Counseling PK-12 and School Psychologist PK-12 examinations, effective January 1, 2011. The effect of these changes will be updated competencies and skills for the Florida Teacher Certification Examinations (FTCE).

SUMMARY: The rule is proposed for amendment to adopt the new edition of the Competencies and Skills Required for Teacher Certification in Florida, Fifteenth Edition.

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.