

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

**RULE NO.:** 1B-2.011 **RULE TITLE:** Library Grant Programs

**PURPOSE AND EFFECT:** The purpose of this amendment is to modify the questions on the Annual Statistical Report Form for Florida’s Public Libraries for the State Aid to Libraries grant program and to modify audit clauses in the grant agreement for the State Aid to Libraries grant program, Community Libraries in Caring program, and the Public Library Construction Grant program.

**SUBJECT AREA TO BE ADDRESSED:** Annual Statistical Report Form for Florida’s Public Libraries for the State Aid to Libraries grant program and audit clauses in the grant agreements for the State Aid to Libraries grant program, Community Libraries in Caring program, and the Public Library Construction Grant program administered by the Division of Library and Information Services.

**SPECIFIC AUTHORITY:** 257.14, 257.15, 257.17, 257.171, 257.172, 257.18 FS.

**LAW IMPLEMENTED:** 257.14, 257.15, 257.17, 257.171, 257.172, 257.18 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, September 19, 2006, 10:00 a.m.  
**PLACE:** Archives Conference Room, First Floor, State Library and Archives of Florida, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

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: Judith A. Ring, Director, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; (850)245-6600, SUNCOM 205-6600. 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:** Judith A. Ring, Director, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; (850)245-6600, SUNCOM 205-6600

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-3.006	Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts
6A-3.0121	Responsibility of School District and Parents for Students with Special Transportation Needs Who are Transported at Public Expense
6A-3.0141	Employment of School Bus Drivers
6A-3.016	Responsibilities of Deputy Commissioner for Finance and Operations for Student Transportation
6A-3.0171	Responsibilities of School Districts for Student Transportation
6A-3.037	Alternate Engine Fuels for School Buses

**PURPOSE AND EFFECT:** The purpose of the rule development is to implement Florida’s statutory requirements as amended for safe and efficient transportation of Florida public school students by county school districts and charter schools. The effect is the consistency between State Board rule and Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** Student Transportation.

**SPECIFIC AUTHORITY:** 1006.21-.27, 1012.45 FS.

**LAW IMPLEMENTED:** 1006.21-.27, 1012.45 FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Charlie Hood, Director, Office of School Transportation, Department of Education, 325 West Gaines Street, Tallahassee, Florida; (850)245-9924

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

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

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-7  
RULE CHAPTER TITLE: Dues Collection on Behalf of Certain Not-For-Profit Corporations

RULE NOS.: 20-7.001, 20-7.002, 20-7.003, 20-7.004, 20-7.005  
RULE TITLES: Purpose, Request Procedure and Conditions, Commission Consideration of Properly Submitted Requests, Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities, Fees

PURPOSE AND EFFECT: New rule implementing Section 601.992, F.S., collecting dues on behalf of certain not-for-profit corporations.

SUBJECT AREA TO BE ADDRESSED: Implementation of Section 601.992, F.S.

SPECIFIC AUTHORITY: 601.992 FS.

LAW IMPLEMENTED: 601.992 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: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

**ADMINISTRATION COMMISSION**

RULE NO.: 28-101  
RULE TITLE: Organization

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding statements of agency organization and operation.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)5. FS.

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

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.  
PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-102  
RULE CHAPTER TITLE: Agenda and Scheduling of Meetings and Workshops

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding agendas and scheduling of meetings and workshops.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.525, 120.525(3), 120.54(5)(b)1. FS.

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

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.  
PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

#### **ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-103  
RULE CHAPTER TITLE: Rulemaking

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding rulemaking.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.525, 120.54(2)(a), (c), (d), (3)(a), (c), (5), (7) FS.

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

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.  
PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

#### **ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-104  
RULE CHAPTER TITLE: Variance or Waiver

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding variances and waivers.

SPECIFIC AUTHORITY: 120.54(5)(b)6., 120.542(3) FS.

LAW IMPLEMENTED: 120.542(1), (3), (4), (5), (6), (8) FS.

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

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.  
PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

#### **ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-105  
RULE CHAPTER TITLE: Declaratory Statements

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding declaratory statements.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.565 FS.

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

DATE AND DATE: Thursday, September 21, 2006, 10:00 a.m.  
PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
28-106 Decisions Determining Substantial Interests

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding decisions determining substantial interests.

SPECIFIC AUTHORITY: 120.54(3), (5) FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57, 120.573 FS.

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

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.  
PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or

Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
28-107 Licensing

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding licensing.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.574, 120.60 FS.  
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.  
PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
28-108 Exception to Uniform Rules of Procedure

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding exceptions to the uniform rules of procedure.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54 FS.

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

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.

PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-109  
 RULE CHAPTER TITLE: Conducting Proceedings By Communications Media Technology

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding conducting proceedings by communications media technology.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)2. FS.

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

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.

PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol,

Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-110  
 RULE CHAPTER TITLE: Bid Protests

PURPOSE AND EFFECT: The Commission intends to review the current rules in this chapter to determine whether any changes are necessary including the promulgation of a new rule.

SUBJECT AREA TO BE ADDRESSED: Uniform rules regarding bid protests.

SPECIFIC AUTHORITY: 120.54(5)(a), (b) FS.

LAW IMPLEMENTED: 120.57(3), 624.425(1) FS.

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

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m.

PLACE: Conference Room 2103, 21st Floor, The Capitol, 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 days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001.

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

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.210  
**RULE TITLE:** Custody Classification  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend the rule to provide that, unless precluded for security or other substantial reasons, all inmates are scheduled to appear for assessments and reviews and inmates shall be notified a minimum of forty-eight hours in advance of an assessment and review unless an inmate waives the notice in writing.  
**SUBJECT AREA TO BE ADDRESSED:** Progress assessments  
**SPECIFIC AUTHORITY:** 944.09, 958.11 FS.  
**LAW IMPLEMENTED:** 20.315, 921.20, 944.09, 944.17(2), 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:** Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

- 33-601.210 Custody Classification.
- (1) through (3) No change.
  - (4) Progress Assessments.
  - (a) through (b) No change.
  - (c) Unless precluded for security or other substantial reasons, all ~~At~~ inmates shall be scheduled to appear for assessments and reviews. 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. Assessments and reviews that shall be completed as follows:
    - 1. through 4. No change.
    - (d) through (m) No change.
    - (5) No change.

Specific Authority ~~20.315,~~ 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, Transferred from 33-6.009, 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, 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,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**  
**RULE NO.:** 40E-1.659  
**RULE TITLE:** Forms and Instructions

**PURPOSE AND EFFECT:** To incorporate by reference the following form: an off-site compensatory storage of surface waters easement granted to the District as part of an Applicant’s compliance with the District’s ERP Criteria on offsite compensatory storage of surface waters.  
**SUBJECT AREA TO BE ADDRESSED:** Off-site compensatory storage of surface waters.  
**SPECIFIC AUTHORITY:** 373.044, 373.113 FS.  
**LAW IMPLEMENTED:** 373.413, 373.414, 373.416 FS.  
**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**  
**DATE AND TIME:** September 21, 2006, 10:00 a.m. – 12:00 p.m.  
**PLACE:** South Florida Water Management District, Lower West Coast Regional Service Center, Large Conference Room, 2301 McGregor Blvd., Fort Myers, FL 33901  
**DATE AND TIME:** September 22, 2006, 1:30 p.m. – 3:30 p.m.  
**PLACE:** South Florida Water Management District Headquarters, B1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406  
 Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk’s Office, (561)682-2087 at least two business days in advance to make appropriate arrangements.  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Anthony Waterhouse, Division Director, Surface Water Management, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6867 or (561)682-6867 (email: twaterho@sfwmd.gov), or Luna Phillips, Senior Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6753 or (561)682-6753 (email: lphillip@sfwmd.gov). For procedural questions please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 (email: kruff@sfwmd.gov). A draft of the form will be available on September 14, 2006, on the District’s website located at: my.sfwmd.gov/permitting in the right hand column under “rule development”. A copy of the form may also be obtained by contacting Kathie Ruff, Paralegal at the contact information provided above.

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

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-4 Environmental Resource Permits

PURPOSE AND EFFECT: To amend the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District in order to reflect the update to the Basis of Review for the use of off-site storage areas for compensatory storage of surface waters.

SUBJECT AREA TO BE ADDRESSED: Off-site compensatory storage of surface waters.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416 FS.

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

DATE AND TIME: September 21, 2006, 10:00 a.m. – 12:00 p.m.

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, Large Conference Room, 2301 McGregor Blvd., Fort Myers, FL 33901

DATE AND TIME: September 22, 2006, 1:30 p.m. – 3:30 p.m.

PLACE: South Florida Water Management District Headquarters, B1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Anthony Waterhouse, Division Director, Surface Water Management, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6867 or (561)682-6867 (email: [twaterho@sfwmd.gov](mailto:twaterho@sfwmd.gov)), or Luna Phillips, Senior Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6753 or (561)682-6753 (email: [lphillip@sfwmd.gov](mailto:lphillip@sfwmd.gov)). For procedural questions please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 (email: [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)).

A draft of the rule text will be available on September 14, 2006, on the District's website located at: [my.sfwmd.gov/permitting](http://my.sfwmd.gov/permitting) in the right hand column under "rule development". Copies may also be obtained by contacting Kathie Ruff, Paralegal at the contact information provided above.

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

RULE NO.: RULE TITLE:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated By Reference

PURPOSE AND EFFECT: To revise the Operating Agreement Concerning the Regulation Under Part IV, F.S., and Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and Department of Environmental Protection, which is incorporated by reference. The revisions to the operating agreement include: 1) clarifying which mining projects are retained by DEP; 2) providing that the District will review boat docks associated with residential developments also reviewed by the District, even if the upland development qualified for a no-notice general permit; 3) providing that the District can review utility lines which are contained within projects under the District's review; 4) eliminating aquaculture from the agreement, which is now reviewed by the Florida Department of Agriculture and Consumer Services; 5) providing a process for review or transfer of incorrectly submitted applications 6) clarifying which mitigation banks DEP will review 7) clarifying which applications DEP will review with relation to the mean high water line fronting the Gulf of Mexico and where a CCCL line has not been established.

SUBJECT AREA TO BE ADDRESSED: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and Department of Environmental Protection.

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

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 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.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-6436 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE OR FOR A COPY OF THE PROPOSED AGREEMENT IS: Anita Bain, Division Director, Natural Resource Management Division, South Florida Water

Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866 (email: abain@sfwmd.gov), or for procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299 (email: jsluth@sfwmd.gov). Information regarding this rulemaking effort is also located on the District's website at: my.sfwmd.gov/permitting in the right hand column in the link entitled rule development.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(c) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., ~~and Aquaculture General Permits under Section 403.814, F.S.~~, between South Florida Water Management District and Department of Environmental Protection, effective December, 1998.

Specific Authority 373.044, 373.113, 373.171, 373.413, FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, \_\_\_\_\_.

THE DRAFT TEXT OF THE PROPOSED OPERATING AGREEMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE AND IS LOCATED ON THE DISTRICT'S WEBSITE AT THE ADDRESS LISTED ABOVE.

**DEPARTMENT OF ELDER AFFAIRS**

**Division of Volunteer and Community Services**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58B-1	Aging Resource Centers
RULE NOS.:	RULE TITLES:
58B-1.001	Definitions
58B-1.003	Operating Procedures
58B-1.005	Monitoring and Sanctioning of Access Points Service Providers
58B-1.007	Oversight Standards for the Aging Resource Center Governing Body
58B-1.009	Outcome Measures and Quality Assurance Standards

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement Section 430.2053(12), F.S. This statute establishes requirements under which aging resource centers shall operate.

SUBJECT AREA TO BE ADDRESSED: The proposed rules shall establish definitions, operating procedures, monitoring and sanctioning of access points, oversight standards for the aging resource center governing body, outcome measures, and quality assurance standards for aging resource centers in order to meet the requirements set forth in Section 430.2053(12), F.S.

SPECIFIC AUTHORITY: 430.08, 430.2053(12) FS.

LAW IMPLEMENTED: 430.2053 FS.

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

DATE AND TIME: September 20, 2006, 9:30 a.m. – 12:00 Noon

PLACE: J. L. Young Garden Apartments, Community Room, 8220 North Florida Avenue, Tampa, Florida 33604, Telephone number (813)421-0846.

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, FL 32399-7000, telephone number (850)414-2000, 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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochethj@elderaffairs.org.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

58B-1.001 Definitions.

In addition to the definitions included in Chapter 430, F.S., the following terms shall apply in this rule chapter:

(1) Access Point: A service provider or other entity that performs one or more aging resource center functions under an agreement with the aging resource center. The agreement can be in the form of a referral agreement, contract, memorandum of understanding, or any similar document.

(2) Aging Resource Center (ARC): An entity approved by the Department of Elder Affairs (DOEA), accessible through multiple entry points, that provides access to economic and long-term care services for all elders and their families, regardless of ability to pay. The eligibility functions are determined by the Comprehensive Assessment and Review for Long-term Care Services (CARES)/DOEA and the Department of Children and Families (DCF) Economic Self –

Sufficiency programs integrated through collocation of DOEA and DCF staff. The ARC coordinates the following functions under its contract with DOEA:

- (a) Access, information and referral;
- (b) Screening and triage;
- (c) Eligibility determination;
- (d) Long-term care options counseling;
- (e) Fiscal control; and
- (f) Quality assurance.

(3) Aging Resource Center client: An individual currently receiving services through any of the programs referred by the ARC, including individuals referred to private providers.

(4) Executive Director: An individual who shall be delegated responsibility for the ARC management and implementation of governing body policy; and who shall be accountable to the governing body for the ARC's performance. The ARC executive director may be the same individual who serves as the area agency on aging executive director.

(5) Governing Body: The board of the area agency on aging as described in Section 20.41(7), F.S.

(6) Information and Referral Specialist: The staff person(s) responsible for providing:

(a) Information to individuals about available long-term care resources and services;

(b) Referral of individuals to the resources most capable of meeting their needs; and

(c) Follow-up on referrals.

(7) Intake, Screening and Triaging Professional: The staff person(s) responsible for carrying out the following duties and responsibilities:

(a) For Title XIX (Medicaid/MedWaiver) services:

1. Assisting in the initial preliminary determination of programs and services that may serve the needs of the individual; and

2. Providing information on eligibility criteria and the application process.

(b) For other funded services (Older Americans Act, Community Care for the Elderly, Home Care for the Elderly, Alzheimer's Disease Initiative, and contracted services), determining an applicant's:

1. Potential eligibility for non-Medicaid programs;

2. Prioritized need for long-term care services; and

3. Priority for a comprehensive assessment.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History—New \_\_\_\_\_.

58B-1.003 Operating Procedures.

(1) SERVICE DELIVERY and ACCESSIBILITY. At a minimum, information shall be provided to all persons accessing the ARC by telephone, the Internet, or in person.

(a) The ARC shall, at a minimum, maintain regular business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state and national holidays.

(b) A staff member shall be assigned to answer the published, main telephone number of the ARC during regular business hours.

(c) The ARC shall ensure there is a system in place for answering and responding to calls received outside of the regular business hours.

1. The system shall, at a minimum, identify the agency, hours of operation, and give callers the option to leave a message or speak with a live attendant. The live attendant may be a private answering service.

2. The system shall instruct callers to dial "911" in the event of an emergency.

3. Messages shall be responded to the next business day.

(d) The ARC shall maintain an adequate number of access points to ensure that consumers who reside in all counties in the planning and service area have access to ARC services.

(2) EXECUTIVE STAFF REQUIREMENTS: At a minimum, executive staffing requirements shall consist of at least one of the following:

(a) An executive director who shall be a full-time employee having designated authority over the staff and all activities of the ARC; and

(b) A fiscal officer.

(3) PROFESSIONAL STAFF REQUIREMENTS: Professional staff shall be available to perform the tasks required of the ARC. Additional professional staff shall be required to adequately meet the needs of elders residing within the area served by the center if the minimum staffing standards cannot adequately meet those needs. At a minimum, the ARC shall employ the following professional staff:

(a) One Information and Referral Specialist; and

(b) One Intake, Screening and Triaging Professional.

The minimum professional staff requirement does not preclude an individual from performing the functions of both positions, provided the individual meets the minimum qualifications for each position as outlined in subsection (4) of this rule.

(4) MINIMUM EDUCATION and EXPERIENCE REQUIREMENTS: The ARC executive staff and professional staff shall meet minimum standards for education and experience and shall demonstrate competency in job knowledge pertinent to their areas of responsibility. The following are the criteria for ARC executive staff and professional staff:

(a) The executive director shall meet the following minimum standards:

1. Have a Bachelor's Degree from an accredited college or university in public administration, education, social work, or a related academic area with a minimum of five years of

professional or administrative supervisory experience in social, economic, health, or rehabilitative services. A Master's degree can substitute for one year of required work experience.

2. Work experience as indicated above may be substituted for the required college education on a year for year basis.

3. Five years experience in project management or community organization and planning related to elderly services is preferred.

(b) The fiscal officer shall meet the following minimum standards:

1. Have the appropriate educational and accounting experience as indicated below:

a. A current CPA certification; or

b. A Bachelor's Degree in accounting with two years of cost accounting experience in a non-profit setting; or

c. Have at least four years experience with Medicaid fiscal regulations and four years with state accounting procedures. The four years experience for each category may occur simultaneously.

2. Demonstrate a working knowledge of cost principles and internal control procedures for grants and contracts with the federal government for non-profit organizations (OMB circulars A-87, A-110, A-122, and A-133).

(c) The Information and Referral Specialist shall meet the following minimum standards:

1. Have a Bachelor's Degree from an accredited college or university in a human services related field; or

2. Have an Associate of Arts Degree from an accredited entity in a human services related field and a minimum of two years experience in information and referral services, case management, call center services, social services, or related work experience; or

3. Have a high school diploma or GED and four years experience in information and referral services, case management, call center services, social services, or related work experience.

(d) The Intake, Screening and Triaging Professional shall meet the following minimum standards:

1. Have a Bachelor's Degree from an accredited college or university in a human services related field; or

2. Have an Associate of Arts Degree from an accredited entity in a human service related field and a minimum of two years experience as a caseworker, case manager, intake specialist, or related work experience with the long-term care client population; or

3. Have a high school diploma or GED and four years experience as a caseworker, case manager, intake specialist, or related work experience with the long-term care client population.

(5) RECORDS: The ARC shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting principles and

sound business practices that sufficiently and properly reflect all revenues and expenditures of funds provided by the department. This documentation shall be made available upon request for monitoring and auditing purposes.

(a) All financial documents shall be filed, retained, and made available in the manner described in the contract with the department for a period of at least five (5) years after termination of the contract. If an audit has been initiated and audit findings have not been resolved at the end of the five (5) years, the records shall be retained at least until resolution of the audit findings.

(b) The ARC shall be audited annually by an independent accounting firm and shall submit the final report of the audit to the Department within six months after the end of the ARC's fiscal year.

(6) INFORMATION TECHNOLOGY STANDARDS: The ARC shall meet the minimum standards for information technology provided below.

(a) The ARC shall have sufficient computer hardware and software resources to provide:

1. Connectivity to DOEA applications via a private network such as the Florida Suncom network or a subscription Virtual Private Network (VPN). The department shall verify the security of all connections to its information systems.

2. A computing environment sufficient to operate the department's application programs. These applications require the current versions of the Microsoft or Netscape branded browsers that support the execution of Java, meet the version 4.0 Hypertext Markup Language (HTML 4.0) standards, and the version 1.0 Cascading Style Sheets (CSS 1.0) standard.

(b) The ARC shall have information technology measures in place that meet security requirements for computer viruses, Denial of Service (DOS) attacks, and malware; and compliance with the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(c) The ARC shall maintain operational security including, but not limited to, current security patches that ensure stability of the network.

(d) The ARC shall utilize information technology that ensures compatibility and connectivity with the department.

(e) The ARC shall employ staff with technical expertise needed to support and maintain a computerized information system in accordance with the ARC's contract with the department.

(f) The ARC shall include information technology protocols in its disaster/emergency and continuity of operations plans to ensure data backup and continuity during a disaster or emergency.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New \_\_\_\_\_.

58B-1.005 Monitoring and Sanctioning of Access Points Service Providers.

This rule applies only to access points that have a direct monetary funding agreement with the ARC.

(1) MONITORING: The ARC shall perform administrative, programmatic, quality assurance, and, if applicable, fiscal monitoring of access points to ensure compliance with ARC agreements.

(a) The ARC shall ensure appropriate methods for monitoring and sanctioning access points, including a grievance process, if the entity is eligible to file a grievance.

(b) In addition to monitoring access points in accordance with ARC agreements, ARC monitoring procedures shall include, at a minimum, the following elements:

1. Ensuring that professional staff has the minimum educational and experience requirements required in Rule 58B-1.003, F.A.C.

2. Timeliness and accuracy of the functional screening and financial eligibility;

3. Timeliness and accuracy of eligibility determination and enrollment procedures;

4. Effectiveness of information and referral services and long-term care options counseling;

5. Effectiveness of processes for receiving and acting on complaints and resolving client grievances and other persons who use ARC services; and

6. Identification of training and technical assistance needs.

(2) SANCTIONING: ARC access points that do not meet ARC agreements may be subject to sanctioning. Sanctions may include, but are not limited to, the following:

(a) Development, submission, and implementation of an acceptable corrective action plan to address identified areas of concern, agreement breaches, and noncompliance issues;

(b) Submission of additional and/or more detailed financial and/or performance reports;

(c) Designation as a high-risk access point, requiring additional monitoring visits;

(d) Repayment of disallowed costs;

(e) Amendments to the current ARC agreement;

(f) Restrictions on ability to draw down programmatic and administrative funding;

(g) Imposition of required technical assistance;

(h) Limitation or prohibition of direct service provision;

(i) Limitation or prohibition of use of specific service providers;

(j). Financial penalties not to exceed \$5,000 per agreement violation;

(k) Suspension of the entity's ability to function as an access point; and

(l) Termination of the entity's ability to function as an access point.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New \_\_\_\_\_.

58B-1.007 Oversight Standards for the Aging Resource Center Governing Body.

Pursuant to its contract with the ARC, the department shall monitor the performance and oversight activities of the ARC governing body to ensure the appropriateness and quality of care received by clients. The governing body shall be accountable for oversight standards for the ARC including, but not limited to:

(1) Compliance with legal and contractual requirements, established department policies, and effective management principles;

(2) Ensuring that services are provided in the most cost effective and cost saving manner in order to provide services to the greatest number of eligible individuals to help them remain in the community and avoid unnecessary institutional care;

(3) Reviewing the implementation of policies, governing body directives, and overall organizational accountability;

(4) Reviewing human resource management;

(5) Ensuring the ARC has a system for recruiting, hiring, evaluating, and terminating employees;

(6) Ensuring the ARC has written protocols for the development of cooperative relationships with community service agencies, and documented existence of cooperative relationships to ensure the intent of the ARC concept and mission are met;

(7) Ensuring compliance with program guidelines;

(8) Ensuring information management and data integrity, including accurate and reliable collection of client specific data;

(9) Completing a written annual performance evaluation of the executive director;

(10) Ensuring that the ARC develops an annual operational plan to be submitted to the department. The plan shall demonstrate that the ARC is achieving the goals as set forth by contract, statute, and rules;

(11) Ensuring that the ARC develops and incorporates disaster/emergency and continuity of operations plans in cooperation with those established by the area agency on aging for the planning and service area; and

(12) Overseeing the appropriateness of the ARC financial operations.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New \_\_\_\_\_.

58B-1.009 Outcome Measures and Quality Assurance Standards.

(1) OUTCOME MEASURES: The ARC governing body shall ensure that ARCs perform the following minimum outcome measures:

(a) Adhere to the annual Legislative mandate for the percentage of individuals, age 60 and older, determined to be eligible for nursing home placement that are placed in home and community based services; and

(b) Demonstrate the average monthly savings per client for home and community based services as compared to nursing home care for comparable client groups.

(c) Establish baseline measures for the processing time for applicants seeking services under the programs outlined in Sections 430.2053(11)(a) through (g), F.S., which are administered by the ARC through its contract with DOEA.

1. The processing time shall begin on the date applicants make their initial contact with the ARC and end on the date they are enrolled to receive services.

2. In addition to establishing the baseline information as outlined in subparagraph (1)(c)1. above, the ARC shall implement measures to track and report processing time on an ongoing basis for each of the programs referenced in Sections 430.2053(11)(a) through (g), F.S.

3. This requirement does not apply to applicants who are placed on an assessed priority consumer list for services.

(2) QUALITY ASSURANCE STANDARDS: The ARC governing body shall ensure that the ARC develops quality assurance standards to provide assurance that clients are receiving appropriate services and access points are adhering to the terms of the ARC agreements. This activity shall include the following elements:

(a) Ensuring access points adhere to the ARC agreements regarding the provision of client services in the most effective and cost saving manner. This shall be determined through regular monitoring, feedback and client satisfaction surveys.

(b) Ensuring that clients receive appropriate care and services while living in the community in order to avoid nursing home placement. This shall be accomplished through periodic clinical review of client care plans, client progress towards goals, and client satisfaction surveys.

(c) Ensuring that an annual program improvement plan is developed and submitted to the department in response to the department's monitoring report.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History—New

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER NO.: 59A-18  
 RULE CHAPTER TITLE: Nurse Registries Standards and Licensing

PURPOSE AND EFFECT: The purpose of this rule development is to revise the Comprehensive Emergency Management Plan format to comply with Chapter 2006-71, Laws of Florida, revise the form number for this format, and remove the requirement for insurance from the rule as requested by the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Emergency management plan minimum criteria and removing requirement for insurance.

SPECIFIC AUTHORITY: 400.506, 400.497 FS.

LAW IMPLEMENTED: 400.506 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: Jan Benesh, Agency for Health Care Administration, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, or beneshj@ahca.myflorida.com or (850)414-6010

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.002  
 RULE TITLE: Application Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: An update to the rule providing clarification of the application process for a license to conduct slot machine gaming and the requirement for the use and a format for the proof of a bond that is required of all entities applying for a license to conduct slot machine gaming contained in Rule 61D-14.002, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(f), 551.104(1), (4)(a), (8), 551.105(1), (2), (3), 551.106(2)(b), (3), (4), 551.107(6)(a) 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: September 19, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-15.001                      RULE TITLE.: Incorporated and Approved Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of slot machine activities conducted at a pari-mutuel wagering facility.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: the addition of a specific format for the bond and a DBPR assigned form number for that bond mandated pursuant to Section 551.103(1)(f), F.S., and paragraph 61D-14.002(1)(j), F.A.C., and contained in Rule 61D-15.001, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(f), 551.104(1), (4)(a), (8), 551.105(1), (2), (3), 551.106(2)(b), (3), (4), 551.107(6)(a) 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: September 19, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary

Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Construction Industry Licensing Board**

RULE NO.: 61G4-15.001                      RULE TITLE: Qualification for Certification

PURPOSE AND EFFECT: The Board proposes a rule amendment for the clarification of the requirements for swimming pool servicing contractors.

SUBJECT AREA TO BE ADDRESSED: Qualification for Certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: G.W. Harrell, Executive Director, Board Construction Industry Licensing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE NO.: 61G18-15.007                      RULE TITLE: Minimum Standards for Limited-Service Veterinary Medical Practices

PURPOSE AND EFFECT: The proposed rule amendment clarifies and modifies the definition of the term “limited-service veterinary medical practice.”

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Limited Service Veterinary.

SPECIFIC AUTHORITY: 474.206, 474.215 FS.

LAW IMPLEMENTED: 474.215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0783  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-5.002  
RULE TITLE: Disciplinary Guidelines  
PURPOSE AND EFFECT: The proposed rule amendment clarifies and makes the rule consistent with statutory references by including plans examination with the concepts of building code administration and inspection.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.227, 455.2273, 468.606 FS.  
LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-5.002 Disciplinary Guidelines  
(1) through (2)(m) No change.

VIOLATION	RECOMMENDED RANGE OR PENALTY
(2)(n) Practicing as a building code administrator, <u>plans examiner</u> , or inspector without a valid active certificate. (468.607, 468.621(1)(a), F.S.)	(n)1. In the case of an applicant, the usual action of the board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action by the board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500

	(n)2. After the first offense, in the case of an applicant, the usual action of the board shall be denial. For a licensee, the penalty shall be revocation and a fine of up to \$5,000
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(o) through (5) No change.

Specific Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History–New 5-23-94, Amended 8-14-96, 8-3-97, 11-2-00, 4-10-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-5.007  
RULE TITLE: Notice of Noncompliance  
PURPOSE AND EFFECT: The proposed rule amendment clarifies and makes the rule consistent with statutory references by including plans examination with the concepts of building code administration and inspection.

SUBJECT AREA TO BE ADDRESSED: Notice of Noncompliance.

SPECIFIC AUTHORITY: 455.225, 468.606 FS.  
LAW IMPLEMENTED: 455.225, 468.607, 468.621 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-5.007 Notice of Noncompliance.

In lieu of the disciplinary procedures contained in Sections 455.225 and 468.621, F.S., as an alternative to investigation and prosecuting when a complaint is received. The Department shall provide a licensee with a notice of noncompliance on a first offense for the following minor violations.

(1)(a) Engaging in building code administration, plans examination, or inspection with a certificate on inactive or delinquent status; and,

(b) through (2) No change.

Specific Authority 455.225, 468.606 FS. Law Implemented: 455.225, 468.607, 468.621 FS. History–New 5-23-94, Amended 12-6-95, 12-7-97,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.012  
 RULE TITLE: Provisional Certificates

PURPOSE AND EFFECT: The proposed rule amendment clarifies when a potential provisional certificate holder will be eligible to perform duties in the category for which the application has been submitted.

SUBJECT AREA TO BE ADDRESSED: Provisional Certificates.

SPECIFIC AUTHORITY: 468.606, 468.609(7) FS.

LAW IMPLEMENTED: 468.609(7) 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.012 Provisional Certificates.

(1) through (5) No change.

(6) Following the submission of an ~~complete~~ application for provisional certification as either an inspector or plans examiner, the applicant shall be eligible to perform duties in the category for which the application has been submitted for up to a maximum of ninety (90) days from the date the application is submitted, and subject to the following conditions:

(a) through (b) No change.

Specific Authority 486.606, 468.609(7) FS. Law Implemented 468.609(7) FS. History—New 5-23-94, Amended 5-21-95, 8-28-95, 12-6-95, 1-3-96, 2-23-99, 4-30-01,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.019  
 RULE TITLE: Modular Building Inspector and Modular From Licensure Renewal Provision

PURPOSE AND EFFECT: The proposed rule creates the category of Modular Building Inspector and Modular Plans Examiner for standard and provisional certification.

SUBJECT AREA TO BE ADDRESSED: Modular Building Inspector and Modular From licensure renewal provision.

SPECIFIC AUTHORITY: 468.609, 468.606 FS.

LAW IMPLEMENTED: 468.609, 468.606 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-9.001  
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment clarifies the mandated continuing education requirements by defining the term “Laws and Rules.”.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Biennial Renewal.

SPECIFIC AUTHORITY: 455.2124, 455.213(6), 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 455.213(6), 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-9.001 Continuing Education for Biennial Renewal.

(1) through (3) No change.

(4) “Laws and Rules” as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters 112, 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), Florida Statutes and their associated rules in the Florida Administrative Code (FAC) as listed in the Board’s Candidate Information Bulletin

~~(CIB) online. Applicants who are first certified when there is more than one half of their initial biennial certification period remaining, shall only be required to complete a minimum of seven (7) hours of continuing education courses, which shall include a minimum of one (1) hour in the area of accessibility, prior to the end of their initial biennial certification period as a condition of the initial renewal of all certifications held by the certificate holder.~~

(5) through (6) No change.

(7) A certificate holder shall maintain continuing education course completion certificates for a period of three (3) years.

Specific Authority 455.2124, 455.213(6), 468.606, 468.627 FS. Law Implemented 455.2124, 455.213(6), 468.627 FS. History—New 5-23-94, Amended 5-21-95, 11-28-95, 6-9-97, 1-4-00, 4-23-01, 3-19-02, 6-10-02, 6-1-03,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.:                   RULE TITLE:

61G19-9.004               Approval of Courses

PURPOSE AND EFFECT: The proposed rule amendment updates and provides modifications relating continuing education hours and auditing of a Board’s approved course or provider.

SUBJECT AREA TO BE ADDRESSED: Approval of Courses.

SPECIFIC AUTHORITY: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.:                   RULE TITLE:

61G19-10.003             Reinstatement Fee of a Null and Void License

PURPOSE AND EFFECT: The proposed rule amendment establishes a fee and incorporates applicable forms for the reinstatement of a Null and Void License.

SUBJECT AREA TO BE ADDRESSED: Reinstatement Fee of Null and Void License.

SPECIFIC AUTHORITY: 455.271, 486.606, 455.219 FS.

LAW IMPLEMENTED: 455.219, 455.271 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-10.003 Reinstatement Fee of a Null and Void License.

Each application (DBPR PRO 4951, DBPR PRO 4952, and DBPR PRO 4953) for reinstatement of a null and void license must be accompanied by payment of a fee of \$125.00.

Specific Authority 455.271, 486.606, 455.219 FS. Law Implemented 455.219, 455.271 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Counseling**

RULE NO.:                   RULE TITLE:

64B4-2.002               Definition of “Supervision” for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify how often an intern must be supervised in order to be credited to meet the requirements of Section 491.005, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Definition of “Supervision” for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling.

SPECIFIC AUTHORITY: 491.004(5), 491.0045 FS.

LAW IMPLEMENTED: 491.005(1)(c), (3)(c), (4)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Counseling and Mental Health Counseling**

RULE NO.: 64B4-4.019                      RULE TITLE: Duplicate License Fee

PURPOSE AND EFFECT: The Board proposes the promulgation and adoption of this rule to address the fee to be charged to provide a duplicate license and to reinstate a rule that had erroneously been repealed previously.

SUBJECT AREA TO BE ADDRESSED: Duplicate license fee and to reinstate a rule that had been erroneously repealed previously.

SPECIFIC AUTHORITY: 491.004(5), 491.008(2) FS.

LAW IMPLEMENTED: 491.004(5) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-6.001                      RULE TITLE: Renewal of Active License

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify renewal requirements to be consistent with the recent changes to Section 456.031(1)(a), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Renewal of active license.

SPECIFIC AUTHORITY: 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS.

LAW IMPLEMENTED: 456.013(6), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-6.002                      RULE TITLE: Approved Courses for Continuing Education

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to remove reference to an entity that no longer exists.

SUBJECT AREA TO BE ADDRESSED: Approved courses for continuing education.

SPECIFIC AUTHORITY: 456.013(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(6), 491.007(2), 491.0085(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-8.002                      RULE TITLE: Approved Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the rule to be consistent with the recent changes to Section 456.031(1)(a), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Approved courses.

SPECIFIC AUTHORITY: 456.031, 491.0045(4) FS.

LAW IMPLEMENTED: 456.031, 491.0065 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-9.006                      RULE TITLE: Probable Cause Determination

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to comply with new legislation.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determination.

SPECIFIC AUTHORITY: 120.53, 459.005 FS.

LAW IMPLEMENTED: 456.073(4), 459.015(10) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-9.006 Probable Cause Determination.

(1) No change.

(2) The probable cause panel shall include one (1) licensed physician assistant whenever disciplinary action against a physician assistant is considered. The physician assistant member of the panel shall be appointed by the Council on Physician Assistants and shall consider disciplinary action against physician assistants only.

(3)~~(2)~~ The probable cause panel members shall be selected by the Chair, except for the physician assistant enumerated in subsection (2) of this rule, one (1) of whom shall be selected by the Chair of the Board as the presiding officer of the panel.

(4)~~(3)~~ No change.

Specific Authority 120.53, 459.005 FS. Law Implemented 456.073(4), 459.015(10) FS. History—New 10-23-79, Formerly 21R-9.06, Amended 1-3-93, Formerly 21R-9.006, 61F9-9.006, Amended 10-15-95, Formerly 59W-9.006, Amended 11-27-97,

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.005                      RULE TITLE: Standards for the Use of Controlled Substances for Treatment of Pain

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to include osteopathic manipulative treatment and applications as other treatment modalities approved.

SUBJECT AREA TO BE ADDRESSED: Standards for the Use of Controlled Substances for Treatment of Pain.

SPECIFIC AUTHORITY: 459.005(1) FS.

LAW IMPLEMENTED: 459.003(3), 459.015(1)(g), (x) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.005 Standards for the Use of Controlled Substances for Treatment of Pain.

(1) through (2) No change.

(3) Guidelines. The Board has adopted the following guidelines when evaluating the use of controlled substances for pain control:

(a) No change.

(b) Treatment Plan. The written treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the osteopathic physician should adjust drug therapy to the individual medical needs of each patient. Other treatment modalities, including osteopathic manipulative treatment and applications, or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

(c) through (g) No change.

Specific Authority 459.005(1) FS. Law Implemented 459.003(3), 459.015(1)(g), (x) FS. History–New 3-9-00, Amended.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-19.002  
 RULE TITLE: Violations and Penalties  
 PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to comply with new legislation.  
 SUBJECT AREA TO BE ADDRESSED: Violations and Penalties.  
 SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.  
 LAW IMPLEMENTED: 456.072, 456.079, 456.50 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation

and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (45) No change.

<u>(46) Violating any rule adopted by the board or department. Intentionally violating any rule adopted by the board or department (456.072(1)(b), 459.015(pp) F.S.)</u>	MINIMUM	MAXIMUM
FIRST OFFENSE	denial or <u>letter of concern</u> <u>reprimand</u> and <u>\$1,000 fine, demonstration of compliance with the rule</u>	denial or suspension to be followed by probation and \$5,000 fine, <u>a reprimand, completion of a laws and rules course, and demonstration of compliance with the rule.</u>
SECOND OFFENSE	denial or <u>reprimand, completion of laws and rules course, demonstration of compliance with the rule, probation and \$7,500 fine</u>	No change.

(47) through (58) No change.

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079, 456.50 FS. History–New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-2.001  
 RULE TITLE: License by Endorsement  
 PURPOSE AND EFFECT: The Board proposes to amend the rule to add language seeking reentry into the profession after 2 years of non-practice.  
 SUBJECT AREA TO BE ADDRESSED: Licensure.  
 SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.  
 LAW IMPLEMENTED: 468.358(2), (3), 468.365 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-2.001 License by Endorsement.

(1) Each applicant applying for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The initial application must be accompanied by the application fee. 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 and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(2) Every applicant for licensure as a registered respiratory therapist or certified respiratory therapist shall demonstrate the following:

(a)1. That the applicant holds the "Registered Respiratory Therapist" or "Certified Respiratory Therapist" credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

2. That the applicant holds licensure, or the equivalent, to deliver respiratory care in another state and such licensure was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(b) That the applicant is not otherwise disqualified by reason of a violation of Chapter 456, or Chapter 468, Part V, F.S., or the rules promulgated thereunder.

(c) That the applicant has completed a Board approved 2-hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

(d) An applicant who has been out of the practice of respiratory care for 2 years or more must complete a Board-approved comprehensive review course in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) direct contact education hours in the topics and numbers of hours as follows (for the purpose of this section, home study courses are not permitted):

<u>Patient assessment</u>	<u>3 hours</u>
<u>Hemodynamics</u>	<u>2 hours</u>
<u>Pulmonary Function</u>	<u>1 hour</u>
<u>Arterial blood gases</u>	<u>1 hour</u>
<u>Respiratory equipment including medications</u>	<u>2 hours</u>
<u>Airway Care</u>	<u>1 hour</u>
<u>Mechanical ventilation</u>	<u>2 hours</u>

<u>Emergency care/special procedures</u>	<u>1 hour</u>
<u>General respiratory care</u>	<u>1 hour</u>

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-5.001  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language to the disciplinary guidelines regarding a licensee failure to comply with Section 456.072(1)(t), F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.001 Disciplinary Guidelines.

(1) through (3)(cc) No change.

(dd) through (ee) No change.

(ff) Failure to notify a patient through written or oral notice of the type of license the practitioner holds.

(456.072(1)(t), F.S.)

First Offense:

Read laws and rules and submit an affidavit attesting that the licensee has read the laws and rules.

Second Offense:

A fine from \$100.00 to \$5000.00.

(4) through (6) No change.

Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History--New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, 12-5-04, 5-15-05,\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE CHAPTER NO.: 65C-13  
 RULE CHAPTER TITLE: Substitute Care of Children

PURPOSE AND EFFECT: This rule outlines the procedures that the Department and contracted agencies will use in performing licensing of Foster Homes and Child Placing Agencies.

SUBJECT AREA TO BE ADDRESSED: Licensing of substitute family care.

SPECIFIC AUTHORITY: 39.0121, 409.175(5)(a) FS.

LAW IMPLEMENTED: 39.402, 409.145, 409.165, 409.175 FS.

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

DATE AND TIME: September 22, 2006, 9:00 a.m.

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Chris Lolley, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)921-1928

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE CHAPTER NO.: 65C-15  
 RULE CHAPTER TITLE: Licensed Child-Placing Agencies

PURPOSE AND EFFECT: This rule outlines the procedures that the Department and contracted agencies will use in performing licensing of Foster Homes and Child Placing Agencies

SUBJECT AREA TO BE ADDRESSED: Licensing.

SPECIFIC AUTHORITY: 39.0121, 409.175(5)(a) FS.

LAW IMPLEMENTED: 39.402, 409.145, 409.165, 409.175 FS.

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

DATE AND TIME: September 22, 2006, 9:00 a.m.

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Chris Lolley, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)921-1928

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-20.008	Application
65C-20.009	Staffing Requirements
65C-20.010	Health Related Requirements
65C-20.011	Health Records
65C-20.012	Enforcement
65C-20.013	Large Family Child Care Homes (LFCCH)
65C-20.014	Gold Seal Quality Care Program

PURPOSE AND EFFECT: The purpose of this workshop is to discuss proposed clarifications, amendments, and legislative mandates to Chapter 65C-20, F.A.C., Family Day Care Standards and Large Family Child Care Homes Standards. In addition, we will also be discussing creating Rule 65C-20.014, F.A.C., to reflect legislative mandates concerning the Gold Seal Quality Care Program.

SUBJECT AREA TO BE ADDRESSED: Family Day Care Standards, Large Family Child Care Homes Standards.

SPECIFIC AUTHORITY: 402.313 FS.

LAW IMPLEMENTED: 402.313 FS.

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

DATE AND TIME: October 16, 2006, 1:00 p.m.

PLACE: Department of Children and Families, 201 West Broward Blvd., Room 408, Ft. Lauderdale, Florida 33301

DATE AND TIME: November 2, 2006, 1:00 p.m.

PLACE: Department of Children and Families, 1317 Winewood Boulevard, Building 6, Room 361A, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Carrie Pafford, Government Operations Consultant II, 1317 Winewood Boulevard, Building 6, Room 373, Tallahassee, FL 32399, (850)488-4900

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-22.001	General Information
65C-22.008	School Age Child Care
65C-22.009	Gold Seal Quality Care Program
65C-22.010	Enforcement

PURPOSE AND EFFECT: The purpose of this workshop will be to discuss proposed clarifications, amendments, and legislative mandates to Chapter 65C-22, F.A.C., Child Care Facility Standards. In addition we will also be discussing creating Rule 65C-22.009, F.A.C., to reflect legislative

mandates concerning the Gold Seal Quality Care Program, and creating Rule 65C-22.010, F.A.C., to reflect legislative mandates regarding the implementation of statewide uniform enforcement of procedures.

SUBJECT AREA TO BE ADDRESSED: Child Care Facility Standards.

SPECIFIC AUTHORITY: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

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

DATE AND TIME: October 17, 2006, 9:00 a.m.

PLACE: Department of Children and Family Services, 1400 West Commercial Blvd., Room 195, Ft. Lauderdale, Florida 33309

DATE AND TIME: October 18, 2006, 9:00 a.m.

PLACE: Department of Children and Families, 5920 Arlington Expressway, Auditorium, Jacksonville, Florida 32231

DATE AND TIME: October 30, 2006, 10:00 a.m.

PLACE: Department of Children and Family Services, 340 Beal Parkway, N.W., Room 128, Ft. Walton Beach, Florida 32548

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Carrie Pafford, Government Operations Consultant II, 1317 Winewood Boulevard, Building 6, Room 373, Tallahassee, FL 32399, (850)488-4900

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program Office**

RULE NOS.:                   RULE TITLES:

65E-5.100                   Definitions  
65E-5.180                   Right to Quality Treatment

PURPOSE AND EFFECT: Rule 65E-5.180, Florida Administrative Code, is being revised to comply with Section 394.457(5)(b), F.S., of the Baker Act, requiring facilities to adopt rules governing the use of seclusion and restraint.

SUBJECT AREA TO BE ADDRESSED: Development of a rule to comply with the statutory requirements of Section 394.457(5)(b), F.S., of the Baker Act. The rule specifically addresses seclusion and restraint use in mental health facilities and programs.

SPECIFIC AUTHORITY: 394.457(5), 394.457(5)(b), 394.46715 FS.

LAW IMPLEMENTED: 394, Part 1, 394.455(1), 394.457, 394.4573(1)(b), 394.459(2), 394.459(2)(d), 394.459(4), 394.4625, 394.4655, 394.467, 401.455, 491, 765.401 FS.

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

DATE AND TIME: September 18, 2006, 1:00 p.m.

PLACE: Building 6, Conference Room "A", Winewood Office Complex, 1317 Winewood Blvd., Tallahassee, Florida

Persons with disabilities requiring accommodations in order to participate in this workshop should contact Linda Henshaw, Department of Children and Families, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 239, Tallahassee, Florida 32399-0700, (850)921-5724, (Voice) or (850)921-8880 (TDD), as soon as possible, but no later than five full working days prior to the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, AVAILABLE AT NO CHARGE IS: Wendy Scott, Government Operations Consultant III, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 227, Tallahassee, Florida 32399-0700, Telephone: (850)413-7282, E-mail: wendy\_scott@dcf.state.fl.us

ANY PERSON MAY SUBMIT INFORMATION REGARDING THE PROPOSED RULE DEVELOPMENT TO THE ABOVE NAME AND ADDRESS.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER NO.:   RULE CHAPTER TITLE:

69A-38                   Uniform Fire Safety Standards for Residential Facilities for Individuals With Developmental Disabilities

RULE NOS.:           RULE TITLES:

69A-38.018           Title  
69A-38.019           Purpose  
69A-38.020           Scope  
69A-38.021           Discretionary Powers of the Authority Having Jurisdiction  
69A-38.024           Documentation of Client's Evacuation Status  
69A-38.026           Operating Features  
69A-38.028           Standards of the National Fire Protection Association Adopted  
69A-38.029           Documentation of Client's Evacuation Status  
69A-38.030           Operating Features  
69A-38.031           Special Features  
69A-38.032           Standards of the National Fire Protection Association Adopted  
69A-38.033           Documentation of Client's Evacuation Status  
69A-38.034           Operating Features  
69A-38.035           Emergency Egress and Relocation Drills  
69A-38.036           Inspections  
69A-38.037           Cooking Equipment; Exception  
69A-38.038           Special Requirements

**PURPOSE AND EFFECT:** The purpose of these rules is to update Rule Chapter 69A-38, F.A.C., to accommodate new and amended provisions of Chapter 393, F.S. The effect of this rule development will be to assist the Agency for Persons with Disabilities, the Agency for Health Care Administration and the individual owners of the affected facilities in complying with the firesafety requirements of Section 633.022, F.S., and the applicable codes and standards.

**SUBJECT AREA TO BE ADDRESSED:** Firesafety in residential facilities for developmentally disabled persons, as provided in Section 633.022, F.S.

**SPECIFIC AUTHORITY:** 633.01, 633.01(1), 633.022 FS.

**LAW IMPLEMENTED:** 633.01, 633.01(1), 633.022, 633.022(1), 633.022(1)(b) 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, September 19, 2006, 9:00 a.m.

**PLACE:** Conference Room 120, Peterson Building, 200 North Kentucky Avenue, Lakeland, 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: Millicent King, (850)413-3619, Fax: (850)414-6119. 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:** Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, phone: (850)413-3171; Fax: (850)414-6119

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

#### PART I GENERAL

##### 69A-38.019 Purpose.

The purpose of this rule chapter is to comply with Section 393.067(8), F.S., which states that the Agency for Persons with Disabilities shall adopt rules relating to certain entities identified therein based on uniform firesafety standards established by the State Fire Marshal. This rule chapter establishes those uniform firesafety standards and specifies specify measures to provide a reasonable degree of public safety from fire in residential facilities for individuals with developmental disabilities. ~~For purposes of brevity, these facilities will be referred to throughout these rules as "developmental disabilities facilities."~~ These rules try to avoid requirements which might result in unreasonable hardships, or

unnecessary inconvenience, or interference with the normal use and occupancy of a building, but at the same time insist upon compliance with a uniform standard for life safety necessary in the public interest, even though a financial hardship may result in some individual cases.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 10-30-90, Formerly 4A-38.019, Amended \_\_\_\_\_.

69A-38.020 Scope.

(1) These rules establish minimum standards for ~~apply to~~ any residential developmental disabilities facility required to be licensed by the Florida Agency for Persons with Disabilities Department of Children and families, pursuant to Section 393.067, F.S., Rule 65B-38.005, and Chapter 65B-6, F.A.C., and any Intermediate care facilities for the developmentally disabled required to be licensed by the Agency for Health Care Administration pursuant to Chapter 400, Part XI, F.S. In any determination of the number of persons living in a facility, only those persons who are clients as defined in Section 393.062 393.43(4), F.S., shall be counted.

(2) No change.

(3) This rule chapter establishes minimum standards ~~shall apply~~ as follows:

(a) Part II establishes minimum standards for all residential facilities as defined in Section 393.063(34), F.S., including any group home facility, residential habilitation center, and comprehensive transitional education program which is providing room and board for individuals with developmental disabilities, and that is required to be licensed by the Florida Agency for Persons with Disabilities, pursuant to Section 393.067, F.S., and Chapter 65B-6, F.A.C. Part II ~~does not establish minimum standards for day care centers or residential child-care facilities licensed by the Department of Children and Families, shall apply to any residential facility, as defined in Section 393.063(39), F.S., which is providing room and board and personal care for individuals with developmental disabilities required to be licensed by the Florida Department of Children and Family Services, pursuant to Section 393.067, F.S., and Chapter 65B-6, F.A.C. These rules do not apply to day care centers or residential child care facilities.~~

(b) Part III establishes minimum standards for ~~shall apply to~~ intermediate care facilities for developmentally disabled persons, as defined in Section 393.063(24)(28), F.S., that are licensed pursuant to Chapter 65B-38, F.A.C.

(c) Part IV establishes minimum standards for:

1. Foster care facilities, as defined in Section 393.063(19), F.S., and

2. Group home facilities, as defined in Section 393.063(20), F.A.C., serving five or fewer clients, and licensed pursuant to Chapter 65B-6, F.A.C.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History–New 10-30-90, Amended 7-11-01, Formerly 4A-38.020, Amended.

69A-38.021 Discretionary Powers of the Authority Having Jurisdiction.

The authority having jurisdiction, as set forth in Section 633.121, F.S., may modify these rules under the following conditions:

(1) No change.

(2) Alternatives and ~~equivalency~~ shall be documented and such documents shall be provided to the authority having jurisdiction and the property owner. Such documentation shall meet the requirements of Section 1-4 ~~1-5~~ of NFPA-101 edition as adopted in Rule 69A-3.012, F.A.C.

(a) through (c) No change.

(3) Alternative and ~~or~~ equivalency determinations of existing facilities shall be considered during subsequent inspections for fire safety. If in the opinion of the authority having jurisdiction, the previous determinations are no longer applicable, then additional fire code requirements shall ~~may~~ be imposed. A brief statement describing the fire code requirements in light of previous alternative and ~~equivalency~~ determinations shall be provided to the owner of the property.

(4) No change.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History–New 10-30-90, Amended 7-11-01, Formerly 4A-38.021, Amended.

PART II FACILITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES EXCLUDING INTERMEDIATE CARE FACILITIES, FOSTER CARE FACILITIES, AND GROUP HOME FACILITIES SERVING FIVE OR FEWER CLIENTS.

69A-38.024 Documentation of Client’s Evacuation Status.

Documentation of a client’s ~~client’s~~ evacuation status shall be based on the speed of evacuation. Speed of evacuation ~~evacuation~~ is to be determined via documentation of actual fire drills conducted with the Agency for Persons with Disabilities ~~Department of Children and Family Services~~ personnel present, as evidenced by their signature on at least two fire drill reports during the preceding year. As an alternative, the provisions of NFPA 101A, Chapter 5, the edition as adopted in Rule 69A-3.012, F.A.C., may be used to evaluate clients’ evacuation status.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History–New 10-30-90, Amended 7-11-01, Formerly 4A-38.024, Amended.

69A-38.026 Operating Features.

Each facility coming within the scope of PART II shall comply with ~~the provision of~~ Sections 32-7 or 33-7 of NFPA 101, whichever is applicable.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History–New 10-30-90, Amended 7-11-01, Formerly 4A-38.026, Amended.

PART III INTERMEDIATE CARE FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES (ICF/DD)

69A-38.028 Standards of the National Fire Protection Association Adopted.

~~The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, Chapter 32 for New and Chapter 33 for Existing Facilities, in the edition adopted in Rule 69A 3.012, F.A.C., shall be the uniform fire safety standards required for this state with respect to intermediate care facilities for persons with developmental disabilities.~~

(1) The appropriate chapters of the standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, the edition as adopted by Rule 69A-3.012, F.A.C., shall be the uniform fire safety standards required for this state with respect to intermediate care facilities for the developmentally disabled, except as modified by this rule.

(2) The appropriate fire safety inspector shall verify the occupancy status by reviewing the license issued by the Agency for Health Care Administration or, in the case of a new facility, a copy of the application for licensure.

(3) Facilities for persons with developmental disabilities shall be inspected in accordance with the occupancy status as determined by the Agency for Health Care Administration as follows:

(a) New facilities with an occupancy status for providing personal care shall be governed by NFPA 101, adopted by reference in Rule 69A-3.012 F.A.C. Chapter 32, “New Residential Care and Board Occupancies;” existing facilities shall be governed by Chapter 33, “Existing Residential Care and Board Occupancies.”

(b) New facilities with an occupancy status for providing nursing or convalescent care shall be governed by NFPA 101, adopted by reference in Rule 69A-3.012, F.A.C., Chapter 18, “New Health Care Occupancies;” existing facilities shall be governed by Chapter 19, “Existing Health Care Occupancies.”

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1) FS. History–New 10-30-90, Amended 9-22-92, 7-11-01, Formerly 4A-38.028, Amended.

69A-38.029 Documentation of Client’s Evacuation Status.

Documentation of a client’s evacuation status shall be based on the speed of evacuation. Speed of evacuation is to be determined via documentation of actual fire drills conducted with the Agency for Health Care Administration personnel present, as evidenced by their signature on at least two fire drill reports during the preceding year. As an alternative, the provisions of NFPA 101A, Chapter 5, the edition as adopted in

Rule 69A-3.012, F.A.C., may be used to evaluate a client's evacuation status. The procedure outlined in Rule 69A-38.024, F.A.C., shall also apply to this part.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History--New 10-30-90, Formerly 4A-38.029, Amended \_\_\_\_\_.

#### 69A-38.030 Operating Features.

Each intermediate care facility for the developmentally disabled shall comply with the appropriate operating procedures provision of Sections 32.7 or 33.7 of NFPA 101, whichever is applicable. Unless otherwise authorized by the authority having jurisdiction, fire exit drills shall be held with sufficient frequency to familiarize all occupants with the drill procedure and to have the conduct of the drill a matter of established routine. They shall be conducted no less frequently than once per month and shall be properly documented.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History--New 10-30-90, Amended 7-11-01, Formerly 4A-38.030, Amended \_\_\_\_\_.

### PART IV FOSTER CARE FACILITIES AND GROUP HOME FACILITIES SERVING FIVE OR FEWER CLIENTS

#### 69A-38.032 Standards of the National Fire Protection Association Adopted.

The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, Chapter 32, "New Residential Board and Care Occupancies," and Chapter 33, "Residential Board and Care Occupancies," the edition as adopted in Rule 69A-3.012, F.A.C., shall be the uniform firesafety standards required for this state with respect to foster care facilities and group home facilities serving five or fewer clients, except as modified by this rule.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History--New \_\_\_\_\_.

#### 69A-38.033 Documentation of Client's Evacuation Status.

Documentation of a client's evacuation status shall be based on the speed of evacuation. Speed of evacuation is to be determined via documentation of actual fire drills conducted with the Agency for Persons with Disabilities personnel present, as evidenced by their signature on at least two fire drill reports during the preceding year. As an alternative, the provisions of NFPA 101A, Chapter 5, the edition as adopted in Rule 69A-3.012, F.A.C., may be used to evaluate a clients' evacuation status.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History--New \_\_\_\_\_.

#### 69A-38.034 Operating Features.

Each new and existing facility coming within the scope of PART IV shall comply with the appropriate operating feature provisions of Sections 32.7 or 33.7 of NFPA 101, whichever is applicable.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History--New \_\_\_\_\_.

#### 69A-38.035 Emergency Egress and Relocation Drills.

(1) An emergency egress and relocation drill shall be conducted by each owner at each facility at least three (3) times per year. Each emergency egress and relocation drill shall be conducted at least 90 days after the previous emergency egress and relocation drill. The authority having jurisdiction is permitted to require an additional emergency egress and relocation drill in conjunction with an annual firesafety inspection.

(2) The purpose of each emergency egress and relocation drill is to familiarize each occupant with the procedures required for the safe, orderly, and expeditious exiting of the building or structure. All occupants shall exit the building or structure to a predetermined area of safety. The climate and weather conditions shall be taken into consideration when scheduling any emergency egress and relocation drill.

(3) Each emergency egress and relocation drill shall be conducted at an unexpected time and under varying conditions that may occur in the case of fires.

(4) During each emergency egress and relocation drill, all occupants shall evacuate the building independently or with staff assistance or any other available assistance, as needed.

(5) Each emergency egress and relocation drill shall be applicable to all occupants of the facility with emphasis on the safe, orderly, and expeditious exiting under proper discipline.

(6) Any occupant subject to an emergency egress and relocation drill shall proceed to a predetermined location outside the building and remain there until all occupants are accounted for. Occupants are permitted to return to the building only when allowed by the person conducting the emergency egress and relocation drill.

(7) The owner shall keep a record of each emergency egress and relocation drill on Form DFS-K4-1557, "Record of Emergency Egress and Relocation Drill," (DFS-K4-1557, rev. 03/20/03) which is hereby adopted and incorporated into this rule chapter by reference. Copies of the form may be obtained by writing to the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The record shall list as a minimum:

- (a) The date the drill was conducted.
  - (b) The time of day the drill was conducted.
  - (c) The amount of time, in minutes and seconds, that were required for all occupants to safely exit the building.
  - (d) Any unusual circumstance, in narrative or outline form, affecting the safe, orderly, and expeditious exit from the building.
- (8) If the owner does not keep the record required by subsection (7) of this rule, or keeps it in a manner that is incomplete, incorrect, or otherwise does not contain the required information, another emergency egress and relocation drill must be performed as soon as possible and the results correctly recorded. In addition, the firesafety inspector shall advise the licensing agency that the facility is not maintaining compliance with the firesafety requirements.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History–New \_\_\_\_\_.

**69A-38.036 Inspections.**

(1) The appropriate firesafety inspector shall conduct a firesafety inspection which must be determined to be satisfactory for each facility prior to its initial licensure and prior to the annual renewal of its license.

(2) The owner shall request a firesafety inspection from the authority having jurisdiction at least 30 days in advance of license expiration.

(3) The authority having jurisdiction or the Division is permitted to require additional firesafety inspections.

(4) The owner shall be responsible for requesting all required firesafety inspections in writing or electronic format, except for any additional firesafety inspections which may be required as provided in subsection (3) of this rule. All verbal inspection requests shall be followed by a written or electronic verification.

(5) Each required firesafety inspection shall be completed by the authority having jurisdiction, where available.

(6) Any time there is no authority having jurisdiction to perform a firesafety inspection, the owner shall notify the Division in writing or in an electronic format. The Division shall inspect or cause the facility to be inspected in accordance with Section 633.022, F.S.

(7) A local firesafety inspector, or if no local firesafety inspector is available, a special state firesafety inspector, certified in accordance with Chapter 633, F.S., shall complete each required firesafety inspection.

(8) The inspecting authority shall provide a copy of each inspection report to the licensing agency within thirty days after completing the inspection.

(9) For the purpose of meeting the fire safety inspection requirements of this subsection, a foster care facility or group home facility shall comply with the following:

- (a) Smoke detectors shall be installed in accordance with Section 24.3.4.1 of NFPA 101, 2003 edition;

(b) Fireplaces, heaters, radiators, and other hot surfaces shall be shielded against accidental contact;

(c) All heating appliances and other heating devices shall be properly vented;

(d) Emergency evacuation instructions shall be posted in a conspicuous location;

(e) Combustible materials shall always be properly stored;

(f) All exits and stairs shall be free of storage or obstructions affecting egress;

(g) Temporary electrical wiring is prohibited;

(h) At least one working flashlight shall be provided for each sleeping room;

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History–New \_\_\_\_\_.

**69A-38.037 Cooking Equipment; Exception.**

Notwithstanding any previous construction or interpretation of any law, rule, or code provision, any time a single domestic range or stove is used in an arrangement similar to that of a single family residence, the facility shall not be required to comply with NFPA 96, “Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations,” the edition as adopted in Rule 69A-3.012, F.A.C.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History–New \_\_\_\_\_.

**69A-38.038 Special Requirements.**

(1) Each foster care facility and group home facility within this part shall have installed at least one portable fire extinguisher with a minimum rating of 2A-10BC.

(2) No unvented fuel-fired heaters shall be permitted unless the heater is listed and approved for such use.

(3) All facilities shall have all parts of the means of egress sufficiently sized to allow for emergency exiting of clients who may be confined in wheelchairs and or beds when applicable.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER NO.:		RULE CHAPTER TITLE:	
69A-46		Fire Protection System Contractors	and Systems
RULE NOS.:		RULE TITLES:	
PART I APPLICATION PROCEDURES			
69A-46.010		Submission of the Application	
69A-46.015		Testing	
69A-46.016		Insurance Requirements	
69A-46.0165		Submission of the Application for a	Water-Based Fire Protection Permit
69A-46.017		Required Continuing Education	

PART II GENERAL PROVISIONS

- 69A-46.040 Installation Requirements for Automatic Sprinkler Systems Employing Water as The Extinguishing Agent
- 69A-46.041 Inspection, Testing and Maintenance Requirements for Fire Protection Systems

**PURPOSE AND EFFECT:** The purpose of these rule amendments is to update Rule Chapter 69A-46, F.A.C., to provide for submission of an updated application for water-based systems, inspection tags using a new system of red, yellow, and green tags to indicate non-compliance, compliance, and repair tags. The effect of these rules will be to provide a uniform method of filing an application for water-based fire suppression systems and for tagging fire suppression equipment.

**SUBJECT AREAS TO BE ADDRESSED:** The subject areas to be addressed include application procedures for Fire Protection System Contractors and Systems, including applications for Water-Based Fire Protection Permits, installation requirements for automatic sprinkler systems employing water as an extinguishing agent, and testing and maintenance requirements for fire protection systems.

**SPECIFIC AUTHORITY:** 633.01, 633.517(1), 633.521(4) FS.

**LAW IMPLEMENTED:** 471.025, 553.79(6), 633.065, 633.521, 633.521(4), 633.524, 633.534, 633.537, 633.547(2)(e) FS.

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

**DATE AND TIME:** Tuesday, September 26, 2006, 9:00 a.m.  
**PLACE:** Conference Room, the Peterson Building, 200 North Kentucky, Lakeland, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Terry Hawkins, Safety Program Manager, 200 E. Gaines Street, Tallahassee, Florida 32399-0342, telephone: (850)413-3171; Fax: (850)414-6119

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Terry Hawkins as indicated above.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

- 69A-46.010 Submission of the Application.
- (1) through (2) No change.

(3)(a) As a prerequisite to challenging the examination as a Contractor I, II, or III, the applicant shall provide evidence of four (4) years proven experience in the employment of a Contractor I, II, or III, or a combination of experience and education equivalent thereto.

1. "Experience in the employment of a contractor", as required by Section 633.521(3), F.S., must be gained from full-time employment by a contractor licensed as provided in Section 633.521, F.S., such employment relating to technical areas. For purposes of this rule chapter, "technical areas" means those activities engaged in by a contractor and participated in by the applicant which provide experience in laying out, fabricating, installing, inspecting, altering, repairing, or servicing fire protection systems. For purposes of this rule chapter, four (4) years proven experience as a certified plumbing contractor, licensed pursuant to the provisions of Chapter 489, F.S., may be offered toward the experience requirements for a Contractor I or II and shall be considered equivalent to two (2) years proven experience in the employment of a contractor. A certified plumbing contractor shall offer no more than 4 years as a certified plumbing contractor toward the 4 years experience requirement in Section 633.521, F.S. The applicant's experience must be verified by the contractor employing the applicant utilizing Form DFS-K3- Employment Verification Form, or ~~the~~ required verification shall be in the form of a letter from the employing contractor employer, on company stationery, attesting to describing the applicant's duties, the kinds of jobs he worked on; his dates of employment; and any other information reasonably calculated to provide the division with an informed understanding of the applicant's work experience. An applicant offering self-employment experience shall provide verification in the form of letters from customers, and others familiar with his work. It is the applicant's responsibility to furnish the required verification. The experience will be evaluated to determine an applicant's qualifications for the class of certificate requested; or,

- 2. through 4. No change.
- (b) No change.
- (c) As a prerequisite to challenging the examination as a Contractor V, the applicant shall provide evidence of:

- 1. No change.
- 2. Employment by an individual licensed as a certified underground utility contractor or plumbing contractor pursuant to the provisions of Chapter 489, F.S., that the applicant has four (4) years experience in the employment of a certified underground utility contractor or plumbing contractor, which shall be submitted utilizing Form DFS-K3- Employment Verification Form; in the form of a letter, on company stationery, signed by the certified underground utility contractor or plumbing contractor attesting to, describing the applicant's duties; the kinds of jobs he worked on; his dates of

employment; and any other information reasonably calculated to provide the division with an informed understanding of the applicant's work experience; or

3. A combination of education and experience equivalent to four (4) years proven experience in the employment of a certified underground utility contractor or plumbing contractor. For purposes of combining education and experience, education in the areas described in paragraph (a)3., above, including at least 3 credit hours from a 4-year college or university or junior or community college in courses which teach the material in the National Fire Protection Association standards on which the applicant will be tested; or other equivalent coursework; and experience in the areas described in subparagraph (a)1., or subparagraph (c)1. or 2., above, shall be provided.

(d) No change.

(4) No change.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521, 633.524, 633.534 FS. History–New 10-14-86, Amended 12-21-88, 10-20-93, Formerly 4A-46.010, Amended \_\_\_\_\_.

69A-46.015 Testing.

(1) An applicant who has been qualified to challenge an examination will be notified in writing of available examination dates and examination locations. Upon receipt of a written request for a specific examination date, the applicant will be sent a notice of the exam date, time and location at least seven days prior to the scheduled exam. The applicant will be expected to challenge the exam on that day unless he or she submits a written waiver of his or her right to challenge the exam on that day and requests a later date. ~~The Regulatory Licensing Section will schedule an applicant for a later day upon receipt of a written request. The applicant will also be permitted to challenge the examination at the Regulatory Licensing Section's office in Tallahassee if the applicant makes a request for such testing in writing and receives written notification when the next available scheduled examination will be held in Tallahassee.~~

(2) through (9) No change.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521 FS. History–New 10-14-86, Amended 12-21-88, 8-1-90, 10-20-93, 10-2-96, 6-8-98, 11-21-01, Formerly 4A-46.015, Amended \_\_\_\_\_.

69A-46.016 Insurance Requirements.

(1) The Fire Protection System Contractor I, II, III, IV, or V licensed pursuant to Section 633.521, F.S., shall provide evidence of current and subsisting insurance coverage meeting the requirements of Section 633.521, F.S., to the Regulatory Licensing Section on Form DFS-K3-25, Certificate of Insurance Fire Protection System Contractor, revised and dated xx/xx 10/99, as adopted and incorporated herein by reference. This form is available from the Regulatory Licensing Section, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

(2) The licensed Fire Protection System Contractor I, II, III, IV, or V shall be responsible to ensure that current and subsisting insurance coverage meets the requirements of Section 633.521, F.S., and that an original signed Form DFS-K3-25, Certificate of Insurance is on file with the Regulatory Licensing Section.

(3) Failure to provide evidence of insurance coverage within 30 days of the expiration date of the policy or within 30 days of a notice to provide evidence of coverage shall result in administrative proceedings pursuant to Section 624.4211, F.S., as provided in subsection (4) of Section 633.521, F.S. and pursuant to Section 633.547, F.S.

Specific Authority 633.01, 633.517(1), 633.521(4) FS. Law Implemented 633.521(4) FS. History–New 10-20-93, Amended 11-21-01, Formerly 4A-46.016, Amended \_\_\_\_\_.

69A-46.0165 Submission of the Application for a Water-Based Fire Protection Permit.

(1) An individual employed by a Fire Protection System Contractor I or II who will be inspecting water based fire protection systems must be issued a permit by the State Fire Marshal in accordance with Section 633.521, F.S., to conduct such work.

(2) The applicant for a Water-Based Fire Protection Permit shall submit an application on a form furnished by the Regulatory Licensing Section which shall conform with Section 633.521, F.S., Form DFS-K3- , "Application for Water-Based Fire Protection," dated xx/xx/xxxx, which is incorporated herein by reference, which is available from the Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(3) The application shall be accompanied by a fee as prescribed in Section 633.524(1), F.S.

(4) The application shall be accompanied by two current full-face color passport size photographs, along with a photocopy of the applicant's driver's license or identification card issued by the Florida Department of Highway Safety and Motor Vehicles. Each photograph shall have the name of the applicant printed legibly on the back of the photographs. Effective July 1, 2008 each application shall be accompanied by evidence the applicant holds a NICET II in a subfield Inspection and Testing of Water-Based Systems.

(5) Upon submission of a complete application, fee, photographs, a permit and photo identification card will be issued.

(6) Permittees must have a valid and subsisting permit upon their persons at all times while engaging in the inspection, testing and maintenance of fire protection systems. The permit must be produced upon demand. A permittee may perform only those services authorized under the Fire Protection System Contractor I or II employing such permittee.

(7) A permit shall be valid solely for use by the holder thereof in his or her employment by the licensee under whose license the permit was issued. A permittee changing his or her employer or place of employment shall obtain a new permit under the license of the licenseholder at the new place of employment. The licensee shall notify the Regulatory Licensing Section, in writing, of an individual leaving his or her employment within fifteen days of the termination. The Regulatory Licensing Section will then change the records to reflect the status of the permit. A permit and photo identification card of an individual leaving the employment of a Fire Protection System Contractor I or II becomes void and inoperative on the date of termination, pursuant to Section 633.521, F.S.

(8) A Water-Based Fire Protection Inspector Permittee must qualify and maintain a NICET II certification in a subfield Inspection and Testing of Water-Based Systems as a condition to renewal effective July 1, 2008.

Specific Authority 633.01, 633.517(1), 633.521(4) FS. Law Implemented 633.521(4) FS. History–New \_\_\_\_\_.

69A-46.017 Required Continuing Education.

(1) Fire Protection System Contractors Certificateholders shall complete a continuing education course or combination of courses in compliance with Section 633.537, F.S., within each biennial license period, except that a certificateholder who completes the competency examination and receives a license issued for 1 year or less shall be required to complete a continuing education course or combination of courses prorated at 50 percent of the required hours for a biennial license.

(2) The continuing education course or combination of courses shall be in a fire protection discipline related to the Certificate of Competency held by the Fire Protection System Contractor. All licensed Fire Protection System Contractors are required to complete an approved course or courses providing at least one hour of workplace safety class, one hour of business practices class, and one hour of a workers' compensation class as part of the required continuing education for each biennial renewal period.

(3) through (5) No change.

(6) The number of contact hours assigned to any course shall be determined by the Regulatory Licensing Section based on the course content and length of the course.

(a) through (b) No change.

(c) Each Fire Protection System Contractor certificateholder shall be notified by the Regulatory Licensing Section, in writing, if the coursework does not satisfy the continuing education requirement in Section 633.537, F.S. No notification will be given over the telephone.

(d) through (j) No change.

(7) Each Fire Protection System Contractor certificateholder is responsible for attending the appropriate course or courses and for maintaining proof of completion of the course or courses. Such proof shall be in the form of copies of certificates of completion awarded. The Regulatory Licensing Section will not accept any proof of completion except that submitted in accordance with subsection (8) below.

(8) Prior to the annual expiration of the Certificate of Competency, the Fire Protection System Contractor shall submit proof of completion of the required course or courses to the Regulatory Licensing Section. Submissions shall be submitted on a "Fire Protection System Contractor Continuing Education Coursework" form, DFS-K3-1240 (3/00) as adopted and incorporated herein by reference. Forms are available from and submissions shall be sent to: Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342. Each Fire Protection System Contractors Certificateholders will be notified by the Regulatory Licensing Section, in writing, if the coursework does not satisfy the continuing education requirement in Section 633.537, F.S. No notification will be given over the telephone.

(9) Any Fire Protection System Contractor who does not complete the continuing education requirement shall not have his or her certificate renewed. If the Fire Protection System Contractor certificateholder is not renewed, the contractor certificateholder shall perform no work for which a license is required. A contractor certificateholder wishing to become licensed again shall meet the requirements of Section 633.521, F.S.

(10) Effective July 1, 2005 a Water-Based Fire Protection Inspector shall complete 8 hours of approved continuing education in compliance with Section 633.537, F.S., which are preparatory curriculum for NICET II certification and shall support the general and special work elements for NICET II certification. An additional 16 hours of continuing education must be completed between July 1, 2006 and June 30, 2008.

(11) A Water-Based Fire Protection Inspector shall complete 16 hours of approved continuing education coursework in compliance with Section 633.537, F.S., within each biennial license period.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521, 633.537 FS. History–New 10-2-96, Amended 6-18-97, 6-8-98, 11-21-01, Formerly 4A-46.017, Amended \_\_\_\_\_.

69A-46.040 Installation Requirements for Automatic Sprinkler Systems Employing Water as the Extinguishing Agent.

(1) Fire protection system contractors installing an automatic sprinkler system employing water as the extinguishing agent shall supervise and be responsible for the complete system in accordance with the provisions of Section 633.539, F.S., except that a contractor installing the underground pipe shall supervise and be responsible only for

the portion he or she installs and the contractor installing the remaining portion of the system shall be responsible only for his or her portion of the work. The contractor shall be responsible to install the complete system in compliance with the National Fire Protection Association standards adopted pursuant to Rule Chapter 69A-3, F.A.C., except that if a contractor installs the underground from the point of service to the aboveground connection flange in compliance with Section 633.539(3), F.S., pipe he or she shall be responsible for that portion of the system, and the Contractor installing the remaining portion shall be responsible for the system from the point of connection to the underground throughout the remainder of the system.

(2) through (8) No change.

Specific Authority 633.01 FS. Law Implemented 553.79(6), 633.065, 633.547(2)(e) FS. History—New 12-21-88, Amended 8-1-90, 10-20-93, 11-21-01, Formerly 4A-46.040, Amended \_\_\_\_\_.

69A-46.041 Inspection, Testing and Maintenance Requirements for Fire Protection Systems.

~~The contractor I or II shall submit in writing to the Regulatory Licensing Section the names, addresses, and evidence of NFPA 25 training of all individuals in his or her employ that are performing inspections of fire protection systems. In addition, the licensed contractor I or II shall submit a full face current color passport photograph of each inspector along with a copy of the inspector's current driver's license or identification card issued by the Florida Department of Highway Safety and Motor Vehicles. The contractor shall not allow any individual to perform inspections under his or her certificate until that individual has been listed with the Regulatory Licensing Section. The Regulatory Licensing Section shall issue a identification card to each inspector. The identification card is not a license. The contractor shall be responsible for each listed individual's inspections until he or she has requested in writing that the Regulatory Licensing Section delete the individual from his or her list of inspectors. The licensed fire protection system contractor shall notify the Regulatory Licensing Section, in writing, of an inspector leaving his or her employ within fifteen days of the termination. An inspector photo identification card of an individual leaving the employ of a contractor becomes void and inoperative on the date of departure.~~

(1) A Fire Protection Contractor, contracting to perform inspecting, testing, and maintenance service on a fire protection system shall comply with the requirements of Chapter 633, Florida Statutes, and the applicable NFPA standards as adopted in Rule Chapter 69A-3, F.A.C.

(2) Each system that has been inspected, tested, or maintained by a fire protection contractor, or his or her permitted Water-Based Fire Protection Inspector ~~designated inspector~~, shall have a record tag of durable and weather resistant material placed on the riser or control device. ~~The tag at "Figure A" shall include the following:~~

- ~~(a) Name, address and contractor license number of company.~~
  - ~~(b) Date of inspection and type of inspection.~~
  - ~~(c) Inspected by \_\_\_\_\_.~~
  - ~~(d) The tag shall state "For more information see the inspection report."~~
  - ~~(e) The tag shall state "Do not remove by order of the State Fire Marshal."~~
  - ~~(f) The tag shall be approximately 3 1/2 inches by 5 1/2 inches.~~
- ~~SEE FLORIDA ADMINISTRATIVE CODE FOR "FIGURE A"~~

(3) Inspection Tags.

(a) After inspection and testing, an inspection tag shall be completed indicating all work that has been done, and then attached to the system in such a position as to permit convenient inspection and not hamper its activation or operation. A new inspection tag shall be attached to the system each time an inspection and test service is performed.

(b) Inspection tags must be GREEN in color having a minimum dimension of 133 mm (5 1/4 inches) in height and 67 mm (3 1/2 inches) in width.

(c) Inspection tags shall bear the following information in an easily read format:

1. 'DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL.' This particular information shall be in a minimum of 10pt type and in all capital letters.
2. The licensed Fire Protection System Contractor I or II's name and licensed physical address.
3. The license number of the Fire Protection System Contractor I or II;
4. The permit number of the Water-Based Fire Protection Inspector;
5. The permitted Water-Based Fire Protection Inspector's signature;
6. The day, month and year (to be punched);
7. The facility name and address.

(d) Inspection tags may be printed and established for a five year period of time. After each printing, a minimum of three sample tags must be forwarded to the State Fire Marshal's office.

(e) An inspection tag shall only be removed by the Fire Protection System Contractor or his permitted Water-Based Fire Protection Inspector.

(f) Should impairments or noncompliance items be found, the fire protection system contractor or his permitted Water-Based Fire Protection Inspector shall notify the building owner or his representative and the authority having jurisdiction in writing of all noncompliance items and/or impairments found. A fire protection system compliance inspection tag shall not be installed on the system until the

impairments or noncompliance items have been corrected and the system has been re-inspected and found to be in a state of operational readiness.

(4) Noncompliance Tag.

(a) If a fire protection system is found to have minor deficiencies and is in noncompliance with the applicable NFPA standards, but continues to be operational, a completed Noncompliance Tag shall be attached to the main control valve of the system to indicate that corrective action is necessary.

(b) Noncompliance Tags must be YELLOW in color having a minimum dimension of 133 mm (5 1/4 inches) in height and 67 mm (3 1/2 inches) in width.

(c) Noncompliance Tags shall bear the following information in an easily read format:

1. 'DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL-SYSTEM NOT IN COMPLIANCE WITH NFPA STANDARDS.' This particular information shall be in a minimum of 10pt type and in all capital letters.

2. The licensed Fire Protection System Contractor I or II's name and licensed physical address.

3. The license number of the Fire Protection System Contractor I or II;

4. The permit number of the Water-Based Fire Protection Inspector;

5. The permitted Water-Based Fire Protection Inspector's signature;

6. The day, month and year (to be punched);

7. The non-compliance issues;

8. The facility name and address.

(d) Noncompliance Tags may be printed and established for a five year period of time. After each printing, a minimum of three sample tags must be forwarded to the State Fire Marshal's Office.

(e) The signature of the Fire Protection System Contractor I or II on a Noncompliance Tag certifies the impairments listed on the label cause the system to be out of compliance with NFPA standards.

(f) A Noncompliance Tag shall only be removed by the Fire Protection System Contractor or his permitted Water-Based Fire Protection Inspector upon re-inspection of the fire protection system.

(g) A letter of noncompliance conditions shall be sent to the building owner or authorized representative and the local authority having jurisdiction within five working days of the date of the inspection.

(5) Impairment Tag.

(a) If a fire protection system is found to contain deficiencies that could or do render the system impaired or inoperable, and such deficiencies or impairments constitute an emergency, then the inspector shall complete and attach an

impairment tag to the main control valve of the system and the fire department connection to indicate that corrective action is necessary.

(b) Impairment tags must be RED in color having a minimum dimension of 133 mm (5 1/4 inches) in height and 67 mm (3 1/2 inches) in width.

(c) Impairment tags shall bear the following information in an easily read format:

1. 'DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL.' This particular information shall be in a minimum of 10pt type and in all capital letters.

2. The licensed Fire Protection System Contractor I or II's name and licensed physical address.

3. The license number of the Fire Protection System Contractor I or II.

4. The permit number of the Water-Based Fire Protection Inspector.

5. The permitted Water-Based Fire Protection Inspector's signature.

6. The day, month and year (to be punched).

7. The facility name and address.

8. The emergency impairment(s).

9. The facility name and address.

(d) Impairment tags may be printed and established for a five year period of time. After each printing, a minimum of three sample tags must be forwarded to the State Fire Marshal's Office.

(e) The signature of the Fire Protection System Contractor I or II on an impairment tag certifies the impairments listed on the label cause the system to be out of compliance with NFPA standards.

(f) An impairment tag shall only be removed by the Fire Protection System Contractor or his permitted Water-Based Fire Protection Inspector upon re-inspection of the fire protection system.

(g) A letter of emergency impairment conditions shall be sent to the building owner or authorized representative and to the occupant and the authority having jurisdiction within 24 hours of the time of the inspection.

(6)(3) The contractor shall maintain in his or her file all records of any fire protection system having been inspected, serviced and maintained.

(7)(4) These records shall be made available to the State Fire Marshal upon request.

(8)(5) The contractor or his permitted Water-Based Fire Protection Inspector ~~the designated inspector~~ shall complete in detail the inspection reports as required in NFPA 25, as adopted in Rule Chapter 69A-3, F.A.C., that outlines all points of the inspection, test, and maintenance as required by the applicable NFPA standards. A copy of which shall be provided to the owner at the completion of each inspection performed.

(9)(6) The inspection report shall include detailed explanation of any deficiencies. The report shall indicate if the inspection is a weekly, monthly, quarterly or annual inspection. The inspection report shall include the name of the permitted Water-Based Fire Protection Inspector ~~registered inspector~~, the inspector permit registration ~~registration~~ number, signature, the date and time of inspection, and the signature of the owner or the owner's representative.

(10) Repair Tag.

(a) If a fire protection system is found to contain deficiencies and a impairment tag or noncompliance tag is placed on the system when the owner employs a contractor to perform corrective action, such deficiencies or impairments have been repaired, then the contractor or his permitted inspector shall complete and attach a repair tag to the tag on the main control valve of the system and the fire department connection to indicate and detail that corrective action was taken.

(b) Repair tags must be WHITE in color having a minimum size of no less than 2 1/2" and no greater than 3" by no less than 5 1/4" and no greater than 5 3/4".

(c) Repair tags shall bear the following information in an easily read format:

1. 'DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL.' This particular information shall be in a minimum of 10pt type and in all capital letters.
2. The name and physical business address of the licensed Fire Protection System Contractor I or II.
3. The license number of the Fire Protection System Contractor I or II.
4. The permit number of the Water-Based Fire Protection Inspector.
5. The permitted Water-Based Fire Protection Inspector's signature.
6. The day, month and year (to be punched).
7. The facility name and address.
8. The impairments or deficiencies corrected.
9. The facility name and address.

(d) Repair tags may be printed and established for a five year period of time.

(e) The signature of the Fire Protection System Contractor I or II on an repair tag certifies the listed deficiencies or impairments in the tag identified by the inspecting contractor rendering the system to be out of compliance with NFPA standards are corrected.

(f) A letter of corrective action taken shall be sent to the building owner or authorized representative and the local authority having jurisdiction within five working days of the date of the corrective action. The fire protection contractor shall maintain a record of the corrective action.

(g) A repair tag shall only be removed by the Fire Protection System Contractor or his permitted Water-Based Fire Protection Inspector who inspects the system to determine the impairments or noncompliance deficiencies have been corrected and the entire system has been inspected and found to be compliance with Chapter 633, Florida Statutes, Florida Administrative Code 69A-46 and the applicable NFPA standards as adopted in Rule Chapter 69A-3, F.A.C.

Specific Authority 633.01 FS. Law Implemented 471.025, 553.79(6), 633.065, 633.547(2)(e) FS. History--New 10-20-93, Amended 11-21-01, Formerly 4A-46.041, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

RULE NO.:	RULE TITLE:
69L-6.025	Conditional Release of Stop-Work Order and Periodic Payment Agreement

PURPOSE AND EFFECT: To amend the rule to establish procedure regarding immediate reinstatement of stop-work orders through an Order Reinstating Stop-Work Order where employers have defaulted on obligations under a Payment Agreement Schedule For Periodic Payment of Penalty, and rescinding such reinstatement orders where the employers have paid all past due penalty payments within the specified time period. To preclude employers from entering into a Payment Agreement Schedule For Periodic Payment of Penalty in a case where the employer is currently under obligation to the Department through a Payment Agreement Schedule For Periodic Payment of Penalty in a separate case, or where the employer otherwise owes penalty to the Department.

SUBJECT AREA TO BE ADDRESSED: Conditional release of stop-work orders and reinstatement of stop-work orders where employers have defaulted on penalty payment obligations.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(a) 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, September 26, 2006, 10:00 a.m.  
 PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, 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: Andrew Sabolic, (850)413-1600. 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: Andrew Sabolic, Bureau Chief of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.025 Conditional Release of Stop-Work Order and Periodic Payment Agreement.

(1) The requirements for issuance of an Order of Conditional Release Form Stop-Work Order as provided for in Section 440.107, F.S., are:

(a) through (c) No change.

(2)(a) No change.

(b) Each monthly payment installment is due on the first day of the month in which it is due, and the employer is in violation of the Payment Agreement Schedule for Periodic Payment of Penalty if the full monthly payment installment is not received by the Department by the last day of the month in which the payment installment is due;

1. through 2. No change.

3. The first monthly payment installment shall be due on the first day of the second month following the month of issuance of the Conditional Release From Stop-Work Order, Form Number DFS-F4-1602 (rev. 6/04), and each subsequent payment installment shall be due on the first day of each consecutive month.

(c) through (g) No change.

(3) No change.

(4) If an employer defaults under any of its obligations under the Payment Agreement Schedule For Periodic Payment of Penalty, the Stop-Work Order to which the penalty applies shall be immediately reinstated and the entire unpaid balance of the remaining penalty shall immediately become due and payable. "Immediately reinstated" means twenty-one (21) calendar days after an Order Reinstating Stop-Work Order is executed by the Chief Financial Officer or his or her designee and has been filed with the agency clerk of the Department. Subsequent to the issuance of an Order Reinstating Stop-Work Order by the Department, the Department will rescind the Order Reinstating Stop-Work Order requiring the employer to adhere to the terms and conditions of its Payment Agreement Schedule For Periodic Payment of Penalty only if the Department receives from the employer all past due monthly payments prior to the expiration of the twenty-one (21) day period. All past due monthly payments must be made by cashier check(s) or money order(s) made payable to DFS-Workers' Compensation Administration Trust Fund and be remitted to Department of Financial Services, Revenue Processing Section, Division of Workers' Compensation, P. O. Box 7900, Tallahassee, FL 32314-7900. The Department will

not enter into another Payment Agreement Schedule For Periodic Payment of Penalty with an employer in a case associated with the same stop-work order where the employer has had its stop-work order immediately reinstated through an Order Reinstating Stop-Work Order, and in order to be released from a stop-work order that has been immediately reinstated the employer must pay the remainder of the entire penalty and show that it otherwise is in compliance with the coverage requirements of Chapter 440, F.S. The Department in any one case associated with the same stop-work order will not rescind an Order Reinstating Stop-Work Order more than twice.

(5) An employer that has entered into a Payment Agreement Schedule For Periodic Payment of Penalty with the Department and has not paid the remaining penalty in full or otherwise owes penalty to the Department as ordered through a final order is ineligible to enter into another Payment Agreement Schedule For Periodic Payment of Penalty with the Department for any separate violation of the coverage requirements of Chapter 440, F.S.

(6)(5) The Department hereby adopts and incorporates the following forms by reference. Copies of the forms can be obtained from the Division of Workers' Compensation's Bureau of Compliance, 200 East Gaines Street, Tallahassee, Florida 32399-4228, or from any field office identified in Rule 69L-6.009, F.A.C.

(a) through (c) No change.

(7) Unless otherwise precluded by this rule, employers assessed penalties pursuant to Rule 69L-6.030, F.A.C., are eligible to enter into a Payment Agreement Schedule For Periodic Payment of Penalty with the Department.

(8) If an employer conducts business operations in violation of an Order Reinstating Stop-Work Order, a penalty shall be assessed against the employer pursuant to Section 440.107(7)(c), F.S. The number of days that the employer conducts business operations in violation of an Order Reinstating Stop-Work Order shall begin on the date the Order Reinstating Stop-Work Order is immediately reinstated.

(9) In the event an employer prevails in challenging its penalty assessment through entry of a final judgment, final order, or appeal of a final judgment or final order, whichever is later, the Department will upon application filed by the employer with the Department pursuant to Section 215.26, F.S., refund to the employer the penalty amount paid to the Department.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(a) FS. History—New 4-6-05, Amended 7-20-05,

## FINANCIAL SERVICES COMMISSION

### Office of Insurance Regulation

RULE NO.:  
69O-170.017

RULE TITLE:  
Shutter Discounts

PURPOSE AND EFFECT: To implement the provisions of Section 627.0629, Florida Statutes, relating to credits for windstorm mitigation.

SUBJECT AREA TO BE ADDRESSED: Windstorm Mitigation.

SPECIFIC AUTHORITY: 624.307(1), 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.062, 627.0629(1) 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: September 18, 2006, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Koon, Director, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: richard.koon@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 690-170.0155      RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose is to amend an existing form and make it more consumer friendly and provide additional information that will benefit the consumer. Form OIR-B1-1655, Notice of Premium Discounts for Hurricane Loss Mitigation, sets forth mitigation credits. Section 627.711, F.S., requires the Commission to adopt a form for noticing premium discounts for hurricane loss mitigation.

SUBJECT AREA TO BE ADDRESSED: Revision of Form OIR-B1-1655, Notice of Premium Discounts for Hurricane Loss Mitigation.

SPECIFIC AUTHORITY: 624.308(1), 627.711 FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0645, 627.711 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: September 18, 2006, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: michael.milnes@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTRACT PERSON.

**Section II  
 Proposed Rules**

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

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

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-16.001      RULE TITLE: Florida Commission on Hurricane Loss Projection Methodology

PURPOSE AND EFFECT: The Florida Commission on Hurricane Loss Projection Methodology is proposing the following rule in order to implement Section 627.0628, F.S. SUMMARY: Proposed Rule 19-16.001, F.A.C., addresses the composition and duties of the Florida Commission on Hurricane Loss Projection Methodology (Commission), provides definitions and adopts the 2006 standards and procedures for submission and review of hurricane loss projection models.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Beginning on March 1, 2007, the Public Model is required by law to come before the Commission. Since it has never come before the Commission, the costs to prepare the Public Model for Commission review is unclear. Other modelers are not required to bring their models to the Commission for review. These modelers have indicated in Commission meetings that it can cost in excess of \$500,000 to prepare a model for review by the Commission. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.