

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: RULE TITLE:
 6D-9.007 Health Care Policies

PURPOSE AND EFFECT: This rule addresses maintaining written policies and procedures of quality health services to meet the needs of students served at the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Health Care Center Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(4)(f)5. FS.

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

DATE AND TIME: Saturday, October 21, 2006, 9:00 a.m.

PLACE: Leadership Training Building, Moore Hall, FSDB Campus, St. Augustine, 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 47 hours before the workshop/meeting by contacting: Elmer Dillingham, President – Florida School for the Deaf and the Blind. 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: Elaine Ocuto

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
 12B-4.013 Conveyances Subject to Tax

PURPOSE AND EFFECT: The purpose of amendments to Rule 12B-4.013, F.A.C. (Conveyances Subject to Tax), is to remove subsections (7), (8), and (10) from Rule 12B-4.013, F.A.C., in compliance with the ruling of the Florida Supreme Court in *Crescent Miami Center, LLC v. Department of Revenue* SC03-2063, 2005 WL 1176053, 30 Fla. L. Weekly S366 (Fla. May 19, 2005). These rule subsections currently provide that: (1) conveyances of realty to corporations and partnerships in exchange for an ownership interest are subject to the documentary stamp tax; and (2) conveyances of realty by a corporation as payment in lieu of cash dividends or

transferred in corporate dissolutions or corporate liquidations are subject to the documentary stamp tax. The effect of the removal of subsections (7), (8), and (10) of this rule is to ensure that the Department’s rules conforms to existing statutes and this case law.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the removal of provisions regarding the application of documentary stamp tax rendered obsolete with the court’s decision rendered in *Crescent Miami Center, LLC*.

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02 FS.

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

DATE AND DATE: October 16, 2006, 11:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-4.013 Conveyances Subject to Tax.

(1) through (6) No change.

~~(7) Corporation: A conveyance of realty to a corporation in exchange for shares of its capital stock, or as a contribution to the capital of a corporation, is subject to tax. There is a presumption that the consideration is equal to the fair market value of the real property interest being transferred.~~

~~(8) Corporation Dividends, Dissolution, Liquidation: A conveyance of real property by a corporation to its stockholders in lieu of a cash or stock dividend, or for the surrender or retirement of the corporate stock, is taxable. There is the presumption that the consideration is equal to the fair market value of the real property interest being transferred.~~

~~(7)(9) No change.~~

~~(10) Partnerships: A conveyance of real property by a partner in exchange for an interest in a partnership, or where the value of the partner’s interest in the partnership is increased by the conveyance, is taxable. There is the presumption that the~~

~~consideration is equal to the fair market value of the real property interest being transferred. This presumption for consideration is also applicable for transfers of real property from a partnership to a partner, except as otherwise provided in Section 201.02(5), F.S.~~

(11) through (32) renumbered (8) through (29) No change.

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02 FS. History--Revised 8-18-73, Formerly 12A-4.13, Amended 12-11-74, 2-21-77, 5-23-77, 12-26-77, 7-3-79, 9-16-79, 11-29-79, 3-27-80, 12-23-80, 12-30-82, Formerly 12B-4.13, Amended 12-5-89, 6-4-90, 2-13-91, 2-16-93, 10-18-94, 12-30-97, 7-28-98, 1-4-01, 5-4-03,_____.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: RULE TITLE:
12E-1.032 Electronic Remittance of Support Payments

PURPOSE AND EFFECT: The purpose of creating proposed Rule 12E-1.032, F.A.C., is to provide instruction and guidance to employers regarding the electronic remittance of support payments and electronic submission of associated case data to the State Disbursement Unit. The effect of this proposed rule is to develop procedures to use in the administration of Section 61.1824(6), F.S. These procedures will reduce data entry errors and misapplied payments as well as reduce the amount of time to process the payments, resulting in families receiving their support quicker.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to implement a procedure to be used in the administration of Section 61.1824(6), F.S., which provides instruction and guidance to employers regarding the electronic remittance of support payments and the electronic submission of associated case data to the State Disbursement Unit.

SPECIFIC AUTHORITY: 61.1824(6), 409.2557(3)(o) FS.

LAW IMPLEMENTED: 61.1824(6) FS.

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

DATE AND TIME: October 16, 2006, 2:00 p.m.

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department

of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.032 Electronic Remittance of Support Payments.

(1) Scope. This rule chapter sets forth the rules to be used in the administration of Section 61.1824(6), F.S., which provides for the electronic remittance of support payments deducted pursuant to an income deduction order or income deduction notice and the electronic submission of associated case data by an employer to the State Disbursement Unit. An employer who needs general information concerning the electronic remittance of support payments and associated case data may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227.

(2) Definitions. As used in this rule:

(a) "Addenda record" means information required by the Department in an Automated Clearing House Credit "ACH credit" transfer that is needed to completely identify an employer or provide information concerning a payment, in approved electronic format.

(b) "Associated case data" means support payment information required to be submitted to the State Disbursement Unit pursuant to Title IV-D of the Social Security Act, subsection (5)(h), subparagraph 1. through 10., of this rule lists the case data required to be submitted to the State Disbursement Unit.

(c) "Automated Clearing House" or "ACH" means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(d) "Automated Clearing House Credit" or "ACH credit" means the electronic transfer of funds generated by the employer, cleared through the ACH for deposit to the State Disbursement Unit.

(e) "Department" means the Florida Department of Revenue.

(f) "Due date" means the date that an electronic payment and associated case data must be received by the State Disbursement Unit.

(g) "Electronic means" includes any one or more of the following methods of transmitting funds or data: electronic data interchange, electronic funds transfer, Internet, or any other technology designated by the Department.

(h) "Employer" means a person, business, or organization that pays one or more workers to perform a service or engage in an activity in exchange for financial compensation.

(i) "Employer's representative" means a financial institution or business utilized by the employer to provide ACH support payment services.

(j) “National Automated Clearing House Association” or “NACHA” means the national trade association for electronic payments associations, which establishes the rules, industry standards, and procedures governing the exchange of commercial ACH payments by depository financial institutions.

(k) “State Disbursement Unit” or “SDU” means the single unit in the state that receives all withheld support payments and processes all support payments pursuant to Section 61.1824, F.S.

(3) Methods of Transferring Funds and Associated Case Data by Electronic Means.

(a) Electronic remittance of support payments and associated case data by the employer or the employer’s representative to the State Disbursement Unit shall be in a format used within the “Automated Clearing House” or “ACH” network to conduct the transfer of support funds between business or government entities. An acceptable format includes either “Cash Concentration and Disbursement Plus (CCD+)” or “Corporate Trade Exchange (CTX).”

(b) The ACH credit transfer is the method by which employers subject to electronic payment requirements under this rule shall remit payments and associated case data by electronic means.

(4) Remittance or Transmission Problems.

(a) If the employer or employer’s representative incorrectly submits associated case data or incorrectly remits support payments, the employer or the employer’s representative shall contact, not later than the next business day after the date on which the error is discovered, the State Disbursement Unit toll-free at (888)883-0743 or the local number at (850)201-0183 for specific instructions.

(b) The State Disbursement Unit shall review payment error and associated case data problems, determine the course of action to correct the error(s), and take steps to process the information and payment. The Department shall assist the State Disbursement Unit in resolving payment errors on a case-by-case basis.

(c) To assist the employer or employer’s representative in complying with Section 61.1824(6), F.S., and this rule chapter, the State Disbursement Unit shall contact the employer or employer’s representative when one or more of the following conditions exist.

1. The employer or employer’s representative does not transmit error-free payments and associated case data.

2. The employer or employer’s representative varies from the requirements and specifications of these rules.

3. The employer or employer’s representative fails to make timely electronic payments or timely provide associated case data, or fails to provide the required addenda record with the electronic payment.

(d) The State Disbursement Unit shall help the employer or the employer’s representative resolve the condition(s) in paragraph (c).

(5) Procedures for Payment.

(a) Automated Clearing House Credit Method (ACH Credit Method). An employer who uses the ACH credit method must contact the employer’s financial institution or a business that provides prescribed ACH services and arrange to transfer the support payment to the State Disbursement Unit using an ACH credit transfer.

(b) The employer or employer’s representative must contact the State Disbursement Unit, EFT Marketing, at (850)205-8227, prior to remitting electronically, and provide the information listed in paragraph (c). The State Disbursement Unit will compare the information provided by the employer or employer’s representative with identifying information in the State Disbursement Unit’s child support computer system. Identifying information submitted by the employer or the employer’s representative must match the identifying information in the State Disbursement Unit computer system. If the information does not match, the payment may be misapplied to another case. The State Disbursement Unit will work with the employer or the employer’s representative to resolve discrepancies.

(c) The employer or the employer’s representative must provide the State Disbursement Unit with the following information for each obligor for whom payments will be remitted:

1. Obligor first and last name;
2. Obligor Social Security Number;
3. Obligee first and last name; and
4. Case identifier.

(d) The State Disbursement Unit will inform the employer or employer’s representative of the following when there is a match of the information listed in paragraph (c).

1. State Disbursement Unit’s banking information to send payments electronically; and

2. That electronic remittance of support payments may commence.

(e) Neither the State Disbursement Unit nor the Department will pay for expenses incurred by the employer or employer’s representative to use the ACH credit method. Pursuant to Section 61.1301(2)(e)6., F.S., the employer may collect a fee from the employee’s income for each withheld payment.

(f) To assure the receipt of support payments by the due date, an employer or the employer’s representative must initiate the payment transaction in accordance with subsection (6).

(g) All ACH credit transfers must be in the NACHA Cash Concentration and Disbursement Plus “CCD+” or NACHA Corporate Trade Exchange “CTX” format containing an Accredited Standards Committee (ASC) X12 820 Payment

Order/Remittance Advice Transaction Set with associated addenda record(s) for child support, in the format specified by the Department. The Department uses NACHA guidelines to govern the formats and specifications for the electronic remittance of support payments and the electronic submission of associated case data, which are contained in the User Guide For Electronic Child Support Payments, Using The Child Support Application Banking Convention, Version 4.2, revised August 16, 2005, incorporated herein by reference. Members of the public may obtain a copy of the NACHA guidelines by writing to the Florida Department of Revenue, Child Support Enforcement Program, Attn: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030, or by accessing <http://www.nacha.org/>. The employer, employer's financial institution, or the employer's representative providing ACH services may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227 to determine the formats, standards, and technical requirements to implement this provision.

(h) The electronic record shall include the following associated case data fields.

1. Segment identifier – A unique identifier for a segment composed of a combination of two or three uppercase letters and digits. "DED" is the segment identifier.

2. Application identifier – The type of deduction withheld from an employee's pay. "CS" is the application identifier.

3. Case identifier – The unique identifier composed of alpha and numeric characters based on the court order number.

4. Pay date – The date the income was withheld from the employee's paycheck.

5. Payment amount – The amount of support withheld from the employee's income for a specific pay period, which is paid to the State Disbursement Unit.

6. Noncustodial parent Social Security Number.

7. Medical support indicator – The indicator designates whether the employer offers family medical insurance coverage. If medical insurance coverage is available, place a 'Y' in the field; if there is no coverage available, place an 'N' in the field. The National Automated Clearing House Association standard requires this data element.

8. Noncustodial parent name.

9. Federal Information Processing Standard Code (FIPS code) – The unique code that identifies each child support jurisdiction (i.e., states, counties and central registries). As used in this rule, the FIPS code refers to the code of the State Disbursement Unit receiving the transaction.

10. Employment termination indicator – The employment termination indicator notifies the Department that an individual's employment has terminated. The employer is required to report this information pursuant to Section 61.1301(2)(k), F.S. If the employee has terminated, place a 'Y' in this field; otherwise, the field is not used.

(i) The employer or employer's representative may combine payment amounts from more than one employee in a single payment as long as the required information in subsection (5)(h), subparagraph 1. through 10., is submitted for each employee. In addition, the employer or employer's representative must separately identify the portion of the single payment that is attributable to each employee.

(6) Due Date.

(a) Pursuant to Section 61.1301(1)(a)3., F.S., the employer is required to remit support payments based upon the employee's pay cycle.

(b) The employer or employer's representative who is required to pay support and provide associated case data through electronic means must initiate the transfer so that the amount due is deposited as collected funds to the State Disbursement Unit's account on or before the due date. If the date on which the employer or employer's representative is required to initiate an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the employer or the employer's representative must initiate the transaction on the preceding business day. For the purpose of this rule, "banking day" has the meaning prescribed in Section 674.104(1), F.S.

(7) Waiver From Electronic Filing Requirements. A waiver granted by the Department from the requirement to electronically file tax returns under Sections 213.755 or 443.163, F.S., constitutes a waiver from the requirement to remit support payments and associated case data by electronic means.

Specific Authority 61.1824(6), 409.2557(3)(o) FS. Law Implemented 61.1824(6) FS. History—New _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE CHAPTER NO.: RULE CHAPTER TITLE:

15A-6 Administrative Suspension Review Hearings

RULE NOS.: RULE TITLES:

15A-6.005 Notice of Suspension/ Disqualification

15A-6.006 Request for Review

15A-6.009 Venue

15A-6.011 Notice of Hearing; Prehearing Order Subpoenas

15A-6.012 Formal Review; Introduction of Evidence; Order

15A-6.014 Preservation of Testimony

15A-6.015 Failure to Appear

15A-6.018 Informal Review

15A-6.019 Judicial Review

15A-6.020 Forms

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to reflect the 2006 revision to Section 322.2615 F.S., Suspension of license; right to review. This rule chapter sets forth the standards for proceedings relating to the review of a suspension or disqualification of a person's driving privilege pursuant to Sections 322.2615, 322.2616, or 322.64, F.S. Currently a law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of Section 316.193, F.S., relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by Section 316.1932, F.S.

The changes reflected in the 2006 revision to Section 322.2165, F.S., provide for further separation of the suspension of the driving privilege and the criminal charge for a violation of Section 316.193, F.S., Driving Under the Influence (DUI). These changes make the suspension purely an administrative function pursuant to Section 322.2615, F.S. The lawful arrest for the criminal charge for DUI is no longer an issue to be considered at a review hearing conducted pursuant to Section 322.2615, F.S. The changes allow for the crash report to be submitted into evidence for the hearing officers' consideration when making their decision and hearing officers are only authorized to issue subpoenas to officers and witnesses identified in particular documents submitted pursuant to Section 322.2615(2), F.S. In addition, a law enforcement agency may appeal any decision of the department invalidating a suspension by a petition for writ of certiorari.

SUBJECT AREA TO BE ADDRESSED: Administrative Suspension Review Hearings.

SPECIFIC AUTHORITY: 322.2615, 322.2616, 322.64 FS.

LAW IMPLEMENTED: 322.2615, 322.2616, 322.64 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: Danny C. Watford, Bureau Chief, Department of Highway Safety and Motor Vehicles, Division of Driver Licenses, Bureau of Administrative Reviews, 2900 Apalachee Parkway, Room C305, Mail Stop 81, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)617-2607

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."

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE NO.: 25-22.081
RULE TITLE: Contents of Petition

PURPOSE AND EFFECT: To implement Section 43, Chapter 2006-230, Laws of Florida, amending Section 403.519(4), Florida Statutes, requiring the Commission to consider certain factors when determining the need for a nuclear power plant.

SUBJECT AREA TO BE ADDRESSED: Need determination proceedings for nuclear plants.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 403.519(4) FS.

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

DATE AND TIME: Wednesday, October 18, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James McRoy, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-7009

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.081 Contents of Petition.

(1) Petition for Fossil or Nuclear Fuel Electric Plants.

Petitions submitted to commence a proceeding to determine the need for a proposed fossil or nuclear fuel electrical power plant or responses to the Commission's order commencing such a proceeding shall comply with the other requirements of Chapter 25-22, F.A.C., as to form and style except that a utility may, at its option, submit its petition in the same format and style as its application for site certification pursuant to Sections 403.501 through 403.517, Florida Statutes, so long as the informational requirements of this rule and Chapter 25-22, F.A.C., are satisfied. The petition, to allow the Commission to take into account the need for electric system reliability and

integrity, the need for adequate reasonable cost electricity, the need for fuel diversity and supply reliability, and the need to determine whether the proposed plant is the most cost effective alternative available, shall contain the following information:

~~(a)(1)~~ A general description of the utility or utilities primarily affected, including the load and electrical characteristics, generating capability, and interconnections.

~~(b)(2)~~ A general description of the proposed electrical power plant, including the size, number of units, fuel type and supply modes, the approximate costs, and projected in-service date or dates.

~~(c)(3)~~ A statement of the specific conditions, contingencies or other factors which indicate a need for the proposed electrical power plant including the general time within which the generating units will be needed. Documentation shall include historical and forecasted summer and winter peaks, number of customers, net energy for load, and load factors with a discussion of the more critical operating conditions. Load forecasts shall identify the model or models on which they were based and shall include sufficient detail to permit analysis of the model or models. If a determination is sought on some basis in addition to or in lieu of capacity needs, such as fuel diversity ~~oil blackout~~, then detailed analysis and supporting documentation of the costs and benefits is required.

~~(d)(4)~~ A summary discussion of the major available generating alternatives which were examined and evaluated in arriving at the decision to pursue the proposed generating unit. The discussion shall include a general description of the generating unit alternatives, including purchases where appropriate; and an evaluation of each alternative in terms of economics, reliability, long-term flexibility and usefulness and any other relevant factors. These major generating technologies generally available and potentially appropriate for the timing of the proposed plant and other conditions specific to it shall be discussed. In addition, each investor-owned utility shall include a detailed description of the selection process used and a detailed description of the generating unit alternatives proposed by each finalist, if any, selected to participate in subsequent contract negotiations pursuant to Rule 25-22.082, F.A.C. No provision of Rule 25-22.082, F.A.C., shall be applicable to a nuclear power plant sited after June 19, 2006.

~~(e)(5)~~ A discussion of viable nongenerating alternatives including an evaluation of the nature and extent of reductions in the growth rates of peak demand, KWH consumption and oil consumption resulting from the goals and programs adopted pursuant to the Florida Energy Efficiency and Conservation Act both historically and prospectively and the effects on the timing and size of the proposed plant.

~~(f)(6)~~ An evaluation of the adverse consequences which will result if the proposed electrical power plant is not added in the approximate size sought or in the approximate time sought.

~~(g)(7)~~ If the generation addition is the result of a purchased power agreement between an investor-owned utility and a nonutility generator, the petition shall include a discussion of the potential for increases or decreases in the utility's cost of capital, the effect of the seller's financing arrangements on the utility's system reliability, any competitive advantage the financing arrangements may give the seller and the seller's fuel supply adequacy.

(2) In addition to complying with paragraphs (1)(a) through (g) above, a nuclear plant petition shall contain the following information:

(a) A description of how the proposed nuclear power plant will enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.

(b) A description of and a nonbinding estimate of the cost of the nuclear power plant.

(c) The annualized base revenue requirement for the first 12 months of operation of the nuclear power plant.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 403.519 FS. History--New 12-22-81, Formerly 25-2.133, 25-22.81, Amended 1-10-94,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.200	Definitions
59A-4.201	Gold Seal Award
59A-4.202	Quality of Care
59A-4.203	Financial Requirements
59A-4.204	Turnover Ratio
59A-4.205	The State Long Term Care Ombudsman Council Review
59A-4.206	Termination and Frequency of Review

PURPOSE AND EFFECT: The Agency proposes to amend Chapter 59A-4, F.A.C., consistent with Section 400.235, F.S. The legislation provides for the development of rules as necessary to administer this section. The proposed revisions reflect recommendations made by the Panel on Excellence in Long Term Care. The Gold Seal Program shall be developed and implemented by this Panel.

SUBJECT AREA TO BE ADDRESSED: Specific to the Gold Seal Program including defining quality of care scoring, advertising and marketing criteria, the application review process, quality of care scoring and ranking, criteria for turnover rate and renewal application receipt.

SPECIFIC AUTHORITY: 400.235(9) FS.

LAW IMPLEMENTED: 400.235 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: October 18, 2006, 10:00 a.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, FL, 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: 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 Dombrowski, Bureau of Long Term Care Services, 2727 Mahan Drive, Mail Stop #51, Tallahassee, Florida, (850)414-9707

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.071	Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

PURPOSE AND EFFECT: Rule 59G-4.071, F.A.C., is a new rule that will incorporate by reference the Durable Medical Equipment and Medical Supply Services Provider Fee Schedules that are effective January 2006. The effect of Rule 59G-4.071, F.A.C., will be to incorporate by reference in rule the Durable Medical Equipment and Medical Supply Services Provider Fee Schedules, January 2006.

This Notice of Rule Development replaces the Notice of Rule Development that was published in Vol. 31, No. 30, July 29, 2005, Florida Administrative Weekly.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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: Wednesday, October 18, 2006, 10:00 a.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308-5403, (850)922-7306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, January 2006, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, January 2006, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-13.080	Home and Community-Based Services Waivers

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to incorporate by reference Update September 2006 to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook. The handbook was updated to remove the crisis enrollment policies from Appendix F, Recipient Wait List. The crisis enrollment policies are being promulgated in new rule Chapter 65G, F.A.C., by the Agency for Persons with Disabilities as mandated by Section 393.065, F.S.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services Waivers.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON 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, October 17, 2006, 10:00 a.m.
 This workshop will be held in conjunction with the Agency for Persons with Disabilities rule development workshop on proposed rule Chapter 65G, F.A.C., Crisis Enrollment.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308. A second rule development workshop to be held in Orlando, Florida will be noticed in the October 6, 2006 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonep@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.080 Home and Community-Based Services Waivers.

(1) through (11) No change.

(12) Developmental Disabilities Services Waiver – General. This rule applies to all Developmental Disabilities Services Waiver Service providers enrolled in the Medicaid program. All Developmental Disabilities Services Waiver Service providers enrolled in the Medicaid program must comply with the Developmental Disabilities Services Waiver Services Florida Medicaid Coverage and Limitations Handbook, October 2003, updated September 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated in Rule 59G-13.001, F.A.C. October 2003. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at 800-377-8216. The Developmental Disabilities Waiver Services Provider Rate Table, ~~November 2003~~, is incorporated by reference in Rule 59G-13.081, F.A.C. ~~The Developmental Disabilities Waiver Services Provider Rate Table is available from the Medicaid fiscal agent.~~

(13) through (15) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS. History–New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, 11-24-03, 1-16-05, 6-23-05, Formerly 59G-8.200, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-25.001	Mediation Definitions
61B-25.002	Volunteer and Paid Mediator Lists

61B-25.003	Procedure for Applying; Volunteer Mediators
61B-25.004	Procedure for Applying; Paid Mediators

PURPOSE AND EFFECT: To make the certification of mediator provisions established under Chapter 718, Florida Statutes, applicable to cooperatives under paragraph 719.501(1)(n), Florida Statutes, and to correctly refer to the appropriate section of Chapter 718, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Condominium Act (Chapter 718, Florida Statutes) and the Cooperative Act (Chapter 719, Florida Statutes) each contain provisions for mediation of certain disputes. The Legislature gave the Division of Florida Land Sales, Condominiums and Mobile Homes authority to adopt rules specifying additional factors for certification of mediators for condominium disputes under paragraph 718.501(1)(l), Florida Statutes, and for cooperative disputes under paragraph 719.501(1)(n), Florida Statutes. The proposed amendments to these rules would correct the reference to the applicable section of Chapter 718, Florida Statutes, and add the appropriate reference to Chapter 719, Florida Statutes to make the same provisions applicable to mediation of cooperative disputes.

SPECIFIC AUTHORITY: 718.501, 719.501 FS.

LAW IMPLEMENTED: 718.501(1)(l), 719.501(1)(n) 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.

DATE AND TIME: October 16, 2006, 9:00 a.m.

PLACE: Conference Room Suite 16, The Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

THE PRELIMINARY DRAFT RULE IS ALSO AVAILABLE ON LINE AT <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH**Division of Medical Quality Assurance**

RULE NO.: RULE TITLE:
64B-1.003 Examination Administration

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Examination Administration.

SPECIFIC AUTHORITY: 456.004(5), 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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: Jennifer Hamilton, Division of MQA/Bureau of Operations/Testing Services, 4052 Bald Cypress Way, Bin #C-90, Tallahassee, Florida 32399-3290

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

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: RULE TITLE:
64B9-2.002 Certification for Approval

PURPOSE AND EFFECT: The purpose of the amendment is to clarify that the Board of Nursing will only review one nursing program per applying provider at one time for provisional approval.

SUBJECT AREA TO BE ADDRESSED: Certification for Approval.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: RULE TITLE:
64B9-3.002 Qualifications for Examination

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the passing score on the TOFL examination to demonstrate competency in English, and to delete completion of English as a Second Language as a method to demonstrate competency because completion of that course has not been demonstrated to result in sufficient competency for safe nursing practice. In addition, the Board is adding language requiring that courses completed to establish the required education be passed with a score approved as passing at the institution at which each course was taken.

SUBJECT AREA TO BE ADDRESSED: Qualifications for Examination.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 112.011(1)(b), 456.013, 464.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: RULE TITLE:
64B9-5.007C Continuing Education for Expert
 Witnesses and Probable Cause
 Panel Members

PURPOSE AND EFFECT: The purpose of the amendment is to permit former board members who serve the Board and the public by participating on the probable cause panels to receive continuing education credit for that service.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Expert Witnesses in Disciplinary Cases and Probable Cause Panel Members.

SPECIFIC AUTHORITY: 464.006, 464.013(3) FS.

LAW IMPLEMENTED: 464.013(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-5.007 Continuing Education for Expert Witnesses and Probable Cause Panel Members ~~in Disciplinary Cases.~~

(1) Each licensed nurse who serves as a volunteer expert witness in providing written expert witness opinions citing references of current, prevailing practice and relevant standards of practice for cases being reviewed pursuant to Chapter 464, F.S., shall receive 2.5 hours of continuing education credit per case for performing a literature survey of at least two articles in conjunction with the review of cases for the Agency, probable cause panel, or Board.

(2) Each former board member who serves on a probable cause panel at least twice in a biennium shall receive 8 hours of continuing education credit.

Specific Authority 464.006, 464.013(3) FS. Law Implemented 464.013(3) FS. History–New 9-28-93, Formerly 61F7-5.007, 59S-5.007, Amended_____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.: RULE TITLES:

64B9-8.003 Citations

64B9-8.005 Disciplinary Proceedings

PURPOSE AND EFFECT: The purpose of the amendment in 64B9-8.003 is to provide for a citation to be issued for the use of abusive language to or in front of a patient. The Board has seen a growing number of disciplinary complaints on these grounds and finds that clarifying the inappropriateness of the behavior is necessary. The purpose of the amendment in 64B9-8.005 the purpose of the amendment is to clarify that certified nursing assistants must not work without certification if one is necessary, and adding additional actions that constitute unprofessional conduct, reflecting behavior that is resulting in more complaints now that the Board is regulating certified nursing assistants.

SUBJECT AREA TO BE ADDRESSED: Citations; Disciplinary Proceedings.

SPECIFIC AUTHORITY: 456.077, 464.006 FS.

LAW IMPLEMENTED: 456.077, 464.018 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 DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

64B9-8.003 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of (\$100.00):

(a) through (g) No change.

(h) Unprofessional conduct as defined in paragraph 64B9-8.005(2)(p), F.S., using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

(4) through (5) No change.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History–New 1-1-92, Amended 7-6-92, Formerly 21O-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00, 2-22-04, 7-5-06,_____.

64B9-8.005 Disciplinary Proceedings.

(1) Unprofessional conduct shall include:

(a) through (c) No change.

(d) Practicing as a registered or practical nurse or as a certified nursing assistant ~~registered nursing or practical nursing~~ in the State of Florida with a delinquent license for no more than 90 days; or

(e) through (g) No change.

(h) Stealing from a patient.

~~(i)(h)~~ Violating the integrity of a medication administration system or an information technology system.

(2) Failing to meet or departing from minimal standards of acceptable and prevailing nursing practice shall include, but not be limited to, the following:

(a) through (m) No change.

(n) Practicing beyond the scope of the licensee’s license, educational preparation or nursing experience; ~~or-~~

(o) Using force against a patient, striking a patient, or throwing objects at a patient; or

(p) Using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

Specific Authority 464.006 FS. Law Implemented 464.018 FS. History--New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, 7-5-06,_____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:
64B18-17.001 Continuing Education Required for License Renewal

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Required for License Renewal.

SPECIFIC AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: RULE TITLE:
64B21-500.009 Education Requirements for School Psychologists

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Education Requirements for School Psychologists.

SPECIFIC AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 456.013, 456.031, 490.005(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: Susan

Love, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: RULE TITLE:
64B21-502.001 Continuing Education

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 490.007(2), 490.0085, 490.015 FS. LAW IMPLEMENTED: 456.013, 490.007(2), 490.0085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:
64B24-2.001 Licensure to Practice Midwifery

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Licensure to Practice Midwifery.

SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 456.013, 456.031, 467.011, 467.0125 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND 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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-6.001
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: To update the rule.
 SUBJECT AREA TO BE ADDRESSED: Continuing Education for Biennial Renewal.

SPECIFIC AUTHORITY: 456.004(1), 456.031, 467.005 FS.
 LAW IMPLEMENTED: 381.0034, 456.013, 456.031, 467.012(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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE CHAPTER NO.: 64B33-2
 RULE CHAPTER TITLE: Requirements For Licensure; Continuing Education

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address recent legislative changes with regard to licensure and continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Requirements for licensure and continuing education requirements.

SPECIFIC AUTHORITY: 456.013, 456.034, 468.705, 468.707 FS.
 LAW IMPLEMENTED: 456.013(7), 456.035, 468.034, 468.707, 468.711 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE CHAPTER NO.: 64B33-5
 RULE CHAPTER TITLE: Discipline

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address legislative changes with regard to discipline of licensees.

SUBJECT AREA TO BE ADDRESSED: Discipline of athletic trainers.

SPECIFIC AUTHORITY: 456.072, 456.077, 456.078, 456.079, 468.705, 468.719 FS.
 LAW IMPLEMENTED: 456.072, 456.077, 456.078, 456.079, 468.719 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.: 64E-9
 RULE CHAPTER TITLE: Public Swimming Pools and Bathing Places

- RULE NOS.:
 64E-9.001 General
 64E-9.002 Definitions
 64E-9.003 Forms
 64E-9.004 Operational Requirements
 64E-9.005 Construction Plan or Modification Plan Approval
 64E-9.006 Construction Plan Approval Standards
 64E-9.007 Recirculation and Treatment System Requirements
 64E-9.008 Supervision and Safety
 64E-9.009 Wading Pools
 64E-9.010 Spa Pools
 64E-9.011 Water Recreation Attractions and Specialized Pools
 64E-9.013 Bathing Places
 64E-9.015 Fee Schedule

- 64E-9.016 Exemptions and Variances
- 64E-9.017 Enforcement
- 64E-9.018 Public Pool Service Technician Certification

PURPOSE AND EFFECT: Develop rules to address necessary definition changes, technical changes and reference changes resulting from 2005 statute change, 2004 rulemaking, and recent developments in this field.

SUBJECT AREA TO BE ADDRESSED: Definitions, engineering design, operation, disinfection, sanitary facilities, safety, approved course criteria, fees, bathing places, variances, and updating technical references.

SPECIFIC AUTHORITY: 381.0011, 381.006, 386.02, 514.021 FS.

LAW IMPLEMENTED: 381.0011, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.0115, 514.021, 514.03, 514.031, 514.033, 514.05, 514.071, 514.075 FS.

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

DATE AND TIME: November 2, 2006, 9:30 a.m. until finished, or until 4:00 p.m., whichever is first

PLACE: South Hurston Bldg, Lobby Conference Room, 400 W. Robinson St., Orlando, 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 7 days before the workshop/meeting by contacting Deborah Jackson, DOH-Tallahassee, (850)245-4240. 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: Bob Vincent, Environmental Administrator, DOH, Bureau of Water Programs, 4052 Bald Cypress Way, Mail Bin C-22, Tallahassee, FL 32399-0700

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons With Disabilities

RULE CHAPTER NO.: RULE CHAPTER TITLE:

65G-6 Crisis Enrollment

PURPOSE AND EFFECT: Currently procedures relating to the crisis enrollment of eligible person with developmental disabilities in the Medicaid Home and Community-Based Services waiver in are included in the *Florida Medicaid Developmental Disabilities Waiver Services Coverage & Limitations Handbook*, incorporated by reference in Rule 59G-13-080, F.A.C. During the 2006 legislative session (ch.

2006-227, Laws of Florida), Section 393.065, Florida Statutes, was amended to authorize the Agency for Persons with Disabilities to promulgate rules relating to crisis enrollment for waiver services. The purpose of the proposed rule development is to adopt rule providing a procedure for persons with developmental disabilities to be considered for enrollment on a Medicaid Home and Community-Based Services waiver if the applicant demonstrates an immediate need for services. The proposed rule development will address procedures for requesting crisis enrollment, the criteria for assessment, and for approving or denying waiver enrollment.

SUBJECT AREA TO BE ADDRESSED: Crisis enrollment on the Florida Supported Living or Developmental Disabilities Home and Community-Based Medicaid Waivers.

SPECIFIC AUTHORITY: 393.501(1), 393.065 FS.

LAW IMPLEMENTED: 20.197(3), 393.065 FS.

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

DATE AND TIME: Tuesday, October 17, 2007, 10:00 a.m.

The workshop will be held in conjunction with the Agency for Health Care Administration's proposed rule development workshop on Rule 59G-13-080, F.A.C., Home and Community-Based Services, to amend Appendix F of the *Florida Medicaid Developmental Disabilities Waiver Services Coverage & Limitations Handbook*, to remove the provisions relating to crisis enrollment and provide edits updating the remaining Appendix F provisions.

PLACE: Agency for Health Care Administration, Conference Room A, Building 3, 2727 Mahan Drive, Tallahassee, FL. A second rule development workshop to be held in Orlando, Florida, 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: Terri McGarrity, Senior Management Analyst Supervisor, Division of Operations, Suite 360, 4030 Esplanade Way, Tallahassee, Florida, 32399-0950; e-mail: terri_mcgarrity@apd.state.fl.us

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

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

67-32 Elderly Housing Community Loan Program

RULE NOS.: RULE TITLES:

- 67-32.002 Definitions
- 67-32.004 General Program Restrictions
- 67-32.005 Application Procedures
- 67-32.006 Terms and Conditions of Loan Scoring, Ranking, and Funding Guidelines
- 67-32.007

67-32.009 EHCL Credit Underwriting Procedures

67-32.011 Fees

PURPOSE AND EFFECT: Pursuant to Florida Statutes Section 420.5087(3)(d), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-32, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

DATE AND TIME: October 13, 2006, 10:30 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Room, 6th Floor, 227 North Bronough Street, Tallahassee, Florida 32301

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: Jody Bedgood at (850)488-4197 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: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-3.012	Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: To adopt firesafety standards for tunnels to accommodate the state-owned tunnel to be built in Miami-Dade County.

SUBJECT AREA TO BE ADDRESSED: Firesafety standards for tunnels.

SPECIFIC AUTHORITY: 633.01(1), 633.022 FS.

LAW IMPLEMENTED: 633.01(1), 633.022 FS.

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

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

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

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 48 hours before the program by contacting Kimberly Riordan, (850)413-3170.

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)922-2553

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the Florida specific edition of NFPA 101, the Life Safety Code®, 2003 edition and the Florida specific edition of NFPA 1, the Uniform Fire Code., 2003 edition, as adopted within Rule Chapter 69A-60, F.A.C., the 2004 edition of the Florida Fire Prevention Code are hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and

are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

- NFPA 10-2002, Standard for Portable Fire Extinguishers
- NFPA 11-2002, Standard for Low-, Medium, and High-Expansion Foam
- NFPA 11A-1999, Standard for Medium and High Expansion Foam Systems
- NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems
- NFPA 12A-1997, Standard on Halon 1301 Fire Extinguishing Systems
- NFPA 13-2002, Standard for the Installation of Sprinkler Systems
- NFPA 13D-2002, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes
- NFPA 13R-2002, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height
- NFPA 14-2003, Standard for the Installation of Standpipe and Hose Systems, except 2-7 shall be omitted
- NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection
- NFPA 16-2003, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
- NFPA 17-2002, Standard for Dry Chemical Extinguishing Systems
- NFPA 17A-2002, Standard on Wet Chemical Extinguishing Systems
- NFPA 20-1999, Standard for the Installation of Stationary Pumps for Fire Protection
- NFPA 22-2003, Standard for Water Tanks for Private Fire Protection
- NFPA 24-2002, Standards for the Installation of Private Fire Service Mains and Their Appurtenances
- NFPA 25-2002, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, except that quarterly flow tests shall be required for those systems supplied by a municipal water supply.
- NFPA 30-2000, Flammable and Combustible Liquids Code
- NFPA 30A-2000, Code for Motor fuel Dispensing Facilities and Repair Garages
- NFPA 30B-2002, Code for the Manufacture and Storage of Aerosol Products
- NFPA 31-2001, Standard for the Installation of Oil Burning Equipment
- NFPA 32-2000, Standards for Drycleaning Plants
- NFPA 33-2000, Standard for Spray Application Using Flammable and Combustible Materials
- NFPA 34-2000, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
- NFPA 35-1999, Standard for the Manufacture of Organic Coatings
- NFPA 36-2001, Standard for Solvent Extraction Plants
- NFPA 37-2002, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
- NFPA 40-201, Standard for the Storage and Handling of Cellulose Nitrate Film
- NFPA 45-2000, Standard on Fire Protection for Laboratories Using Chemicals
- NFPA 50-2001, Standard for Bulk Oxygen Systems at Consumer Sites
- NFPA 50B-1999, Standard for Liquid Hydrogen Systems at Consumer Sites
- NFPA 51-2002, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
- NFPA 51A-2001, Standard for Acetylene Cylinder Charging Plants
- NFPA 51B-1999, Standard for Fire Prevention During Welding, Cutting and Other Hot Work
- NFPA 52-2002, Compressed Natural Gas Vehicular Fuel Systems Code
- NFPA 54-2002, National Fuel Gas Code
- NFPA 57-2002, Liquefied Natural Gas Vehicular Fuel Systems Code
- NFPA 58-2002, Liquefied Petroleum Gas Code
- NFPA 59-2001, Utility LP-Gas Plant Code
- NFPA 59A-2001, Standard for the Production, Storage and Handling of Liquefied Natural Gas
- NFPA 61-2002, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities
- NFPA 69-2002, Standard on Explosion Prevention Systems
- NFPA 70-2002, National Electrical Code
- NFPA 72-2002, National Fire Alarm Code
- NFPA 75-2003, Standard for the Protection of Information Technology Equipment
- NFPA 80-1999, Standard for Fire Doors and Fire Windows
- NFPA 82-1999, Standard on Incinerators and Waste and Linen Handling Systems and Equipment
- NFPA 86-1999, Standard for Ovens and Furnaces
- NFPA 86C-1999, Standard for Industrial Furnaces Using a Special Processing Atmosphere
- NFPA 86D-1999, Standard for Industrial Furnaces Using Vacuum as an Atmosphere
- NFPA 88A-2002, Standard for Parking Structures
- NFPA 90A-2002, Standard for the Installation of Air Conditioning and Ventilating Systems
- NFPA 90B-2002, Standard for the Installation of Warm Air Heating and Air Conditioning Systems

- NFPA 91-1999, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
- NFPA 92A-2000, Recommended Practice for Smoke-Control Systems
- NFPA 92B-2000, Guide for Smoke Management Systems in Malls, Atria, and Large Areas
- NFPA 96-2001, Standard for Ventilation Control and Fire Prevention of Commercial Cooking Operations. Subdivision 7-2.2 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
- NFPA 99-2002, Standard for Health Care Facilities
- NFPA 101A-2001, Guide on Alternative Approaches to Life Safety
- NFPA 101B-2002, Standard on Means of Egress for Buildings and Structures
- NFPA 102-1995, Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures
- NFPA 105-2003, Recommended Practice for the Installation of Smoke-Control Door Assemblies
- NFPA 110-2002, Standard for Emergency and Standby Power Systems
- NFPA 111-2001, Standard on Stored Electrical Energy Emergency and Standby Power Systems
- NFPA 120-1999, Standard for Coal Preparation Plants
- NFPA 140-1999, Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
- NFPA 150-2000, Standard on Firesafety in Racetrack Stables
- NFPA 160-2001, Standard for Flame Effects Before an Audience
- NFPA 211-2003, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances
- NFPA 214-2000, Standard on Water-Cooling Towers
- NFPA 221-2000, Standard on Fire Walls and Fire Barrier Walls
- NFPA 230-2003, Standard for the Fire Protection of Storage
- NFPA 232-2000, Standard for the Protection of Records
- NFPA 232A-1995, Guide for Fire Protection for Archives and Record Centers
- NFPA 241-2000, Standard for Safeguarding Construction, Alteration and Demolition Operations
- NFPA 251-1999, Standard Methods of Tests of Fire Endurance of Building Construction and Materials
- NFPA 252-1999, Standard Methods of Fire Tests of Door Assemblies
- NFPA 253-2000, Standard Method of Test for Critical Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- NFPA 255-2000, Standard Method of Test of Surface Burning Characteristics of Building Materials
- NFPA 256-1998, Standard Methods of Fire Tests of Roof Coverings
- NFPA 257-2000, Standard on Fire Tests for Window and Glass Block Assemblies
- NFPA 259-2003, Standard Test Method for Potential Heat of Building Materials
- NFPA 260-1998, Standard Method of Test and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261-1998, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265-2002, Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on full Height Panels and Walls
- NFPA 267-1998, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Sources
- NFPA 286-2000, Standard Method of Fire Test for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 303-2000, Fire Protection Standards for Marinas and Boatyards
- NFPA 307-2000, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312-2000, Standard for Fire Protection of Vessels During Construction, Repair and Lay-Up
- NFPA 318-2002, Standard for the Protection of Semiconductor Fabrication Facilities
- NFPA 385-2000, Standard for Tank Vehicles for Flammable and Combustible Liquids
- NFPA 407-2000, Standard for Aircraft Fuel Servicing
- NFPA 409-2001, Standard on Aircraft Hangars
- NFPA 410-1999, Standard on Aircraft Maintenance
- NFPA 415-2002, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
- NFPA 418-2001, Standard for Heliports
- NFPA 430-2000, Code for Storage of Liquid and Solid Oxidizers
- NFPA 432-2002, Code for Storage of Organic Peroxide Formulations
- NFPA 434-2002, Code for the Storage of Pesticides
- NFPA 484-2002, Standard for Combustible Metals, Metal Powders, and Metal Dusts
- NFPA 490-1998, Code for the Storage of Ammonium Nitrate
- NFPA 495-2001, Explosive Materials Code
- NFPA 498-2001, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
- NFPA 501-2003, Standard on Manufactured Housing
- NFPA 501A-2003, Standard for Firesafety Criteria for Manufactured Home Installations, Sites, and Communities
- NFPA 502-2001, Road Tunnels, Bridges, and Other Limited Access Highways

NFPA 505-2002, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation
 NFPA 654-2000, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
 NFPA 655-2001, Standard for Prevention of Sulfur Fires and Explosions
 NFPA 664-2002, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
 NFPA 701-1999, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
 NFPA 703-2000, Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
 NFPA 704-2001, Standard System for the Identification of the Fire Hazards of Materials for Emergency Response
 NFPA 780-2000, Installation of Lightning Protection Systems
 NFPA 909-2001, Standard for the Protection of Cultural Resources
 NFPA 1122-2002, Code for Model Rocketry
 NFPA 1123-2000, Code for Fireworks Display
 NFPA 1124-2003, Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks and Pyrotechnic Articles
 NFPA 1125-2001, Code for the Manufacture of Model Rocket and High Power Rocket Motors
 NFPA 1126-2001, Standard for the Use of Pyrotechnics Before a Proximate Audience
 NFPA 1127-2002, Code for High Power Rocketry
 NFPA 1142-2001, Standard for Water Supplies for Suburban and Rural Fire Fighting
 NFPA 1194-2002, Standard for Recreation Vehicle Parks and Campgrounds
 NFPA 1221-2002, Standard for the Installation, Maintenance, and Use of Emergency Communications Systems
 NFPA 1561-2002, Standard on Emergency Services Incident Management System
 NFPA 1962-2003, Standard for the Inspection, Care, and Use of Fire Hose Including Couplings and Nozzles; and the Service Testing of Fire Hose
 NFPA 1963-1998, Standards for Fire Hose Connections
 NFPA 2001-2000, Standard on Clean Agent Fire Extinguishing Systems
 NFPA 8501-1997, Standard for Single Burner Operation
 NFPA 8502-1999, Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers
 The portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection

of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders.
 The portions of 29 Code of Federal Regulations, Parts 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders.
 Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders.
 Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995.
 Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders.
 Compressed Gas Association CGA C-6.3-1999, Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition.

(2) through (5) No change.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.:	RULE TITLES:
69K-22.004	Operating Procedures
69K-22.007	Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures

PURPOSE AND EFFECT: The proposed amendments update Rule 69K-22.004. Rule 69K-22.007 implements Section 497.607(2), F.S., by adopting a standard procedure for the removal of cremated remains that can be used by cinerator facilities in lieu of establishing their own procedures.

SUBJECT AREA TO BE ADDRESSED: Cinerator facility operations and standard procedures for the removal of cremated remains.

SPECIFIC AUTHORITY: 497.103(1)(n), (5)(a), 497.606, 497.608 FS.

LAW IMPLEMENTED: 497.103(1)(n), 497.606, 497.607, 497.608 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: October 17, 2006, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: Diana Evans, (850)413-3039 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 DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-22.004 Operating Procedures.

(1) Cinerator facility operators shall establish a system of identification of human remains received for cremation. This system shall be designed to track the identity of the remains from time of receipt until completion of the cremation and delivery of the cremated remains to the legally authorized persons, or until otherwise disposed of in accordance with instructions from the legally authorized person.

(2) No more than one dead human body shall be placed in a retort at one time unless written permission has been received from the legally ~~personal representative~~ (authorized person) responsible for each body.

(3) Upon completion of each cremation cycle, the cremated remains ~~residual of the cremation~~ shall be removed from the retort, pulverized and placed in a separate container.

(4) Human remains shall be cremated in the container or casket in which received unless written instructions to the contrary are received from the legally authorized person. Personal effects shall not be removed from the deceased without express written consent from the legally authorized person.

(5) All alternative containers used for cremation must meet the criteria set forth in Section 497.606(9)(h)(14), F.S. The receptacle or container may be an unfinished wooden box or other non-metal alternative container, which is designed for the encasement of human remains and which is made of cardboard, fiberboard, pressed wood, composition materials, or

other enclosures which are all rigid enough for handling with ease and which completely enclose the human remains during the entire cremation process. ~~All facilities must maintain a complete list of all alternative containers used for cremation which must be available for inspection.~~

(6) Any part of the container chosen for cremation which has not been completely consumed in the cremation process shall be disposed of by completely burning, crushing, or otherwise lawfully disposing of ~~burying~~ the container.

(7) The ~~residual~~ or cremated remains and the separate container shall be disposed of according to the express written instruction of the legally authorized person. If no instructions are given, the ~~residual~~ or cremated remains shall be disposed of in a dignified and humane manner as authorized by law.

Specific Authority 497.103(1)(n), (5)(a), 497.606, 497.607 FS. Law Implemented ~~497.103(1)(n), 497.606, 497.607 FS. History—New 6-26-85, Amended 10-16-85, Formerly 21J-22.04, 21J-22.004, Amended 11-20-96, Formerly 61G8-22.004, Amended _____.~~

69K-22.007 Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures.

(1) A cinerator facility operator shall follow its written procedures for the removal of cremated remains and the postcremation processing, shipping, packing, or identification of those remains filed with and approved by the Board, or it may adopt the following standard uniform procedures. In either case, the cinerator facility operator shall notify the Board of its choice on Form DFS-CF-EP, Election of Procedures for Removal of Cremated Remains and Postcremation Processing, which form is hereby incorporated and adopted by reference, effective _____ 06. Said form shall be mailed to, and can be obtained from, the Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. A cinerator facility shall not be operated unless it has established and follows its specified written procedures approved by the Board.

(2) Removal of Cremated Remains Resulting from the Cremation of a Human Body.

(a) Allow the crematory to cool to a suitable temperature for recovery of the remains after the burners have been shut off (either manually or automatically).

(b) Place a clean metal tray, pan or container in position to receive the cremated remains.

(c) Move the cremation documents from their position near the door or control panel of the crematory to a position in close proximity to or attached to the recovery pan, where it shall remain in place until the cremation process is complete.

(d) Upon completion of the cremation, all cremated remains shall be removed from the cremation chamber and the chamber swept clean.

(e) Remove the metal identification tag from the chamber and place it on or in the recovery tray, pan or container.

(f) Check the removal brushes and tools for bone fragments. If any fragments have adhered to the tools, place them in the recovery pan with the rest of the cremated remains.

(g) Take the recovery pan, its contents and the cremation documents to an appropriate cool down area.

(3) Postcremation Processing.

(a) Remove the metal identification tag from the recovery tray and place it next to the processor along with any cremation documents.

(b) Remove all other metal from the cremated remains, using a magnet and/or forceps (for nonmagnetic metal). Separate all bone fragments and cremated remains from the nonhuman materials. Do not discard the metal until it is completely free of cremated remains. Refer to the cremation documents for the appropriate disposition of dental materials, mementos and jewelry, to the extent they can be recognized in the cremated remains.

(c) Place any other nonhuman materials, such as metal, prosthetics and any other materials retrieved from the crematory, in a specified container until they are packaged for nonrecoverable disposal.

(d) The cremated remains must be processed or pulverized until they are granulated particles.

(4) Packaging of Cremated Remains.

(a) Pour the cremated remains into a heavy plastic bag and place in a temporary container or urn.

(b) If the urn or container is too small to accept all the cremated remains, use a larger container or provide a second container. When there is more than one container, the additional container(s) must be securely fastened to the original container, must have identification labels placed on each urn or container, and must be marked as 1 of 2, 2 of 2, and so on.

(c) Secure or affix the metal identification tag to the bag. Verify the identification of the cremated remains one final time, by comparing the metal identification tag number and the name of the decedent to the information on any cremation documents. Close the urn or cremated remains container.

(d) Store the cremated remains in a secure area until such time as they are released. Document in a log at least the name of the deceased, the date the cremated remains were placed into storage, the date they were removed, and by whom.

(e) If the cremated remains are to be shipped, place the urn or container in a shipping box and securely tape all box seams to increase the security and integrity of the container. The outside of the shipping box shall be clearly identified with the name of the deceased person whose processed remains are contained therein. Ship the box via registered mail, return receipt requested, or by any other lawful and traceable shipment method.

(5) Releasing Cremated Remains.

(a) Verify the identity of the cremated remains by comparing the identification label to the cremation documents and the crematory log.

(b) Release the cremated remains to a representative of the funeral or direct disposal establishment. Obtain a signed receipt for the cremated remains and file the receipt with the cremation documents.

(c) If the cremated remains have not been claimed after 120 days, the funeral or direct disposal establishment may dispose of the remains in any manner specified in Section 497.607, Florida Statutes.

Specific Authority 497.103(1)(n), (5)(a), 497.608 FS. Law Implemented 497.103(1)(n), 497.607, 497.608 FS. History—New

**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."

ADMINISTRATION COMMISSION

RULE CHAPTER NO.: RULE TITLE:

28-22 Land Planning Regulations for The Apalachicola Bay Area of Critical State Concern – Franklin County

RULE NOS.: RULE TITLES:

28-22.210 Amendment to Revised Zoning Code
28-22.211 Amendment to the City of Apalachicola Land Development Regulations
28-22.212 City of Apalachicola Planning Pause Ordinance

PURPOSE AND EFFECT: The purpose of the rules is to amend the City of Apalachicola's land use regulations and zoning code; and establish a planning pause for preparation of amendments to comprehensive plan and land development regulations. The City of Apalachicola adopted Ordinances for this purpose to include:

Ordinance 2005-05 amends Section J of the City of Apalachicola land development code relating to the land use category description for C-1 Commercial Zone District. Ordinance 2006-01 amends the City of Apalachicola land use category description for the C-4 Commercial Zoning District to reflect what is allowed under the provisions of the comprehensive plan.