

(f) Distribution – The Department shall retain 5 percent of the funds deposited into the Trust Fund. The statewide nonprofit association shall distribute a minimum of 80 percent of their Trust Fund monies to RCCs and each RCC shall use no more than 5 percent of its funding for administrative purposes. The statewide nonprofit association shall use no more than 15 percent of their funds for statewide initiatives and no more than 5 percent for administrative costs.

Specific Authority 794.056(2) FS. Law Implemented 794.056 FS. History–New _____.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: 690-149.002 RULE TITLE: Scope and Applicability

PURPOSE AND EFFECT: The purpose is to define the manner for a company to determine compliance with the incidental standard for accelerated death benefit riders and exemption from certain health filing requirements. The amended language is consistent with the NAIC interstate compact standard for defining incidental for accelerated death benefits.

SUBJECT AREA TO BE ADDRESSED: Waiver of required annual health filings for accelerated death benefit riders.

SPECIFIC AUTHORITY: 624.308(1), 627.410(6)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.402, 627.410(1), (2), (6), (7), 627.411(1)(e), (2), 627.6515(2)(a), 627.6699 FS.

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

DATE AND TIME: February 7, 2007, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com.

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

**Section II
Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-70.001	Building Code Core Education
9B-70.002	Commission Approval and Accreditation of Advanced Building Code Training Courses

PURPOSE, EFFECT AND SUMMARY: To review the provisions of these rules in light of the past two years experience and implement changes beneficial to the program.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 553.841(2), 553.841 FS.

LAW IMPLEMENTED: 553.841(2), 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: February 7, 2007, 8:30 a.m. (or as soon thereafter as the matter is brought before the Commission in accordance with its agenda)

PLACE: Embassy Suites Hotel, 3075 Spectrum Boulevard, Tampa, Florida 33612

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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-70.001 Building Code Core Education.

The purpose of the Building Code Training Program is to educate licensed building department personnel, contractors, and design professionals through required core curriculum courses ~~or equivalency examination~~ that addresses the Florida Building Code.

(1) The Core Curriculum is comprised of:

(a) ~~A The Core Curriculum is comprised of the~~ Basic Core Course that emphasizes the administrative, enforcement and procedural aspects of the Florida Building Code and updates and amendments thereto.

(b) Upon availability, a four-hour course that emphasizes the basic requirements of the Florida Accessibility Code for Building Construction.

(2) Licensees regulated under Chapters 468, Part XII, 481, and 489, Parts I and II, F.S., shall at a minimum complete one of the courses by June 1, 2003 or within two (2) years of initial certification or registration, whichever is later. Licensees regulated under Chapter 471, F.S., are required to complete the core course only if the licensee actively participates in designing buildings, structures, or facilities covered by the Florida Building Code.

(3)~~(b)~~ The Core Courses shall be delivered by providers approved by the respective licensing standards board, or by the Department of Business and Professional Regulation, if there is no board. Licensees will receive four (4) hours of continuing education credit for each core course completed.

(4)~~(c)~~ Licensees who hold more than one certificate or registration issued by a board and licensees regulated by more than one board will be required to complete one core course one time.

(5)~~(d)~~ The core course shall be delivered through customized instructor-led training at multiple sites, Internet, or CD-ROM supported interactive multimedia training materials as provided by the appropriate licensing board in their continuing education rules.

(6)~~(e)~~ The Department of Business and Professional Regulation shall assign generic course numbers which must be used by all providers when reporting completion of the core courses by electronic means to the Department of Community Affairs.

(2) Equivalency examination:

(a) ~~The equivalency examination shall include and measure the same areas of competency covered in the Basic Core course. The equivalency examination will be updated every third year to reflect the new edition of the Florida Building Code.~~

(b) ~~Passing the equivalency examination shall be considered equivalent to completing the Basic Core course and the licensee will receive four (4) hours of continuing education credit.~~

~~(c) The licensee shall be required to achieve a passing status on the equivalency examination to receive four (4) hours continuing education credit.~~

~~(d) The equivalency examination shall be administered at multiple sites located throughout the state.~~

~~(e) Security measures as set forth by the Department of Business and Professional Regulation's Rule 61-11.014, F.A.C., shall be followed during the administration of the equivalency examination.~~

~~(f) If the licensee does not pass the equivalency examination, and subsequently completes a core course, the licensee shall be deemed to have met the requirements for license renewal and will receive four (4) hours of continuing education credit.~~

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 4-20-00, Amended 10-14-01, 6-13-04, 6-8-05, _____.

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons ~~or entities~~ to serve as accreditors of advanced training courses. Persons or entities desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code sufficient expertise in the field for which approval is sought, and possesses an active license issued pursuant to Section 471.015, 481.213, 481.311; 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Approval as an accreditor shall be revoked upon a finding by the Florida Building Commission that the accreditor has committed misfeasance or malfeasance related to the process of accreditation; accredited courses in violation of Florida Building Commission rule(s) related to courses reflecting the building code(s), or Florida Statutes or rules; or failed to maintain the license that provided the basis for approval as an accreditor.

(2) Accreditor Review of Courses. Accreditors shall review courses submitted by ~~course developers and~~ providers approved by the Department of Business and Professional Regulation to determine if the course accurately presents the technical and administrative responsibilities reflected in the

current edition of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. Accreditors shall not mutually accredit each others' courses. The accreditor shall determine if the course meets contains the following minimum criteria:

(a) Course Title/Number. The word "advanced" and, if appropriate, "internet" shall be in the title. Goals and measurable objectives;

(b) Hours of Credit. Topical outline of the course components in order of presentation;

(c) Name, address, telephone number and e-mail address of the provider; Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and

(d) Course Description completely describing what the particular course is designed to address; Teaching resources and course references cited in the course materials.

(e) Course/Learning Objectives. Course materials accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission;

(f) Course Time allotments for course content;

(g) Course Outline/Instructional Methods – detailed description of course content in sequence of how taught and methods used to teach that content. The following instructional methods are authorized, but are not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations;

(h) Code edition to which the course relates;

(i) Course references cited in the outline;

(j) Method of Course Evaluations;

(k) A minimum of 50% of the actual training materials content shall be related to the Florida Building Code or Florida Statutes or rules related to the Florida Building Code;

(l) Course materials shall accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission; and

(m) Course materials provided to the student shall be provided to the Accreditor.

(3) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code,

and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System Form FBCED 2003-002, Provider Registration, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing Form FBCED 2003-003, Course Accreditation Application, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with expertise in the field for which approval is sought.

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification from the Building Code Information System at www.floridabuilding.org and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the accreditation Approval Status on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System www.floridabuilding.org shall assign an accreditation number to the application upon submittal and the application shall be scheduled for review by the Florida Building Commission. The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at www.floridabuilding.org no later than 23 calendar days prior to the next reviewed and action taken on the accreditation and approval of the materials at the regularly scheduled meeting of the Florida Building Commission which occurs more than 30 days from the date the accreditation number is assigned. The Commission shall finalize the accreditation process utilizing the Building Code Information System at www.floridabuilding.org and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications.

(f) Providers shall have 120 calendar days from the date of the code adoption to update existing accredited courses affected by the code changes and submit for accreditation or

designate on the Building Code Information System at www.floridabuilding.org the course is not affected by the code changes and the course status should remain active. Existing courses may continue to be delivered during the 120 calendar day period. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses and courses in alternative formats to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f)(4) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(g) The Commission shall audit 2% of all courses submitted for accreditation and of all courses submitted for re-accreditation. Any courses submitted for accreditation or re-accreditation determined to not accurately reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code shall be denied. All approved Advanced Building Code Courses must reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code. Any courses accredited and found by audit or any means to inaccurately reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code or accredited by an accreditor outside the approved areas of expertise shall have the accreditation revoked, the status of the course communicated to the respective licensing board, and the provider required to file a new application for accreditation, if the course would comply.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.002
 RULE TITLE: Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update July 2006 to the Florida Medicaid Provider Reimbursement Schedule. The update contains the fees for the reinstated hearing, optometric, visual, and dental services for adults age 21 and older. The update also contains corrections to the Birth Center Services Fee Schedule. The effect will be to incorporate into rule Update July 2006 to the Florida Medicaid Provider Reimbursement Schedule.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update July 2006 to the Florida Medicaid Provider Reimbursement Schedule. The effect will be to incorporate into rule Update July 2006 to the Florida Medicaid Provider Reimbursement Schedule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Monday, February 5, 2007, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.002 Medicaid Provider Reimbursement Schedule. Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 2006, errata January 2006, updated July 2006, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jason Ottinger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.260
RULE TITLE: Prescribed Pediatric Extended Care Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2007. The handbook revisions include updated service authorization policies and fee increases. The effect will be to incorporate by reference in the rule the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2007.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2007. The effect will be to incorporate by reference in the rule the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

DATE AND TIME: Tuesday, February 6, 2007, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathleen Core, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7310

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.260 Prescribed Pediatric Extended Care Services.

(1) No change.

(2) All Medicaid enrolled prescribed pediatric extended care service providers must be in compliance with the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2007 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. 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.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New 8-27-91, Amended 4-21-92, 3-9-93, Formerly 10C-7.0471, Amended 2-11-96, 2-22-00, 5-11-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathleen Core

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

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

RULE NO.: 64B4-2.002
RULE TITLE: 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 group supervision can be credited toward total supervision as required by Section 491.005, Florida Statutes.

SUMMARY: The rule amendment will clarify how group supervision can be credited toward total supervision as required by Section 491.005, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.0045 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 FULL TEXT OF THE PROPOSED RULE IS:

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

Supervision is the relationship between the qualified supervisor and intern that promotes the development of responsibility, skills, knowledge, attitudes and adherence to ethical, legal and regulatory standards in the practice of clinical social work, marriage and family therapy and mental health counseling. Supervision is face-to-face contact between an intern and a supervisor during which the intern apprizes the supervisor of the diagnosis and treatment of each client, client cases are discussed, the supervisor provides the intern with oversight and guidance in diagnosing, treating and dealing with clients, and the supervisor evaluates the intern's performance.

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

(2) If an intern obtains group supervision, each hour of group supervision must alternate with an hour of individual supervision ~~the group supervision shall be no more than 50% of the supervision and must be combined with individual supervision.~~ For the purpose of this section, individual supervision is defined as one supervisor supervising no more than two (2) interns and group supervision is defined as one supervisor supervising more than 2 but a maximum of 6 interns in the group.

(3) No change.

Specific Authority 491.004(5), 491.0045 FS. Law Implemented 491.005(1)(c),(3)(c),(4)(c) FS. History--New 7-6-88, Amended 3-21-90, Formerly 21CC-2.002, Amended 1-7-96, 12-16-96, Formerly 59P-2.002, Amended 11-13-97, 10-28-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2006

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-38.019	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-38.032	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, Florida Statutes. 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, Florida Statutes, and the applicable codes and standards.

SUMMARY: The proposed amendment establishes firesafety standards in residential facilities for developmentally disabled persons, as provided in Section 633.022, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, February 13, 2007, 10:00 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, 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: Millicent King, (850)413-3619 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim 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 FULL TEXT OF THE PROPOSED RULES IS:

PART I GENERAL

69A-38.019 Purpose.

The purpose of this rule chapter is to comply with Section 393.067(7), Florida Statutes, which states that the Agency for Persons with Disabilities shall adopt rules relating to minimum standards for facilities including “uniform firesafety standards established by the State Fire Marshal which are appropriate to the size of the facility or of the component centers or units of the program.” 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 apply to any residential developmental disabilities facility required to be licensed by the Florida ~~Agency for Persons with Disabilities Department of Children and Family Services~~, pursuant to Section 393.067, Florida Statutes, Rule 65B-38.005 and Chapter 65B-6, F.A.C. In any determination of the number of persons living in a facility, only those persons who are clients as defined in Section 393.13(4), Florida Statutes, shall be counted. Intermediate care facilities for the developmentally disabled are licensed by the Agency for Health Care Administration pursuant to Section 400.11 Florida Statutes and Rule Chapter 59A-26, F.A.C. The Agency for Persons with Disabilities and the Agency for Health Care Administration are affected by these rules.

(2) No change.

(3) This rule chapter shall apply as follows:

(a) Part II shall apply to any residential facility, as defined in Section 393.063(26)(39), Florida Statutes, including any:

1. Group home facility, as defined in Section 393.063(16), Florida Statutes;

2. Residential habilitation center, as defined in Section 393.063(28), Florida Statutes, and

3. Comprehensive transitional educational program, as defined in Section 393.063(8), Florida Statutes, which is providing room and board and personal care 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, Florida Statutes, and Chapter 65B-6, F.A.C. These rules do not apply to day care centers or residential child-care facilities 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 shall apply to intermediate care facilities for developmentally disabled persons, as defined in Section 393.063(20)(28), Florida Statutes, which are licensed pursuant to Chapter 65B-38, F.A.C.

(c) Part IV shall apply to any:

1. Foster care facility as defined in Section 393.063(15), Florida Statutes, and

2. Group home facility as defined in 393.063(16), Florida Statutes, 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 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 5 of NFPA-101 edition as adopted in Rule 69A-3.012, F.A.C.
- (a) through (c) No change.
- (3) Alternative 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 may be imposed. A brief statement describing the fire code requirements in light of previous alternative and ~~equivalency~~ determinations shall be provided.
- (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 AND FOSTER CARE FACILITIES

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

Documentation of Client’s evacuation status shall be based on the speed of evacuation. Speed of Evacuation is to be determined via documentation of actual emergency egress and relocation ~~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 emergency egress and relocation ~~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.

(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 Chapter 32, and existing facilities shall be governed by Chapter 33, F.A.C.

(b) Facilities with an occupancy status for providing nursing or convalescent care shall be governed by Chapter 18 for new facilities and Chapter 19 for existing facilities. 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.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) 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 client’s speed of evacuation. Speed of evacuation is to be determined via documentation of actual emergency egress and relocation drills conducted with the Agency for Health Care Administration personnel present, as evidenced by their signature on at least two emergency egress and relocation 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. 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 AND GROUP HOME FACILITIES SERVING FIVE OR FEWER CLIENTS.69A-38.032 Standards of the National Fire Protection Association Adopted.

(1) The following portions of the National Fire Protection Association Standard 101, Florida edition, Life Safety Code, Chapter 32 for new facilities and Chapter 33 for existing facilities, 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 facilities for the developmentally disabled, except as modified by this rule:

(a) All of Chapter 24, "One and Two Family Dwellings," except Section 24-3.4, "Detection, Alarm and Communication Systems."

(b) Sections 32-3.3.4.7, 32-3.3.4.8, and 32-3.3.5.5 only, of Chapter 32.

(c) Each foster care facility and each group home facility which does not meet the evacuation capability of "prompt" but which does meet an evacuation capability of "slow" shall also comply with the requirements of Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, National Fire Protection Association (NFPA) 101, Florida edition, as adopted in 69A-3.012, F.A.C., to be considered to have met the firesafety requirements under Rule 69A-38.0032, F.A.C. Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, Florida edition, as adopted in 69A-3.012, F.A.C., are hereby adopted and incorporated by reference.

(d) During each fire exit drill, all occupants should evacuate the building on their own or with staff assistance or any other available assistance, as needed.

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

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 client's evacuation status shall be based on the speed of evacuation. Speed of Evacuation is to be determined via documentation of actual emergency egress and relocation drills conducted with the Agency for Persons with Disabilities personnel present, as evidenced by their signature on at least two emergency egress and relocation 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 FS. Law Implemented 633.01, 633.022 FS. History--New _____.

69A-38.034 Operating Features.

Each 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 AHJ 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 structure. All occupants shall exit the 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 structure 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 structure 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, (rev. 03/20/03), Record of Emergency Egress and Relocation Drill, which is hereby adopted and incorporated into these rules 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 at 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, and

(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) in the required manner, 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.

(a) The initial inspection requirements shall be based on a prompt evacuation capability.

(b) The evacuation capability for all subsequent inspections shall be based on an actual emergency egress and relocation drill or the record of such drill conducted under the direct supervision of the Agency for Persons with Disabilities or the fire official.

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

(3) The owner shall request from the AHJ a firesafety inspection at least 30 days in advance of license expiration.

(4) The AHJ or the Division is permitted to require additional firesafety inspections.

(5) 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 (4). All verbal inspection requests shall be followed by a written or electronic verification.

(6) Each required firesafety inspection shall be completed by the AHJ, where available.

(7) Any time there is no AHJ 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, Florida Statutes.

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

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

(10) For the purpose of meeting the fire safety inspection requirements of this section, a foster home or group home shall comply with the following:

(a) Install smoke detectors in accordance with Section 24.3.4.1 of NFPA 101, Florida edition as adopted in Rule 69A-3.012, F.A.C.

(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 must be posted in a conspicuous location;

(e) Be free of improperly stored combustible materials;

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

(g) Be free of temporary electrical wiring, and

(h) Have at least one working flashlight 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 facility 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) No portable heaters shall be used in sleeping rooms.

(4) 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-60.002	Definitions
9B-60.003	Department Activities
9B-60.004	Florida Building Energy Rating System, Adopted
9B-60.005	Training and Certification Program
9B-60.007	Florida Building Energy Rating System, Existing Public Buildings
9B-60.008	Guidelines for Uniformity, Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 41, October 13, 2006 issue of the Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-5.014	Registration of Corporation NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 14, April 7, 2006 issue of the Florida Administrative Weekly.

The Board held a public hearing on this Rule on December 12, 2006, in Orlando, Florida, and determined the following changes should be made:

~~Unless the Commission or BPR shall have information that the corporation has been in violation of Chapters 475 and 455, Florida Statutes, or the rules promulgated under said chapters, it will be assumed to be qualified for registration if its officers and directors are qualified and if the answers to questions in the application, or in supplemental inquiries, are satisfactory. Otherwise, investigation and other proceedings, as in cases of individual applicants, shall commence. No registration shall be granted or renewed for any corporation if it shall appear that the person individual(s) having control of the corporation has been denied, revoked, or suspended and not reinstated, or if a person having control of the corporation has been convicted of a felony in any court and has not had civil rights restored for at least 5 years, or if an injunction has been entered against the person individual(s) for operating as a real estate licensee without a license. A person shall be deemed to be in control of a corporation where such person or spouse, children, or member of the household shall own or control, directly or indirectly, more than 50 40 percent of the voting stock of such corporation. An applicant for registration shall submit forms DBPR 0040-1 (Officers and Directors) and DBPR 0030 (Attest Statement), in which are incorporated herein by referenced. No corporation shall operate as a real estate broker until they have received written notification from the Department that the corporation has been properly registered.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suit N802, Orlando, Florida 32801

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."