

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-700.005 Promoters Equity Investment Ratio.

(1) through (2) No change.

(3) In all limited partnership offerings, the following will be acceptable in lieu of a 15% ratio of equity investment:

(a) In order that a general partner(s) be sufficiently capitalized to indicate the ability to perform the commitments which are made in regard to such programs, the net worth of the individual general partner(s), excluding home, home furnishings and automobile or the net worth of the corporate general partner(s), must be equal to 15% of the aggregate amount of limited partnership interests to be sold with a maximum net worth requirement of \$250,000. The net worth of a general partner(s) shall be revealed by a balance sheet prepared by an independent certified public accountant in accordance with United States generally accepted accounting principles as prescribed in Rule 69W-300.002, F.A.C. The general partner(s) shall make a direct investment, net of commissions, in the limited partnership(s) equal to 5% of the aggregate amount of limited partnership interests to be sold with a maximum participation requirement of \$100,000. The required participation may be reduced by 10% of the general partner(s) net worth in excess of the amount required.

(b) through (d) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History--(Formerly 3E-20.03) New 9-20-82, Formerly 3E-700.05, Amended 10-26-97, Formerly 3E-700.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

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

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:

5E-1.003 Labels or Tags

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 6, February 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Housing and Community Development

RULE NO.: RULE TITLE:

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

#### 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. 33, No. 2, January 12, 2007 issue of the Florida Administrative Weekly.

(1) Approval of Course Accreditors. The Commission shall approve persons 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](http://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 expertise in the field for which approval is sought, and possesses an active license issued pursuant to Sections 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) through (3) No change.

**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**

RULE NO.:                    RULE TITLE:  
25-6.0423                    Nuclear Power Plant Cost Recovery  
                                  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. 52, December 29, 2006 issue of the Florida Administrative Weekly.

Docket No. 060508-EI

25-6.0423 Nuclear Power Plant Cost Recovery

(1) No change.

(2) Definitions. As used in this rule, the following definitions shall apply:

(a) "Nuclear power plant" or "plant" is an electrical power plant that utilizes nuclear materials as fuel, as defined in Sections 403.503(13), ~~Florida Statutes~~ and Section 366.93(1)(c), Florida Statutes.

(b) No change.

(c) "Site selection." A site will be deemed to be selected upon ~~issuance of a final order granting~~ the filing of a petition for a determination of need for a nuclear power plant pursuant to Section 403.519, Florida Statutes.

(d) through (3) No change.

(4) Site Selection Costs. After the Commission has issued a final order granting a determination of need for a nuclear power plant pursuant to Section 403.519, Florida Statutes, a utility may file a petition for a separate proceeding, to recover prudently incurred site selection costs. This separate proceeding will be limited to only those issues necessary for the determination of prudence and alternative method for recovery of site selection costs of a nuclear power plant.

(5) Pre-Construction Costs and Carrying Costs on Construction Cost Balance. After the Commission has issued a final order granting a determination of need for a nuclear power plant pursuant to Section 403.519, Florida Statutes, a utility may petition the Commission for recovery of pre-construction costs and carrying costs of construction cost balance as follows:

(a) Pre-Construction Costs. A utility is entitled to recover, through the Capacity Cost Recovery Clause, its actual and projected pre-construction costs. The utility may also recover the related carrying charge for those costs not recovered on a projected basis. Such costs will be recovered within 1 year, unless the Commission approves a longer recovery period. Any party may, however, propose a longer period of recovery, not to exceed 2 years on an annual basis, or may, as proposed by the utility in its petition or any other party and approved by the Commission, be recovered over a greater period of years.

1. No change.

2. The Commission shall include pre-construction costs determined to be reasonable and prudent in setting the factor in the annual Capacity Cost Recovery Clause proceedings, as specified in subparagraph (5)(c)~~3.2.~~ of this rule. Such costs shall not be subject to disallowance or further prudence review ~~in that proceeding.~~

(b) through 2. No change.

3. The Commission shall include carrying costs on the balance of construction costs determined to be reasonable or ~~and~~ prudent in setting the factor in the annual Capacity Cost Recovery Clause proceedings, as specified in paragraph (5)(c) of this rule. ~~Such factor shall not be subject to disallowance or further prudence review in that proceeding.~~

(c) Capacity Cost Recovery Clause for Nuclear Costs.

1. Each year, a utility shall submit, for Commission review and approval, as part of its Capacity Cost Recovery Clause filings:

a. True-Up for Previous Years. By March 1, April 1, a utility shall submit its final true-up of pre-construction expenditures, based on actual preconstruction expenditures for the prior year and previously filed expenditures for such prior year and a description of the pre-construction work actually performed during such year; or, once construction begins, its final true-up of carrying costs on its construction expenditures, based on actual carrying costs on construction expenditures for the prior year and previously filed carrying costs on construction expenditures for such prior year and a description of the construction work actually performed during such year.

b. through c. No change.

2. The Commission shall, prior to ~~October 1 August 15~~ of each year, conduct a hearing and ~~to~~ determine the reasonableness of projected pre-construction expenditures and the prudence of actual pre-construction expenditures expended by the utility; or, once construction begins, to determine the reasonableness of projected carrying costs on ~~projected carrying costs on~~ construction expenditures and the prudence of actual carrying costs on ~~carrying costs on~~ construction expenditures expended by the utility, and the associated carrying costs. Within 15 ~~30~~ days of the Commission's vote, the Commission shall enter its order. Annually, One year after the true up of actual carrying charges, ~~Annually, One year after the true up of actual carrying charges,~~ the Commission shall make a ~~an~~ annual prudence determination of the prior year's annual ~~annual~~ actual construction

costs and associated carrying costs. To facilitate this determination, the Commission shall conduct an on-going auditing and monitoring program of construction costs and related contracts pursuant to Section 366.08, Florida Statutes. In making its determination of reasonableness and prudence the Commission shall apply the standard provided pursuant to Section 403.519(4)(e), Florida Statutes.

3. The Commission shall include those costs it determines, pursuant to this subsection, to be reasonable or prudent in setting the ~~factor in the annual~~ Capacity Cost Recovery Clause factor in the annual Fuel and Purchased Power Cost Recovery proceedings. Such prior year actual costs associated with nuclear power plant construction subject to the annual proceeding shall not be subject to disallowance or further prudence review ~~in that proceeding~~.

4. The final true-up for the previous year, actual/estimated true-up for the current year, and subsequent year's projected nuclear power plant costs as approved by the Commission pursuant to subparagraph (5)(c)2. will be included for cost recovery purposes as a component of the ~~over/under recovered balance to be included in the~~ following year's capacity nuclear power plant cost recovery factor in the Fuel and Purchase Power Cost Recovery proceeding. The utility must file all necessary revisions to the fuel and purchased power cost recovery filings no later than October 15 of the current year.

- 5. No change.
- (6) through (a) No change.

(b) The amount recovered under this subsection will be the remaining unrecovered Construction Work in Progress (CWIP) balance at the time of abandonment and future payment of all outstanding costs and any other prudent and reasonable exit costs. The unrecovered balance during the recovery period will accrue interest at the utility's overall pretax weighted average midpoint cost of capital on a Commission adjusted basis as reported by the utility in its Earnings Surveillance Report filed in December of the prior year, utilizing the midpoint of return on equity (ROE) range or ROE approved for other regulatory purposes, as applicable.

(7) Commercial Service. As operating units or systems associated with the nuclear power plant and the nuclear power plant itself are placed in commercial service:

(a) The utility shall file a petition for Commission approval of the base rate increase pursuant to Section 366.93(4), Florida Statutes, separate from any cost recovery clause petitions, that includes any and all costs reflected in such increase, whether or not those costs have been previously reviewed by the Commission; provided, however, that any actual costs previously reviewed and determined to be prudent in the Capacity Cost Recovery Clause ~~to which administrative finality has attached~~, shall not be subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information.

- (b) through (e) No change.

(8) A utility shall, contemporaneously with the filings required by paragraph (5)(c) above, file a detailed statement of project costs sufficient to support a Commission determination of prudence, including, but not limited to, the information required in paragraphs (8)(b)-(e), below.

(a) Subject to suitable confidentiality agreements or, to the extent necessary, protective orders issued by the Commission, a utility will ensure reasonably contemporaneous access, which may include access by electronic means, for review by parties of all documents relied on by utility management to approve expenditures for which cost recovery is sought. Access to any information that is "Safeguards Information" as defined in 42 U.S.C. 2167 and 10 C.F.R. 73.21, incorporated by reference into this Rule, shall only be in accordance with applicable Nuclear Regulatory Commission requirements.

(b) Regarding technology selected, a utility shall provide a description of the technology selected that includes, but is not limited to, a review of the technology and the factors leading to its selection.

(c) The annual true-up and projection cost filings shall include a list of contracts executed in excess of \$1 million to include the nature and scope of the work, the dollar value and term of the contract, the method of vendor selection, the identity and affiliation of the vendor, and current status of the contract.

(d) Final true-up filings and actual/estimated true-up filings will include monthly expenditures incurred during those periods for major tasks performed within Site Selection, Preconstruction and Construction categories. A utility shall provide annual variance explanations comparing the current and prior period to the most recent projections for those periods filed with the Commission.

(e) Projection filings will include monthly expenditures for major tasks performed within Site Selection, Preconstruction and Construction categories.

- (f) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.93 FS. History--New\_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**  
**Division of Volunteer and Community Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
58B-1.003	Operating Procedures
58B-1.005	Monitoring and Sanctioning of Access Points
58B-1.009	Outcome Measures and Quality Assurance Standards

**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. 50, December 15, 2006 issue of the Florida Administrative Weekly.

The changes are being made in response to comments received from the rule hearing conducted on January 10, 2007 and comments received from the Joint Administrative Procedures Committee dated January 19, 2007. The changes are as follows:

58B-1.003 Operating Procedures.

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

(a) through (b) No change.

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

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

2. through 3. No change.

(d) No change.

(2) through (4) No change.

(5) RECORDS: The ARC shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting principles and sound business practices that sufficiently and properly reflect all revenues and expenditures of funds provided by the department. This documentation shall be made available upon request for monitoring and auditing purposes.

(a) No change.

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

(6) No change.

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

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

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

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

(a) Monitoring Elements: As part of the monitoring process, the ARC shall ensure that, at a minimum, the areas referenced in 1. through 7. of this subsection are reviewed. Access points shall have this information available for the ARC's review: At a minimum, the ARC shall perform an annual on-site administrative, programmatic, quality assurance, and, if applicable, fiscal monitoring of access points to ensure compliance with ARC agreements.

~~1.(a) The ARC shall ensure An appropriate methods for monitoring and sanctioning access points, including a grievance process is in place for a subcontracted entity, if the entity is eligible to file a grievance;:-~~

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

~~2.1. Ensuring that Pprofessional staff has the minimum educational and experience requirements required in Rule 58B-1.003, F.A.C.;~~

~~3.2. Functional screening and financial eligibility are timely and accurate Timeliness and accuracy of the functional screening and financial eligibility;~~

~~4.3. Eligibility determination and enrollment procedures are timely and accurate Timeliness and accuracy of eligibility determination and enrollment procedures;~~

~~5.4. Effectiveness of Iinformation and referral services and long-term care options counseling provide accurate information that meet the individual's needs;~~

~~6.5. Effectiveness of Pprocesses for receiving and acting on complaints and resolving client grievances and other persons who use ARC services are appropriate and effective; and~~

~~7.6. Training and technical assistance needs are identified Identification of training and technical assistance needs.~~

(b) Monitoring Procedures. The ARC shall adhere to the following:

1. At a minimum, the ARC shall perform an annual on-site administrative, programmatic, quality assurance, and, if applicable, fiscal monitoring of access points to ensure compliance with ARC agreements.

2. The ARC executive director shall submit a written report by certified mail to the access point no later than 21 calendar days from the last date of the on-site monitoring visit. The report shall outline the monitoring findings, that a corrective action plan shall be submitted to the ARC within 21 calendar days from the date of the report, if deficiencies are identified, and other sanctions the ARC determines is warranted, if applicable. The report shall indicate that the access point has the right to request an informal review and/or file a grievance pursuant to its agreement with the ARC.

3. The access point's failure to submit a corrective action plan within the 21 calendar day time frame shall result in sanction(s) pursuant to subparagraphs (2)(a)2. through 12. of this rule.

4. The ARC shall determine if the corrective action plan is acceptable and shall notify the access point if further action is required within 21 calendar days from receiving the report.

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

(a) Sanctions may include the following, depending upon the severity of the violation:

(a) through (l) renumbered 1. through 12. No change.

(b) Sanctioning procedures: The ARC shall follow the procedures below to sanction access points:

1. The ARC executive director shall submit a written notification by certified mail to the access point.

2. The notification shall outline the sanction(s) to be implemented and the reason(s) the ARC is levying the sanctions against the access point.

3. The notification shall include language that the access point has the right to request an informal review and/or file a grievance pursuant to its agreement with the ARC and the method by which to do so.

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

58B-1.009 Outcome Measures and Quality Assurance Standards.

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

(a) No change.

(b) Demonstrate that the average monthly savings for per clients receiving for home and community based services is less than the Medicaid cost for as compared to nursing home care for comparable client groups.

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

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

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

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

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

(a) No change.

(b) Ensuring that clients receive appropriate care and services that meet their needs while living in the community in order to avoid nursing home placement. This shall be

accomplished through periodic clinical review of client care plans, client progress towards goals, and client satisfaction surveys.

(c) No change.

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.100	Definitions
60BB-8.200	Voluntary Prekindergarten Child Eligibility
60BB-8.201	Voluntary Prekindergarten Parent Application and Procedures
60BB-8.2015	VPK Child Registration Pilot Project
60BB-8.202	Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment
60BB-8.204	Uniform Attendance Policy for the Funding of the VPK Program
60BB-8.300	Voluntary Prekindergarten Provider Application and Procedures
60BB-8.301	Voluntary Prekindergarten Uniform Statewide Provider Agreement
60BB-8.305	Documenting and Certifying Child Attendance in the VPK Program
60BB-8.400	VPK Program Class Sizes and Composition
60BB-8.451	VPK Class Schedules
60BB-8.900	VPK Forms
60BB-8.901	Qualified Contractors

NOTICE OF PUBLIC HEARING

The Department of Management Services, Agency for Workforce Innovation, Office of Early Learning announces an additional hearing regarding the above rule, as noticed in Vol. 32, No. 38, September 22, 2006 Florida Administrative Weekly.

DATE AND TIME: Friday, March 16, 2007, 4:00 p.m. until 5:00 p.m. or business is concluded

PLACE: The Residence Inn Tallahassee, The Universities Conference Room, 600 West Gaines Street, Tallahassee, Florida 32304; Phone: (850)329-9052

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Amendments to the following Voluntary Prekindergarten Education Program ("VPK") Rules: 60BB-8.100 Definitions, 60BB-8.200 Documenting Child Eligibility for the VPK Program, 60BB-8.201 Child Registration Procedures; Application; Parent-Orientation Session, 60BB-8.202 Child Eligibility Determination and Enrollment Procedures, 60BB-8.204 Uniform Attendance Policy for Funding the VPK Program, 60BB-8.300 Provider and Class Registration, Procedures; Application; Eligibility

Determination, 60BB-8.301 Statewide Provider Agreement for the VPK Program, and 60BB-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.

Also the following Proposed VPK Rules: 60BB-8.2015 VPK Child Registration Pilot Project, 60BB-8.305 Documenting and Certifying Child Attendance in the VPK Program, 60BB-8.451 VPK Class Schedules, 60BB-8.900 VPK Forms, and 60BB-8.901 Qualified Contractors.

A copy of the Proposed Rules was published in the September 22, 2006, issue of the Florida Administrative Weekly (Vol. 32, No. 38) and is available online at: <http://faw.dos.state.fl.us/fawframes.html>.

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: Ms. Veronica Moss at (850)245-7150. 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).

**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 Nursing**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64B9-17.001	Statement of Intent of Purpose
64B9-17.002	Definitions
64B9-17.003	Competency and Knowledge Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 11, March 18, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

<b>RULE NO.:</b>	<b>RULE TITLE</b>
64B17-7.001	Disciplinary Guidelines

**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. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly.

The change is based upon comments received by the Board of Physical Therapy Practice. The changes are as follows:

Paragraph (1)(cc) shall now read as follows: Section 456.072(1)(t), F.S.: Failing to identify through written notice or orally to a patient the type of license under which the

practitioner is practicing – from a minimum letter of concern and a fine of \$1,000, up to a maximum fine of \$5,000 and/or one year of probation. After the first offense, a minimum of two years of probation and a fine of \$5,000 to a maximum fine of \$10,000 and/or revocation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B17-8.001	Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome

**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. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly.

The change is based upon comments received by the Board of Physical Therapy Practice. The changes are as follows:

Subsection (2) shall now read as follows: Each licensee must complete at least one clock hour on HIV/AIDS education no later than upon the licensee’s first renewal of licensure. The Board shall accept coursework from schools of physical therapy, provided such coursework was completed after July 1, 1991.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
66B-1.005	Funds Allocation
66B-1.006	Application Process

**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. 49, December 8, 2006 issue and including the Notice of Rule Development published in Vol. 32, No. 45, November 9, 2006 issue of the Florida Administrative Weekly.

The "Summary" subsection of the Notice of Proposed Rule Making was incorrectly referenced as the sub-section "Subject Area to be Addressed". The text of the section is amended to read:

~~SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.~~

SUMMARY: Minor amendments to the following sections of the Cooperative Assistance Program rule are being implemented: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects. The specific amendments are listed below in this notice.

The Notice of Proposed Rule Making is amended to reference the correct publication date of the Notice of Proposed Rule Making:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~November 9, October 25, 2006.~~

Based of comments received from the Joint Administrative Procedures Committee, the following text is amended to read:

66B-1.005 Funds Allocation.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-1.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of ~~may waive~~ the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Rule Chapter 66B-2, F.A.C.

66B-1.006 Application Process.

(1) No change.

(2) Application Form: Florida Inland Navigation District Cooperative Assistance Program Application; Applicant Information – Project Summary, Form No. 90-12 (effective date 4-24-06) is hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program shall be made on

this form. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from state agencies shall also be made on FIND Form Number 90-12a Project Information (effective date 4-24-06) and shall include a detailed cost estimate submitted on FIND Form No. 90-25 Florida Inland Navigation District Assistance Program Project Cost Estimate (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date \_\_-\_\_-07), hereby incorporated by reference and available from the District office.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE AND QUESTIONS PETAING TO THE RULE IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

## NAVIGATION DISTRICTS

### Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.005	Funds Allocation
66B-2.006	Application Process

### 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. 49, December 08, 2006 issue and including the Notice of Rule Development published in Vol. 32, No. 45, November 9, 2006 issue of the Florida Administrative Weekly.

The “Summary” subsection of the Notice of Proposed Rule Making was incorrectly referenced as the sub-section “Subject Area to be Addressed”. The text of the section is amended to read:

~~SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.~~

SUMMARY: Minor amendments to the following sections of the Waterways Assistance Program rule are being implemented: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects. The specific amendments are listed below in this notice.

The Notice of Proposed Rule Making is amended to reference the correct publication date of the Notice of Proposed Rule Making:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~November 9, October 25, 2006.~~

Based of comments received from the Joint Administrative Procedures Committee, the following text is amended to read:

66B-2.005 Funds Allocation.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of ~~may waive~~ the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

66B-2.006 Application Process.

(1) No change.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and 93-22a, Project Information – Navigation Related Districts (effective date 4-24-06) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program from navigation related districts shall be made on FIND Form Number 93-22 (effective date 4-24-06), hereby incorporated by reference and available from the District office, and shall include a detailed cost estimate submitted on FIND Form No. 90-25. (effective date \_\_-\_\_-07), hereby incorporated by reference and available from the District office.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE AND QUESTIONS PERTAINING TO THE RULE IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-60.011  
 RULE TITLE: Non-Binding Interpretations of the Florida Fire Prevention Code  
 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. 7, February 17, 2006 issue of the Florida Administrative Weekly.

Rule 69A-60.011, F.A.C., is changed to read as follows:

69A-60.011 Non-Binding Interpretations of the Florida Fire Prevention Code.

(1) Definitions. For purposes of this rule section:

(a) No change.

(b) “State Fire Marshal” or “Division” means the Chief Financial Officer of the State of Florida acting as State Fire Marshal, or the Division of State Fire Marshal, as the context requires.

(c) through (d) No change.

(2) Procedures. The following procedures apply to the organization and to the FCIC.

(a) The FCIC shall consist of seven members; one representing each of the seven emergency management regions in the State. Each member shall be a with one firesafety inspector and one alternate firesafety inspector certified in accordance with Section Chapter 633.081(2), F.S. representing each of the There shall be one alternate for each FCIC member. Each alternate must be a certified firesafety inspector from the same emergency management region as the FCIC member. Each member and each alternate shall have, at a minimum, five years of experience performing firesafety inspections as a certified firesafety inspector The seven emergency management regions of the State which are described as follows:

1. through 7. No change.

(b) At least annually, the organization shall provide to the Division a list of all certified firesafety inspectors, and alternates, who ~~that~~ are currently serving on the FCIC ~~in rendering interpretations~~, including documentation proof of at least five-years’ experience ~~in~~ performing firesafety inspections as a certified firesafety inspector.

(c) Each person serving to serve on the FCIC must have on file with the Division Form DFS-K3-1673, (rev. 01/06), “Member Application for Fire Code Informal Interpretation Committee”, rev. 01/06 ~~which is hereby adopted and~~



incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by visiting the State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>. The first seven applications submitted meeting the geographic and experience requirements shall be appointed as members. The next seven applications meeting the geographic and experience requirements shall be appointed alternate members. Applications may be submitted at any time and will be kept on file to fill vacancies as they occur. The existing alternate will be appointed to serve in the vacant seat. An alternate will be chosen for the seat in the same manner as the original member was chosen.

(d) No change.

(e) Requests for non-binding interpretations of the Code shall be submitted to the Division in accordance with this rule, along with a fee of one hundred ten (\$110.00) dollars, as directed at the Division of State Fire Marshal website and shall include the following:

1. through 4. No change.

(f) through (j) No change.

(k) A meeting shall be held to consider the request at the behest of at least two FCIC members. The meeting may be conducted in person or electronically. Each informal interpretation rendered may be supported by a meeting in person, or by telephone, teleconference, video conference, or such other means that the organization deems appropriate. The organization may permit interactive communication among the FCIC, the requesting party, the authority having jurisdiction and any other person or entity deemed appropriate.

(l)1. Each member participating in an informal interpretation shall submit his or her individual response within five (5) calendar days of having received the written request, along with a fee of one hundred ten (\$110) dollars. The Organization upon receipt of a response from a simple majority of the FCIC members, shall should forward the majority FCIC response, either Yes or No, without comment or amendment to the requestor via electronic transmission mail (email), if available and, if not available, by facsimile transmission or regular mail within four (4) 14 calendar days of receipt of the majority responses from the individual FCIC members question. In no event shall the FCIC response be sent later than thirty 30 days from the date the Organization receives the request for informal interpretation.

2. If a response will not or cannot for any reason be sent to the requestor within 14 calendar days of receipt, the requestor shall be so notified by email, if available and, if not available, by facsimile transmission or regular mail. Such response shall be provided thereafter as soon as reasonably practicable, but not later than 30 days after submission of the request.

2.3. The Organization shall send an electronic copy of each final FCIC response. Each response shall also be sent via email to the Division of State Fire Marshal at the email address in the contract.

(m) Each final FCIC response, along with the written request, shall be posted on the organization's website.

(n) Each response is nonbinding, and constitutes is the opinion of the FCIC rendering members the opinion same or a majority of the members of such FCIC, and not the opinion of the Department, the State Fire Marshal or the Organization; and shall create no legal right on the part of any person nor any legal duty on the part of the FCIC, the organization, any individual, the State Fire Marshal, the State of Florida, or any other person or entity.

(3)(a) No change.

(b) Each person serving on the FCIC shall serve at the pleasure of the State Fire Marshal or the organization and no person has any recourse against the State Fire Marshal or the organization for removal from the FCIC except as otherwise provided by federal or state law.

Specific Authority 633.01, 633.026 FS. Law Implemented 633.026 FS. History--New\_\_\_\_\_.

## Section IV Emergency 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."

### 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 FINANCIAL SERVICES

#### Division of Insurance Agents and Agency Services

RULE NO.:	RULE TITLE:
69BER07-2	Requirements Relating to Public Adjusting

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Financial Services hereby states the following circumstances constitute an immediate danger to the public health, safety, and welfare: This emergency rule is necessitated by a storm system (reportedly with tornadic activity) which passed through Florida in the