

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-6.040 Voluntary (VPK) Director Credential
 for Private Providers

PURPOSE AND EFFECT: The purpose of this rule development is to address the objections raised by Joint Administrative Procedures Committee regarding the approval and issuance of the credential for directors of private prekindergarten providers delivering the VPK program.

SUBJECT AREA TO BE ADDRESSED: Credential for directors for private prekindergarten providers.

SPECIFIC AUTHORITY: 1002.73(2)(a), 1002.79(1) FS.

LAW IMPLEMENTED: 1002.55(3)(f), 1002.57 FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1524, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Executive Director, Office of Early Learning, Department of Education, 325 W. Gaines Street, Suite 1524, Tallahassee, Florida 32399-0400, (850)245-0445

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.040 Voluntary (VPK) Director Credential Endorsement for Private Providers.

~~(1) Requirements for the Endorsement. Consistent with the requirements of Section 1002.55(3)(f), Florida Statutes, A private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Credential, VPK Director Endorsement, Children and Families (DCF), that meets the requirements of subsection (2) of this rule. Successful completion of the Director Credential for child care facilities issued by the Department of Children and Families, as authorized required by Section 402.305(2)(f), Florida Statutes, and paragraph 65C-22.003(8)(a), F.A.C., prior to December 31, 2006, satisfies the effective date of this rule shall satisfy this requirement.~~

~~(1)(2) Training Requirements for VPK Director Credential. To be eligible for the Voluntary Prekindergarten (VPK) Director Credential Endorsement, issued by the Department of Children and Families (DCF), the applicant must possess a DCF Director Credential. The onsite experience required for the DCF Director Credential satisfies the onsite experience required for the VPK Director Credential. Applicants must successfully complete the following additional educational requirements:~~

~~(a) A Florida credential certificate program, as referenced in paragraph 65C-22.003(8)(a), F.A.C., approved by DCF and the Department of Education (DOE);~~

~~(a)(b) DOE-approved training on the VPK education Education standards adopted by the State Board of Education;~~

~~(b)(c) DOE-approved course(s) on emergent literacy; and~~

~~(c)(d) DOE-approved course(s) that address the following VPK Director competencies:~~

1. Organizational Leadership and Management – To implement strategies and techniques that promote a responsive work and learning environment, VPK directors shall be able to demonstrate knowledge and application of:

- a. Management strategies that support a professional culture and climate;
- b. Instructional leadership skills and the provision of supports to VPK instructors;
- c. Available resources and supports for VPK instructors and parents; and
- d. Local processes and procedures for the transition of VPK children to public and private kindergarten programs.

2. Financial and Legal – To maintain effective financial planning and budgeting systems and sound practices related to legal obligations and responsibilities, VPK directors shall be able to demonstrate knowledge and application of:

- a. Applicable laws and rules and legal responsibilities;
- b. Roles and responsibilities of state agencies, local coalitions, and providers;
- c. Monitoring requirements; and
- d. Financial operating procedures.

3. Program and Performance Standards – To maintain an instructional leadership role in creating and sustaining an effective learning environment, VPK directors shall be able to demonstrate knowledge and application of:

- a. Developmentally appropriate and research-based instructional practices and their application in the classroom;
- b. Evaluation of the appropriateness and effectiveness of available prekindergarten curricula;
- c. Effective implementation of a prekindergarten curriculum in the classroom;
- d. Effective instructional strategies for children with disabilities or other special needs and for English language learners;

e. Developmentally appropriate methods for the on-going assessment of young children and interpretation of these data for program planning and the delivery of instruction; and

f. Local and state accountability systems.

(2) Procedure for VPK Director Credential.

(a) An applicant for the VPK Director Credential must complete and submit the Florida Voluntary Prekindergarten (VPK) Director Endorsement Application, [Form DOE-DEA 01-07] which is incorporated by reference.

(b) The VPK Director Credential will be issued upon verification of the completed application and supporting documentation that the applicant has met the onsite experience and educational requirements for a VPK Director Credential. The expiration date of the VPK Credential will be matched to the expiration date of the applicant's DCF Director Credential.

(c) The VPK Prekindergarten Director Credential shall take the form of an endorsement to the Director Credential issued by the Department of Children and Families.

(3) Renewal. To maintain an active VPK Director Endorsement, the director of a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must meet the requirements in subparagraphs 65C-22.003(8)(h)1.-4., F.A.C.

(4) Revocation. The Department will revoke the VPK Director Credentials of a person who provided false information on an application for VPK Director Credentials.

Specific Authority 1002.73(2)(a), 1002.79(1) FS. Law Implemented 1002.55(3)(f), 1002.57 FS. History—New 12-31-06, Amended

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	RESNET Standards, Adopted

PURPOSE AND EFFECT: Section 553.992, Part VIII, F.S., requires the Department of Community Affairs (the Department) to update the Building Energy-Efficiency Rating System in accordance with the procedures of Chapter 120, F.S. Section 553.995(2), F.S., requires the BERS program to be compatible with federal rating systems and state building codes and standards, where applicable. The proposed rule changes coincide with changes made to a national standard for home energy rating systems that is promulgated by the National Association of State Energy Officials (NASEO). Updating to this standard allows Florida to maintain its accreditation with

NASEO, which has positioned itself to provide certifications for builders wishing to claim federal tax credits from the Internal Revenue Service.

Although the effect of upgrading to a new computer program initially causes a divergence between the BERS program and Florida's energy code, both the energy code and the BERS rating reports provide information required by Section 553.902, F.S.: levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiencies. Efforts to offset this divergence in compliance tools include a translation program to take code compliance files and transfer the information to the BERS program, and upgrading the energy code to the EnergyGauge® USA program during the 2007 code update cycle. The EPL Display Card referenced in Section 553.9085, F.S., currently utilizes an Estimated Energy Performance Score, which mimics the current Class 3 BERS rating. This "score" will be maintained until the code is changed.

The revised standard proposed as a change to Rule 9B-60.008, F.A.C., the 2006 Mortgage Industry National Home Energy Rating Systems Standards (HERS), amended May 10, 2007, requires the following additional changes to the program. These changes are reflected in the proposed revisions to Chapter 9B-60, F.A.C.:

1. The HERS Score is changed to a HERS Index with the Reference Standard for a home becoming a ratio when compared to the Design home.
 2. The ratings will no longer be based on the Florida energy code because the computer program used to calculate energy code compliance is not capable of meeting the new National HERS Standards. Rather, the program will utilize the EnergyGauge® USA ResRate 2006 program which meets the new Standards.
 3. Class 1 raters will be required by the Standards to pass the RESNET National Core Exam. Recertification of raters will no longer require peer review and reevaluation.
 4. Reporting of ratings will be via website upload.
 5. The rule will prohibit the practice of representative sampling of multiple homes in BERS ratings, requiring ratings to be specific to one residence.
 6. Florida's commercial building rating computer program has been updated to Energy Gauge Summit Com/Rate-2004.
- SUBJECT AREA TO BE ADDRESSED: Adopts the 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards, amended May 10, 2007, promulgated by the Residential Energy Services Network (RESNET) and the National Association of State Energy Officials, and amends applicable portions of the rule to reflect this change. Changes name of Home Energy Rating System "HERS Score" to "HERS Index" and amends definition of HERS Index to make it consistent with the 2006 Mortgage Industry National Home Energy Rating Systems Standards. Provides that the HERS Index will be determined using the software system called

EnergyGauge7 USA, ResRate 2006. Amends certification requirements for Raters to include achievement of a passing score on the RESNET National Core Exam.

SPECIFIC AUTHORITY: 553.992, 553.994, 553.998 FS.

LAW IMPLEMENTED: 553.992, 553.995, 553.995(1), (1)(c), (4), 553.996 FS.

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

DATE AND TIME: November 30, 2007, 9:30 a.m.

PLACE: Randall Kelley Training Room, Third Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ann Stanton, Building Codes Analyst, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0964, SUNCOM 278-0964

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-60.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit such meaning, shall have the meanings indicated:

(1) through (7) No change.

(8) Rating System – a uniform scale of the relative energy use efficiency of buildings based on annual energy usage and costs with consideration of local climate conditions, construction practices and building use.

(9) through (16) No change.

(17) Rating Class for Residential Buildings – the category of an energy rating, based on the source of the input data which are used by the Florida Building Energy Rating System to compute the energy and cost estimates of the energy rating, and consisting of the following three Classes:

(a) Class 1 Rating – a confirmed ~~an~~ energy rating, conducted in accordance with Chapter 9B-60, F.A.C., using site energy audit and performance test data as the sources for the input data on which the rating is based.

(b) Class 2 Rating – a confirmed ~~an~~ energy rating, conducted in accordance with Chapter 9B-60, F.A.C., using site energy audit data as the source for the input data on which the rating is based.

(c) No change.

(18) Registered Rating – a Florida Building Energy Rating for a specifically located building that has been compiled by a certified Florida Rater of any Class, has been found to be complete and accurate, and has been recorded with the Program Administrator ~~Department~~.

(19) Projected Rating – A rating ~~of any Class~~ performed prior to the construction of a new building or prior to implementation of energy-efficiency improvements to an existing building.

(20) HERS Rating – An audit and computer-generated performance evaluation of a home conducted in accordance with Rule 9B-60.004, F.A.C., of this chapter and resulting in a HERS Index ~~Score~~.

(21) HERS Index ~~Score~~ – The numerical rating for a home with a value between 0 and 100 where a value of 0 ~~100~~ indicates that the home uses no purchased energy for heating, cooling, ~~and~~ hot water, lighting and appliances, and a value of 100 ~~80~~ indicates that the home has the same energy use for heating, cooling, ~~and~~ hot water, lighting and appliances as the Reference Home established by the 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards.

(22) Program Administrator – means a public or private entity that is qualified to perform the training and support functions of the Florida Building Energy Rating System and that is authorized by the Department to perform such functions.

Specific Authority 553.992 FS. Law Implemented 553.992, 553.995 FS. History–New 7-1-94, Amended 1-11-95, 12-27-98, 11-28-04, _____.

9B-60.003 Department Activities.

(1) No change.

(2) Within three (3) years of the date of adoption of the rating system, and at least triennially thereafter in conjunction with the triennial review of Chapter 13 of the Florida Building Code, ~~Building~~ (the Code), the Department shall review the energy rating system program criteria and the calculation tools used in common by both the BERS and the Code that are adopted herein to determine the need for revision or modification. ~~The residential rating system methodology is based on Method A of Sub Chapter 6 of Chapter 13 of the Code, while the commercial rating system methodology is based on Method A of Sub Chapter 4 of the Code.~~ At a minimum, the Department shall update the rating system by adopting modifications to the current editions of the Code and ~~Attachment 1 to the 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards (the National Home Energy Rating Technical Guidelines)~~ promulgated by

the Residential Energy Services Network (RESNET) and the National Association of State Energy Officials (NASEO). Copies of the 2006 Mortgage Industry National Home Energy Rating Systems Standards Code and the National Home Energy Rating Technical Guidelines are available at the website http://www.resnet.us/standards/mortgage/RESNET_mortgage_Industry_National_HERS_Standards_2006.pdf or from the Florida Department of Community Affairs, Building Codes and Standards Office, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

(3) Any person may submit recommendations for proposed revisions or modifications to the rating system to the Department for consideration. Such proposed revisions and modifications shall be submitted in writing on Department of Community Affairs' Form #300-2006, incorporated herein by reference, effective July 1, 1994. Copies of this form are available by writing to the Department of Community Affairs, Building Energy Rating System Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Such proposals shall include the date of submittal, an identification of the submitter, identification of the section of the rating system to be revised, the new proposed language, a justification or reason for the change, and anticipated financial impacts of the change. The Department shall conduct a public hearing(s) in accordance with the requirements of Chapter 120, F.S.

(4) The Department or its Program Administrator shall develop, maintain and make available, at no cost to the prospective purchaser, a Building Energy Rating System disclosure information brochures to be provided to the prospective purchaser.

Specific Authority 553.992, 553.998 FS. Law Implemented 553.992, 553.996 FS. History—New 7-1-94, Amended 12-27-98, 11-28-04, _____.

9B-60.004 Florida Building Energy Rating System, Adopted.

(1) No change.

(2) The home energy rating (HERS rating) for residential buildings shall be determined using only EnergyGauge® USA, ResRate-2006, which produces the Florida Residential Building Energy Rating form, Form FRBER-2006, herein incorporated by reference, effective _____, the Florida Residential Building Energy Rating System software (EnergyGauge/ResFREE, Version 3), which produces the Florida Building Energy Rating Guide forms: Form #11A-01 for the North climate zone, Form #11B-01 for the Central climate zone, and Form #11C-01 for the South climate. The rating system software (EnergyGauge/ResFree, Version 3) that produces these forms is hereby incorporated by reference. Certified HERS ratings shall be specific to one residence; sampling is not an acceptable procedure for ratings in Florida. Air distribution system testing for Class 1 ratings shall be performed in accordance with Annex B and Annex C of

BSR/ASHRAE Standard 152-04, "Method of Test for Determining the Design and Seasonal Efficiencies of Residential Thermal Distribution Systems." A Class 3 rating shall be clearly labeled as a "projected rating based on plans."

(3) No change.

(4) The energy rating for public and commercial buildings shall be determined using only the Florida Commercial Building Energy Rating System software (EnergyGauge® Summit Com/Rate-2004, which produces the Florida Commercial Building Energy Rating forms, Form FCBER-2004, herein incorporated by reference, effective _____, (EnergyGauge/ComFREE, Version 1) which produces the Florida Building Energy Rating Guide forms: Form #12A-01 for the North climate zone, Form #12B-01 for the Central climate zone and Form #12C-01 for the South climate zone. The Florida Commercial Building Energy Rating System software, EnergyGauge® Summit Com/Rate-2004, (EnergyGauge/ComFREE, Version 1) is hereby incorporated by reference. Public buildings owned or leased by state agencies and units of local government that are governed by Section 255.254, F.S., may utilize this rating system as one of the annual energy usage and cost by methods approved by those agencies.

(5) No change.

Specific Authority 553.992 FS. Law Implemented 553.994, 553.995(1) FS. History—New 7-1-94, Amended 10-3-94, 1-11-95, 12-27-98, 11-28-04, _____.

9B-60.005 Training and Certification Program.

(1) General Provisions.

(a) Beginning with the implementation date of this rule, no person may provide a rating for buildings in Florida unless such a person has been certified as provided by this part. To perform a rating for any building as required by this rule, the person performing the rating must be certified by the Department of Community Affairs. For residential buildings, in accordance with Section 102.1.4.6 of the 2006 Mortgage Industry National Home Energy Rating Systems Standards, Chapter 1, Section 4.C.6 of the "National Accreditation Procedures for Home Energy Rating Systems," a Florida Certified Rater who has a financial or other interest resulting from the energy Rating results (including any recommended improvements resulting from the Rating) shall provide written disclosure of the nature of the financial or other interest to the owner of the property being rated utilizing Form FIDF-2006 4D-01, Financial Disclosure Form, herein incorporated by reference, effective _____.

(b) No change.

(c) An application for annual certification renewal shall be submitted on Form 500B-2006 01, herein incorporated by reference, effective _____, with a renewal fee of \$50. In addition to the annual renewal fee, a certified residential rater must, over a three year period, have completed twelve credit

hours of continuing education in courses accepted by the Department for certification renewal. Acceptable courses shall, in general, be those dealing with energy use in buildings and building systems (including heating, ventilating and air conditioning), building design or construction, codes or plan review, financing or selling buildings, and courses on energy rating systems.

(2) The following qualifications, at a minimum, are required for certification as a rater:

(a) The individual shall submit an application on the Department of Community Affairs Form #500A-2006 ~~01~~, herein incorporated by reference, effective, and pay the appropriate application fee of \$150.00. The form is available by writing to the Department of Community Affairs, Energy Rating System Program, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

(b) Individuals applying for certification as raters for new residential (Class 3), public and commercial buildings shall attend a training program provided by the Department or its designee and shall demonstrate achievement of a level of knowledge and proficiency so as to successfully rate buildings by passing Department tests specific to the type of building rated for certification. Individuals may also qualify for Class 3 certification without attending the Class 3 training program by passing a Class 3 challenge test. Individuals applying for certification as Class 2 raters for residential buildings, in addition to the above certification requirements, shall attend a Class 2 training program provided by the Department and shall demonstrate achievement of a level of knowledge and proficiency so as to successfully perform residential energy audits to rate existing residential buildings by passing a Department test specific to Class 2 certification. Individuals may also qualify for Class 2 certification without attending the Class 2 training program by passing a Class 2 challenge test. Individuals applying for certification as Class 1 raters for residential buildings shall demonstrate having the same stated requirements as Class 2 raters, shall attend a Class 1 training program provided by the Department and shall demonstrate achievement of a level of knowledge and proficiency so as to successfully perform residential performance tests by passing a Department test specific to Class 1 certification. Individuals may also qualify for Class 1 certification without attending the Class 1 training program by passing a Class 1 challenge test. In addition, a Class 1 rater candidate must complete five Class 1 ratings under the supervision of a certified Class 1 rater as well as pass the RESNET National Core Exam, herein incorporated by reference, in order to obtain a Class 1 certification. Individuals applying for certification as raters of existing commercial buildings, in addition to the requirements stated above for new commercial buildings, shall demonstrate certification as an energy auditor from a recognized

commercial energy auditing program or have at least one year of experience performing a minimum of fifteen commercial energy audits.

(c) No change.

(d) No certification shall be approved unless the applicant demonstrates to the Department that the following conditions are met: the applicant has not been found to be in violation of Part VIII XI, Chapter 553, F.S., or this rule chapter; the applicant has filed an accurate and complete application with the application fee describing compliance with the relevant certification requirements; the applicant is capable of performing the activities for which he/she is seeking certification; the applicant has not shown a lack of ability or intention to comply with Part VIII XI, Chapter 553, F.S., or this rule chapter, or has not been unable or unwilling to conduct Energy Code compliance related activities forthrightly and honestly with his/her clients. Decertification shall be in accordance with procedures for revoking licenses of Chapter 120, F.S.

(e) Recertification is required within six months of the effective date of major revisions to Chapter 13 of the Florida Building Code, Building, or at least every three years from the rater's last date of certification. For recertification, the applicant shall attend training on changes impacting the rating system provided by the Department of Community Affairs or its Program Administrator and demonstrate achievement of a level of knowledge and proficiency so as to successfully rate buildings by passing a Department test applicable to the buildings being rated. The fee for recertification shall be the annual certification renewal fee. In addition to the written test, Class 1 residential raters shall be required to satisfactorily demonstrate performance testing skills necessary to perform a Class 1 rating as part of the recertification as well as at the time of training and testing. ~~Class 1 residential raters shall be required to satisfactorily perform and complete one Class 1 rating, accompanied and evaluated by another randomly chosen Class 1 rater, as a requirement for recertification and to comply with Attachment 1 of the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems (the National Home Energy Rating Technical Guidelines) requirement for periodic peer review and reevaluation of raters. Class 1 raters shall also be required to serve as a Class 1 peer evaluator at least once within three years before being recertified.~~ These regulations in no way exempt any person from other state and local occupational licensure requirements. Any rater who fails to pass the recertification test in his or her rating classification shall be required to attend a refresher course approved by the Department of Community Affairs and retake the test. Until the rater can demonstrate his/her ability to perform ratings in his/her classification, registration of ratings by the rater shall be prohibited.

(3) Reporting Requirements. Certified raters shall submit all ratings to the Department in care of its Program Administrator via the website upload at: http://dbase.fsec.ucf.edu/pls/engage/rating_home the Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, FL 32920 in electronic format, either via electronic mail (e-mail) or on 3 1/2 " diskette.

(a) The Program Administrator Florida Solar Energy Center shall maintain an electronic database that can be queried by the public to verify that a BERS Rating has been registered for a specific real property.

(b) Upon request and if authorized by the homeowner or his/her agent, the Program Administrator shall Florida Solar Energy Center may provide a registered BERS Rating report from the electronic database to a homeowner, or prospective home purchaser for a fee. The Program Administrator may charge a fee not to exceed the actual cost of providing such rating report.

(4) A written report shall be provided to the purchaser of real property or that individual who requested the rating. Such report shall include the Florida Building Energy Rating report.

(a) A completed copy of the Florida Building Energy Rating, Form FRBER-2006 or Form FCBER-2004; Guide (Form #11-01 or Form #12-01);

(b) through (c) No change.

(d) The statement: "This notice is provided to you by an individual certified by the Florida Department of Community Affairs to perform a building energy rating evaluation. Any questions, comments, or complaints regarding the person or agency performing this service may be directed to the Florida Department of Community Affairs, Building Energy Rating System Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, or its Program Administrator, or the Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, FL 32920. The Department or the Program Administrator Florida Solar Energy Center may request the owner's permission in the future to conduct a quality assurance review of this rating;" and

(e) If it is a residential rating, the disclosure form printed from EnergyGauge® USA ResRate 2006, the EnergyGaugeRes/Free program (Form No. 11D-01).

Specific Authority 553.992 FS. Law Implemented 553.995(4) FS. History--New 7-1-94, Amended 10-3-94, 1-11-95, 12-27-98, 11-28-04,_____.

9B-60.007 Florida Building Energy Rating System, Existing Public Buildings.

(1) The provisions of this rule are adopted to implement the Florida Building Energy Efficiency Rating Act of 1993, Part VIII XI, Chapter 553, Florida Statutes, by providing a state-wide uniform energy rating system for rating existing buildings proposed for acquisition for public use through lease or purchase and for existing public buildings undergoing

renovation. The term existing public building, as used herein, shall have the same meaning as new public buildings in Rule 9B-60.002, F.A.C., except construction of such buildings shall have been permitted before this rule shall have taken effect.

(2) No change.

(3) The energy rating for existing public buildings shall be determined using the Florida Commercial Building Energy Rating System software, EnergyGauge® Summit Com/Rate-2004 (EnergyGauge/ComFREE 97, Version 1 2.2) in accordance with Rule 9B-60.004, F.A.C. Public buildings owned or leased by state agencies and units of local government governed by Section 255.254, F.S., may utilize this rating system as one of the annual energy usage and cost methods approved by those agencies.

(4) No change.

Specific Authority 553.992 FS. Law Implemented 553.991, 553.993, 553.994, 553.995, 553.997, 553.998 FS. History--New 7-21-94, Amended 12-27-98,_____.

9B-60.008 RESNET Standards, Guidelines for Uniformity, Adopted.

The 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards, amended May 10, 2007, promulgated by the Residential Energy Services Network (RESNET) and the National Association of State Energy Officials (NASEO)/Residential Energy Services Network (RESNET), June 15, 2002, are adopted for residential buildings and incorporated by reference as the rule of this Department except as otherwise specified in this rule chapter.

Specific Authority 553.992 FS. Law Implemented 553.995(1)(c) FS. History--New 12-27-98, Amended 11-28-04,_____.

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:
25-6.0183	Electric Utility Procedures for Generating Capacity Shortage Emergencies

PURPOSE AND EFFECT: The rule is being amended to include the newly revised Generating Capacity Shortage Plan, approved by the Florida Reliability Coordinating Council on July 24, 2007, replacing the currently referenced August, 2002 Plan. Docket No. 070642-EI.

SUBJECT AREA TO BE ADDRESSED: Electric utility procedures for generating capacity shortage emergencies.

SPECIFIC AUTHORITY: 350.127(2), 366.05 FS.

LAW IMPLEMENTED: 366.04(2)(c), (f), (5) FS.

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

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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathy Lewis, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6594, e-mail address: klewis@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0183 Electric Utility Procedures for Generating Capacity Shortage Emergencies.

The Commission adopts the Florida Reliability Coordinating Council's Generating Capacity Shortage Plan, dated July 2007, August 2002 as the Commission's plan to address generating capacity shortage emergencies within Florida. A copy of the Generating Capacity Shortage Plan may be obtained from the Director, Division of Economic Regulation, Florida Public Service Commission.

Specific Authority 350.127(2), 366.05 FS. Law Implemented 366.04(2)(c), (f), (5) FS. History--New 2-12-91, Amended 3-19-98, 4-27-03_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201
 RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the handling of excess photographs received in routine mail by allowing inmates to send out photographs, at their own expense, when additional photos are received in routine mail that place the inmate over the number allowed by property limits.

SUBJECT AREA TO BE ADDRESSED: Inmate property.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) through (4) No change.

(5) Unauthorized Property. (Also see Control of Contraband, Rule 33-602.203, F.A.C.).

(a) Property which is considered contraband pursuant to Rule 33-602.203, F.A.C., shall be handled as provided for in Rule 33-602.203, F.A.C.

1. No change.

2. If an inmate receives photographs in the mail which, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess photographs out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra photographs as soon as they are received. Excess photographs found in an inmate's property will be considered contraband.

~~3.2.~~ An inmate who is in possession of the maximum number of articles allowed by this rule and who wishes to replace a worn item must contact the property officer to arrange to discard or send the worn item out at his own expense before purchasing a replacement item.

(b) No change.

(6) through (17) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06_____.

APPENDIX ONE

PROPERTY LIST

No change.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.205
 RULE TITLE: Inmate Telephone Use

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines and requirements for inmate telephone calls to foreign consulates.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone calls to foreign consulates.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

(1) This rule sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, or inmates housed on death row. All inmate calls, with the exception of those calls placed to attorneys pursuant to paragraph (3)(a), and to foreign consulates pursuant to paragraph (4)(a) shall be subject to monitoring and recording. Due to the high level of security needs on death row, the only telephone privileges available to death row inmates are those set forth in paragraph (3)(a), private calls to attorneys; paragraph(4)(a), private calls to foreign consulates; and subsection (5)(4), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) through (d) No change.

(e) Except for calls to attorneys as provided in paragraph (3)(a), calls to foreign consulates as provided in paragraph (4)(a), or calls during family crisis as provided in subsection (5)(4), calls shall be limited to 15 minutes. Calls to attorneys as provided in paragraph (3)(a), calls to foreign consulates provided in paragraph (4)(a), and calls in time of family crisis as provided in subsection (5)(4) shall be limited to the amount of time reasonably necessary to accomplish the purpose of the call.

(f) through (l) No change.

(3) No change.

(4) Calls to Foreign Consulates.

(a) A foreign national inmate shall be allowed to make private telephone calls to his or her respective consulate upon presentation to the warden or his designee of evidence that the call is necessary and that the inmate is a native of the country represented by the consulate as verified by Immigration and Custody Enforcement. Such evidence shall be a letter from the consulate (transmission by FAX is acceptable) requesting the return call. A consulate shall also be permitted to make prior arrangements by letter or FAX with the warden or warden's designee to have the inmate receive a private telephone call from the consulate on an unmonitored telephone.

(b) Except as authorized by warrant or court order, telephone calls to consulates made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(5)(4) An inmate may be authorized to make telephone calls in case of family crisis, including death or serious illness in the immediate family or serious marital or other family problems. All such calls must be approved by the chaplain or other official designated by the warden who shall, if possible, verify the existence of the family crisis.

(5) through (15) renumbered (6) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History-- New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, 11-25-04, 1-7-07, 9-24-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.207
 RULE TITLE: Conducting a Business While Incarcerated

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what constitutes conducting business and how inmates may submit manuscripts for publication without violating this rule.

SUBJECT AREA TO BE ADDRESSED: conducting business while incarcerated.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.207 Conducting a Business While Incarcerated.

(1) No change.

(2) For the purposes of this rule, a business or profession is defined as any activity in which the inmate engages with the objective of generating revenue generating or profit making activity or any activity having the potential to generate revenue or profit for the inmate while incarcerated. Activity so defined is prohibited due to the fact that profit or revenue potential creates the opportunity for fraud and increases inmate interest in participation in business activity, resulting in an increase in

the volume of mail and telephone activity. This increased volume places an undue burden on staff to monitor the additional mail and telephone calls to ensure the security and order of the institution and the safety of staff, inmates and the general public. Engaging in a business or profession also includes individual activities with profit or revenue potential, such as ~~one-time~~ submission of a ~~single~~ manuscript for publication when one of the objectives of such publication is will result or has the potential to result in the generation of revenue for the inmate, unless the inmate obtains approval from the warden for the individual transaction. Inmates are prohibited from entering into marketing agreements with literary agents for the marketing of literary works in exchange for a portion of any commissions received. The warden shall base the decision to approve or disapprove the request on whether the transaction presents a threat to the security, order or effective management of the institution, to the rehabilitative objectives of the correctional system, or to the safety of any person. Inmates shall not be permitted to circumvent the purpose of this rule by making repetitive or serial single transaction requests. Such requests shall not be approved by the warden. An inmate who wishes to submit writings for publication shall provide a written statement to mailroom staff verifying that the inmate is not seeking compensation, nor will he accept compensation for the writings.

(3) through (6) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 8-10-03, Amended_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.210 Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend form DC6-210, Incident Report, referenced in this rule, to include a space for employee identification number.

SUBJECT AREA TO BE ADDRESSED: Use of force.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) through (21) No change.

(22) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (f) No change.

(g) DC6-210, Incident Report, effective 8-1-05.

(h) through (n) No change.

Specific Authority 944.09, FS. Law Implemented 776.07, 944.09, 944.35 FS. History–New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS: RULE TITLES:
40D-4.021 Definitions
40D-4.041 Permits Required
40D-4.321 Duration of Permit
40D-4.331 Modification of Permits

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to provide greater flexibility for conceptual ERP permits by reducing the level of application detail required and extending the duration of conceptual permits. This rulemaking will also clarify the circumstances under which subsequent rule changes will not affect projects constructed pursuant to a conceptually approved design.

SUBJECT AREA TO BE ADDRESSED: Conceptual Environmental Resource Permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.403, 373.413, 373.416, 373.416(1), 373.426, 373.427, 373.429, 373.805 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.021 Definitions.

When used in this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (2) No change.

(3) “Conceptual Permit” means an Environmental Resource Permit ~~that issued by the District which approves the design concepts of a phased development master plan for a surface water management system or for a mitigation bank which is binding upon the District and the permittee based upon the rules in effect at the time of filing of the conceptual application and constitutes final District action so that construction and operation permits for each phase will be reviewed under the permitting criteria in effect when the application for the conceptual permit was filed.~~

(4) through (22) No change

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.413 FS. History—Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, 2-6-07, _____.

40D-4.041 Permits Required.

(1) No change

(2) The District issues the following types of Environmental Resource Permits:

(a) through (b) No change

(c) Conceptual permits are individual permits for mitigation banks and projects to be developed in phases ~~that~~ which approve the design concepts of a phased development master plan. Construction and operation permits for each phase must meet the conditions for issuance in Rules 40D-4.301 and 40D-4.302, F.A.C., in effect when the application for the construction permit is filed. Design concepts approved by the District in the conceptual permit will be expressly stated in that permit and shall not be affected by subsequent rule changes so long as the permit is valid. Design concepts approved in a conceptual permit that will contribute to the degradation of a water body on the verified list of impaired waters adopted pursuant to Chapter 62-303, F.A.C., or are inconsistent with an adopted TMDL or BMAP shall not be binding on the District. A conceptual permit does not authorize construction, alteration, operation, or abandonment of a surface water management system or establishment of a mitigation bank.

(d) No change.

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History—Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1), (2), (4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, 7-16-02, 9-26-02, 3-26-03, _____.

40D-4.321 Duration of Permit.

(1) Unless revoked, extended, or otherwise modified, the duration of an Environmental Resource Permit issued pursuant to this chapter is:

(a) ~~Five Two~~ Five years from the date of issuance; or the date specified as a condition of the permit for a conceptual permit, unless within that period an application for a construction

permit is approved ~~filed~~ for any portion of the project. If an ~~the~~ application for a construction permit is approved and construction is commenced according to Rule 40D-4.321, F.A.C., then the conceptual permit remains is valid for the term of the construction permit. Multiple construction permits may be approved for projects approved by a conceptual permit, and the latest date calculated from any related construction permit will determine the duration of the conceptual permit. Conceptual permits that have no construction permit approved for a period of five years shall expire automatically at the end of the five-year period. A construction permit that constitutes a substantial modification of the conceptual permit shall not extend the duration of the conceptual permit. For the purposes of this section, the term “substantial modification” shall mean a modification that is reasonably expected to lead to substantially different water resource of environmental impacts and requires a detailed review. A construction permit that constitutes a substantial modification or the conceptual permit must comply with the same criteria as new applications so long as the conceptually permitted phases are under construction consistent with a phased development master plan for a surface water management system that has been permitted by the District. If construction of the permitted phases is discontinued or is inconsistent with the phased development master plan then the conceptual permit shall expire.

(b) through (e) No change.

(2) ~~Conceptual P~~ermits expire automatically at the end of their duration as described herein unless modified pursuant to Rule 40D-4.331, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, _____.

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked, ~~suspended~~ or expired.

(1) through (3) No change.

(4) Application for permit modification to ~~renew~~ or extend the existing permit duration shall occur by formal application and review, and such requests shall be submitted no sooner than 180 days prior to the permit expiration date.

(a) A modification seeking extension of a for construction permit ~~renewal~~ will be granted if it is reasonably assured by the applicant and determined that any completed construction is in compliance with a currently valid permit, and the proposed construction will be in compliance with the District's rules in effect at the time the application for modification to extend ~~renew~~ is filed.

(b) ~~A~~ Applications for conceptual permit or renewal and site conditions assessment permit may be extended if the permit complies ~~renewal or extension must comply~~ with the same criteria as new applications.

(c) Each modification to ~~renew or extend~~ can be granted for a duration as needed, up to five years ~~for construction permits and site conditions assessment permits, and up to two years for conceptual permits.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.624
 RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lakes Angelo, Anoka, Denton, Placid, Tulane and Verona in Highlands County, Florida. Staff will present an overview of minimum levels development and discussion of the proposed minimum levels for the lakes.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
 LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: November 20, 2007, 6:30 p.m.
 PLACE: Highlands County Agri-Civic Center, 4509 George Boulevard, Sebring, FL 33875

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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. 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: Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272. Ad Order #2007126-1

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-21.231	Declaring a Water Shortage
40D-21.331	Declaring a Water Shortage Emergency
40D-21.441	Public Supply Water Shortage Mitigation Plans

PURPOSE AND EFFECT: The proposed amendments will clarify submittal documentation for a Water Shortage Mitigation Plan and the effect on the District’s authority under its Water Shortage Plan and water use permits where the District approves a variance or waiver to the District's Water Shortage Plan based on a Water Shortage Mitigation Plan. The proposed amendments will also provide that approved Water Shortage Mitigation Plans will be considered by the District in determining whether to declare a water shortage or water shortage emergency.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments address the submittal documentation for, and the effect of, an approved Water Shortage Mitigation Plan.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.
 LAW IMPLEMENTED: 373.119, 373.175, 373.246 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40D-21.231 Declaring a Water Shortage.
 - (1) No change.
 - (2) In considering whether to declare a Water Shortage, the Board shall consider the effect of any Water Shortage Mitigation Plans approved by the Board pursuant to Rule 40D-21.441, F.A.C.
 - (2) through (5) renumbered (3) through (6) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, _____.

- 40D-21.331 Declaring a Water Shortage Emergency.
 - (1) through (2) No change.
 - (3) If the monitoring and evaluation process indicates that conditions are rapidly deteriorating, or if the District receives a request for an emergency action related to an ongoing drought

or other Water Shortage event, District staff shall ascertain whether the provisions of Part II of this Rule are sufficient to protect public health, safety or welfare and Essential Uses, or the health of livestock and other animals, fish or aquatic life in the affected area. This shall be accomplished through consideration of the following:

(a) through (b) No change.

(c) The effect of any Water Shortage Mitigation Plans approved by the Board pursuant to Rule 40D-21.441, F.A.C., and rRecommendations from, and emergency actions taken by, a local government in the affected area.

(4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, _____.

40D-21.441 Public Supply Water Shortage Mitigation Plans.

(1) No change.

(2) A Regional Authority or Local Water Supplier may request that the District approve its WSMP for implementation in lieu of some or all of the applicable provisions of this Chapter so that it may take pre-designated local action in response to conditions described in the WSMP. The request shall be submitted in the form of a petition for variance or waiver of some or all of the provisions of this Chapter, pursuant to Section 120.542, F.S. A petition for variance or waiver may be filed at any time, whether the District has declared a Water Shortage or not, and the Regional Authority or Local Water Supplier is encouraged to file its petition well in advance of its need to implement the drought provisions of its WSMP.

(3) Once a WSMP is approved by the District, it shall be binding on the applicable Regional Authority or Local Water Supplier and its customers. Each Regional Authority and Local Water Supplier and their customers shall continue to comply with any provisions of this Chapter ~~and any order issued pursuant thereto~~ which are not varied or waived through the District’s approval of the WSMP. The District shall consider the effect of an approved WSMP in conjunction with Rule 40D-21.231, F.A.C. The existence of an approved WSMP does not affect the authority of the District to declare or rescind a water shortage and applicable response mechanisms as provided in this Chapter and Chapter 373, F.S. Each Regional Authority and Local Water Supplier should seek clarification as to the applicability of any orders that are issued after District approval of its WSMP.

(4)(3) In addition to fulfilling the requirements of Section 120.542, F.S., and Rule 40D-1.1002, F.A.C., the proposed WSMP shall contain the following:

(a) through (c) No change.

(d) Identification of supply management response mechanisms to be implemented for each Water Shortage Phase. Supply management includes, but is not limited to, supply supplementation through the use of permitted supply sources, including withdrawal of quantities or for a purpose not expressly granted by the applicable Water Use Permit, or the temporary use of emergency supply sources, which may include unpermitted sources. Identification of each supply management response must include a detailed description of the methodologies used to select the applicable proposed supplementation source and a detailed description of the legal and physical means through which the proposed supplementation will be accomplished. The granting of a variance or waiver based on a WSMP does not constitute a modification to the petitioner’s Water Use Permit nor does it constitute issuance of an emergency authorization. However, eEach Regional Authority or Local Water Supplier is encouraged to proactively coordinate with the District to develop a template executive director order or other document to be presented used, when needed, for the District’s consideration, to expedite the processing of any request for a temporary permit modification or other emergency authorization in conjunction with implementation of the WSMP authorize emergency use of each proposed supplementation sourcee, as part of the petition for variance or waiver.

(e) through (j) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 4-9-06, Amended _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: 58A-5.035 RULE TITLE: Waivers

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify waiver requirements for assisted living facilities under Chapter 429, Part I, F.S., and other waiver requirements under Chapter 120, F.S.

SUBJECT AREA TO BE ADDRESSED: Waiver requirements for assisted living facilities pursuant to Chapter 429, Part I, F.S., and reference to other waiver requirements under Chapter 120, F.S.

SPECIFIC AUTHORITY: 429.41 FS.

LAW IMPLEMENTED: 429.41 FS.

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

DATE AND TIME: November 28, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

THIS RULE DEVELOPMENT WORKSHOP IS BEING HELD IN CONJUNCTION WITH THE WORKSHOP FOR ASSISTED LIVING FACILITY CORE TRAINING

PROVIDER REQUIREMENTS THAT IS ANNOUNCED SEPARATELY IN THIS PUBLICATION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000; telephone Number: (850)414-2000, SunCom 994-2000; Email Address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000; telephone Number: (850)414-2000, SunCom 994-2000; Email Address: crochethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 58A-5.035 follows. See Florida Administrative Code for the current text.)

58A-5.035 Waivers.

The agency, in consultation with the department, may waive rules promulgated pursuant to Part I, Chapter 429 F.S., if the waiver request meets the conditions set forth in Section 429.41(4), F.S., and demonstrates and evaluates innovative or cost-effective congregate care alternatives which will enable individuals to age in place.

(1) Application Process.

(a) Licensed assisted living facilities proposing a waiver under this statute must submit the request in writing. All requests must include the facility name and address, license number, administrator's name and contact information for the requestor, or its attorney. Petitions for waiver of rules other than for the objectives detailed in Section 429.41(4), F.S., including emergency waivers, will not be considered under this section but should follow the petition for waiver provisions of Section 120.542, F.S., and Chapter 28.104, F.A.C.

(b) The written request must address the elements required in Section 429.41(4), F.S. In addition, the following information must be included in order to demonstrate how a waiver of the stated rule will permit development of a concept that will achieve the purpose of the underlying statute.

1. The rule or rules for which the waiver is requested.

2. The licensee's anticipated date or dates for implementation of the concept.

3. A cost-benefit analysis of the proposed alternative to both residents or potential residents as well as facility operations.

4. An analysis of the impact the alternative will have on the relevant local community, including any barriers such as zoning or use issues which may need resolution prior to implementation.

5. Specific performance measures with an annual projection of objectives and goals to be achieved broken into quarterly increments or an annual projection of outcome measures, if the concept will be implemented in less than 90 days.

6. An annual budget projection broken into quarterly increments.

(c) A waiver can be requested at the time of the initial license application, relicensure, or any time during the licensure period.

(d) Waiver requests must be submitted to the Agency for Health Care Administration, Assisted Living Unit, 2727 Mahan Drive, Mail Stop 30, Tallahassee, Florida 32308-5403.

(2) In accordance with Section 120.542(6), F.S., the agency shall post notice of the request within fifteen (15) days of receipt of the request. The agency shall make any requests for additional information within 30 days of receipt of the request. If additional information is provided, the agency may request clarification of only that information no later than 30 days following receipt of the information. The agency shall have no more than 90 days from the receipt of the request to enter a response to the request for waiver unless by mutual agreement of the agency and requestor.

(3) The agency, in consultation with the department, will evaluate all requests in light of the likelihood the concept as described in detail will achieve the underlying statutory objectives of innovative or cost effective congregate care alternatives to enable individuals to age in place as provided in Section 429.41(4), F.S. Waivers may be granted only so long as there is reasonable assurance that the health, safety or welfare of residents will not be endangered by the waiver.

(4) The agency shall grant or deny the request for waiver and enter an order summarizing the facts it relied on and reasons supporting its decision. The agency must provide notice of its order as described in Section 120.542(8), F.S. The requestor shall be advised that a denial of the request may be reviewed as provided in subsection (5) of this rule.

(5) Report of Findings. A facility that has been granted a waiver must submit an annual report within 12 months of the order granting the waiver as specified in Section 429.41(3)(b), F.S. If the report is not submitted as required, the agency may revoke the waiver.

(a) The agency will review the report of findings to determine whether the waiver shall be renewed or revoked. The agency shall enter an order providing the general basis for

making its decision and notify the licensee of its opportunity to seek review of a revocation in accordance with Sections 120.569 and 120.57, F.S. and Rule 28-106.111, F.A.C.

(b) The agency may also consider other material which is available relative to this review.

(c) A waiver is effective unless revoked by the agency or superseded by statutory or regulatory change.

(d) In reviewing the report of findings, the agency, in consultation with the department, shall assess whether statutory or regulatory changes should be pursued to enable other facilities to adopt the same practices.

Specific Authority 429.41 FS. Law Implemented 429.41 FS. History—New 9-30-92, Formerly 10A-5.035, Amended 10-30-95, _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-14.002	Definitions
58A-14.0061	Admission and Appropriateness of Placement
58A-14.0062	Residency Agreement
58A-14.007	Standards and Practices for Care and Services
58A-14.0085	Records

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to protect the health, safety, security and well-being of residents living in ADULT FAMILY-CARE HOMES. The amendments add language to define the term “unattended” as it pertains to residents; add language to the resident health assessment form, incorporated by reference in the rule, where a resident’s health care practitioner may certify that the resident may be left unattended, and if so, for what period of time; add language to the residency agreement and care and services standards regarding the level of supervision provided, the conditions required if the health care practitioner certifies that the resident may be left unattended, the need for the health care practitioner’s annual reassessment regarding such a determination and the need for the practitioner’s certification to be include in the resident’s record.

SUBJECT AREA TO BE ADDRESSED: Definition of the term “unattended”; additional language regarding the resident health assessment form certifying whether or not a resident may be left unattended and for how long a period of time; additional language in the residency agreement to include the level of supervision provided; additional language regarding the conditions under which a resident may be left unattended, the requirement that the health care practitioner provide an annual reassessment whether a resident may be left unattended and documentation of such determination to be included in the resident’s record.

SPECIFIC AUTHORITY: 429.67, 429.73, 429.75, 429.81 FS. LAW IMPLEMENTED: 429.65, 429.67, 429.71, 429.73, 429.75, 429.81, 429.85 FS.

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

DATE AND TIME: November 29, 2007, 9:00 a.m. – 12:00 Noon EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000, SunCom 994-2000; Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000, SunCom 994-2000; Email address: crochethj@elderaffairs.org. INTERESTED PARTIES MAY OBTAIN A COPY OF THE WORKSHOP AGENDA, DRAFT RULE AMENDMENTS AND THE ASSESSMENT FORM INCORPORATED BY REFERENCE ON THE DEPARTMENT’S WEB SITE AT: <http://elderaffairs.state.fl.us> UNDER THE HEADING ENTITLED “DOEA RULEMAKING, ADULT FAMILY-CARE HOMES.”

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-14.002 Definitions.

The following terms or phrases are defined in Section 429.65, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), adult family-care home (AFCH), agency (AHCA), aging in place, appropriate placement, chemical restraint, department, disabled adult, frail elder, personal services or personal care, provider, relative, relief person, and resident. Additional definitions applicable to this rule chapter are as follows:

(1) through (19) No change.

(20) “Unattended” means the resident is not supervised, looked after or watched by the provider, relief person or staff.

Specific Authority 429.67, 429.73 FS. Law Implemented 429.65, 429.67, 429.71, 429.73 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.002, Amended 9-19-96, 6-6-99, _____.

58A-14.0061 Admission and Appropriateness of Placement.

(1) No change.

(a) through (l) No change.

(2) HEALTH ASSESSMENT. Prior to admission to an AFCH, the individual must be examined by a health care provider using the Resident Health Assessment, DOEA Form AFCH-1110, Resident Health Assessment, December 2007 August 2003, which is incorporated by reference, and available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000. The form may also be obtained from the department's Web site at (entire hyperlink). Previous versions of this form completed up to 6 months after the effective date of this rule, January 1 2004 are acceptable.

(3) through (6) No change.

Specific Authority 429.73 FS. Law Implemented 429.65, 429.73, 429.85 FS. History--New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, 1-1-04, _____.

58A-14.0062 Residency Agreement.

(1) No change.

(2) The residency agreement must include the following:

(a) through (e) No change.

(f) A statement regarding the level of supervision to be provided.

(3) No change.

Specific Authority 429.81 FS. Law Implemented 429.81, 429.85 FS. History--New 6-6-99, Amended _____.

58A-14.007 Standards and Practices for Care and Services.

The adult family-care home provider shall ensure the provision of the following in accordance with Part II of Chapter 429, F.S., this rule chapter, and the residency agreement:

(1) No change.

(2) SUPERVISION.

(a) The AFCH provider shall provide general supervision twenty-four (24) hours per day, except as provided in paragraph (a) of this subsection. General supervision means the provider or designee is which includes being aware of the resident's general whereabouts and well-being while the resident is both on and off the premises of the AFCH. The provider is responsible for determining the level of supervision necessary in order to ensure the resident's safety and security as well as to, and reminding the resident of any important tasks or activities, including appointments, as needed by the resident. The provider is responsible for determining and providing adequate supervision however, under circumstances shall a resident be left unattended for more than 2 hours.

(a) A resident may not be left unattended unless his or her health care provider submits written certification that the resident may be left unattended for a specified period of time, if applicable, without compromising the resident's health, safety, security or well-being.

(b) The health care provider's certification must be completed annually from the date of the original assessment referenced in subsection 58A-14.0061(2), F.A.C., or sooner, if

a significant change occurs pursuant to subsection (4) of this rule or there is a compelling reason why the resident should not be left unattended.

(c) The provider must be accessible by telephone or pager or other appropriate means so that the resident is able to communicate with the provider during the period that he or she is left unattended.

(3) INCIDENT REPORTING.

(b) Any major incident and the action taken in response to that incident must be documented in the resident's record. A major incident includes:

(a)1- An injury to a resident which requires assessment and treatment by a health care provider. The resident's record must include a description of the circumstances under which the injury occurred.

(b)2- Determining that A resident is missing. Whenever a resident is determined to be missing, the provider, relief person, or staff-in-charge shall notify the local law enforcement agency within 1 hour. The resident's representative, next-of-kin, and case manager shall be notified within 4 hours or within a time frame previously agreed upon in writing between the provider and the resident's representative, next-of-kin, or case manager.

(c)3- Any event, such as a fire, natural disaster, or other occurrence which results in the disruption of the AFCH's normal activities.

(d)4- The death of a resident. The resident's representative, next-of-kin, and case manager must be notified immediately within 4 hours of death or within a time frame previously agreed upon in writing between the provider and the resident's representative, next of kin, or case manager.

(4)3) HEALTH MONITORING. The AFCH provider shall be responsible for observing, recording and reporting any significant changes in the resident's normal appearance, behavior or state of health to the resident's health care provider and representative or case manager. Significant changes include a sudden or major shift in behavior or mood; a deterioration in health status, such as unplanned weight change, stroke, heart condition, a stage 2 pressure sore. Ordinary day-to-day fluctuations in functioning and behavior, short-term illness such as a cold, or the gradual deterioration in the ability to carry out the activities of daily living that accompanies the aging process are not considered significant changes. As part of health monitoring, residents shall be weighed on a monthly basis.

(5)4) FOOD SERVICE.

(a) through (h) No change.

(6)5) NURSING SERVICES. In order to permit the resident to age in place, any nursing service needed by the resident can be provided or arranged for by the provider, or the resident or the resident's representative may directly contract with a licensed home health agency or nurse to provide these services, provided that:

(a) through (b) No change.

~~(7)(6)~~ ADDITIONAL SERVICES. The adult family-care home provider shall also ensure the provision of the following:

(a) through (f) No change.

Specific Authority 429.73 FS. Law Implemented 429.73, 429.85 FS. History--New 5-14-86, Amended 2-2-95, Formerly 10A-14.007, Amended 9-19-96, 6-6-99,_____.

58A-14.0085 Records.

(1) RESIDENT RECORDS. The AFCH provider shall maintain a separate record for each resident on the premises and available for inspection by the agency.

(a) The record shall, ~~at a minimum~~, contain:

1. through 13. No change.

14. The resident health care provider's certification pursuant to subsection 58A-14.007(2), F.A.C., if applicable.

(b) No change.

(2) through (3) No change.

Specific Authority 429.67, 429.73, 429.75, 429.81 FS. Law Implemented 429.67, 429.73, 429.75, 429.81, 429.85 FS. History--New 6-6-99, Amended 7-30-06,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.310
 RULE TITLE: Targeted Case Management for Children at Risk of Abuse and Neglect

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Coverage and Limitations Handbook, September 2007. The handbook contains the policies and procedures for the Targeted Case Management for Children at Risk of Abuse and Neglect Program. The effect will be to incorporate the Florida Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Coverage and Limitations Handbook, September 2007, into rule.

This Notice of Rule Development replaces the Notice of Rule Development that was published in the Florida Administrative Weekly, Vol. 32, No. 40, on October 6, 2006. In that notice, we erroneously numbered the Rule 59G-4.300, F.A.C., which is already the rule number for State Mental Health Hospital Services.

SUBJECT AREA TO BE ADDRESSED: Targeted Case Management for Children at Risk of Abuse and Neglect.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908 FS.

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

DATE AND TIME: Monday, November 26, 2007, 2:00 p.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Comeaux, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8288, comeauxm@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.310 Targeted Case Management for Children at Risk of Abuse and Neglect.

(1) This rule applies to all targeted case management providers enrolled in the Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Program.

(2) All Medicaid-enrolled targeted case management for children at risk of abuse and neglect providers must be in compliance with the Florida Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Coverage and Limitations Handbook, September 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) The following forms that are included in the Florida Medicaid Targeted Case Management for Children at Risk of Abuse and Neglect Coverage and Limitations Handbook are incorporated by reference: Agency Certification For Children's Services Council as a Contractor for Targeted Case Management for Children at Risk of Abuse and Neglect, AHCA Med-Serv Form 005, September 2007, in Appendix B, one page; Case Management Supervisor Certification, Targeted Case Management for Children at Risk of Abuse and Neglect, AHCA Med-Serv Form 006, September 2007, in Appendix C, one page; Case Manager Certification, Targeted Case Management for Children at Risk of Abuse and Neglect, AHCA Med-Serv Form 007, September 2007, in Appendix D, one page; Child Certification, Targeted Case Management for Children at Risk of Abuse and Neglect, AHCA Med-Serv Form 008, September 2007, in Appendix E, one page.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908 FS. History--New _____.

<p>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."</p>	<p>62-341.417</p>	<p>General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks</p>
	<p>62-341.427</p>	<p>General Permit for Certain Piers and Associated Structures</p>
<p>DEPARTMENT OF ENVIRONMENTAL PROTECTION RULE NOS.: RULE TITLES: 62-210.370 Emissions Computation and Reporting 62-210.900 Forms and Instructions</p>	<p>62-341.428</p>	<p>General Permit for Floating Vessel Platforms and Floating Boat Lifts</p>
<p>PURPOSE AND EFFECT: The purpose of this rule development project is to update the Annual Operating Report form and instructions to (DEP Form No. 62-210.900(5)) include the emissions computation and reporting requirements of Rule 62-210.370, F.A.C., and to modify other air emissions reporting procedures on the form. The Division of Air Resource Management expects to have a draft copy of proposed form changes available by November 12, 2007.</p>	<p>62-341.431</p>	<p>General Permit for Installation of Riprap</p>
<p>SUBJECT AREA TO BE ADDRESSED: Annual report of air pollutant emissions from permitted facilities.</p>	<p>62-341.437</p>	<p>General Permit for the Installation of Fences</p>
<p>SPECIFIC AUTHORITY: 403.061 FS.</p>	<p>62-341.439</p>	<p>General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings, and Bridges of Artificial Waterways</p>
<p>LAW IMPLEMENTED: 403.031, 403.061 FS.</p>	<p>62-341.443</p>	<p>General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation</p>
<p>A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW: DATE AND TIME: Tuesday, November 20, 2007, 10:00 a.m. PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Florida</p>	<p>62-341.447</p>	<p>General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements</p>
<p>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. Lynn Scearce at (850)921-9551 or lynn.scearce@dep.state.fl.us. 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).</p>	<p>62-341.448</p>	<p>General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, Including the Repair and Replacement of Bridges That Are Part of the Roadway</p>
<p>THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Yi Zhu at (850)921-9558 or Yi.Zhu@dep.state.fl.us</p>	<p>62-341.453</p>	<p>General Permit for Installation, Maintenance, Repair, and Removal of Underground Cable, Conduit, or Pipeline</p>
<p>THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.</p>	<p>62-341.455</p>	<p>General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters</p>
<p>DEPARTMENT OF ENVIRONMENTAL PROTECTION RULE NOS.: RULE TITLES: 62-341.021 Definitions 62-341.201 Policy and Purpose 62-341.215 General Conditions for All Noticed General Permits</p>	<p>62-341.457</p>	<p>General Permit for Subaqueous Utility Crossings of Artificial Waterways</p>
	<p>62-341.463</p>	<p>General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies</p>

62-341.467	General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies	62-341.601	General Permit for Clam and Oyster Culture on Sovereignty Submerged Lands Aquaculture Leases (Repealed)
62-341.475 62-341.476	General Permit for Minor Activities General Permit for Private Single-Family Residences Within Jupiter Farms, Palm Beach County	62-341.602	General Permit for Installation and Maintenance of Intake and Discharge Pipes Associated with Marine Bivalve Facilities
62-341.483	General Permit to the Department and Water Management Districts to Conduct Minor Activities	62-341.603	General Permit for Non-nursery Cultivation and Wild Collection of Aquatic Plants
62-341.485	General Permit to the Department and Water Management Districts for Environmental Restoration or Enhancement	62-341.610	General Permit to Perform Prospecting Activities for Phosphate Minerals
62-341.486	General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities	62-341.611	General Permit for Temporary Dragline Crossings of Waterways
62-341.487	General Permit to the Department and Water Management Districts to Change Operating Schedules for Water Control Structures	62-341.612	General Permit for Low Water Crossings
62-341.490	Noticed General Permit for Dredging by the West Coast Inland Navigation District	62-341.620	General Permit for the Construction and Maintenance of Electric Power Lines by Electric Utilities
62-341.491	Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone	62-341.621	General Permit for Relocation of Aerial Electric and Communication Lines Associated with Road Improvement Projects
62-341.492	Noticed General Permit for Prospecting	62-341.630	General Permit for Single Family Residential Lots Within the Indian Trail Water Control District
62-341.494	Noticed General Permit for Maintenance of Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County.	62-341.900	Noticed General Permit Forms
62-341.495	General Permit to the U.S. Forest Service for Minor Works within National Forests	PURPOSE AND EFFECT: The chapter authorizes 36 categories of activities that can qualify for an environmental resource noticed general permit under Part IV of Chapter 373, F.S. Similar noticed general permits have been issued by the water management districts in Chapters 40B-400, 40C-400, 40D-400 and 40E-400, F.A.C. Chapter 62-341, F.A.C., was last amended by the Department to expand the availability of these general permits to Phase 1 of the new environmental resource permit program within the geographic territory of the Northwest Florida Water Management District (NFWFMD), in accordance with Section 373.4145(1)(a), F.S. Those amendments became effective on October 1, 2007.	
62-341.500	General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems	In accordance with Section 373.4145(1)(b), F.S., the Department is commencing development of the Phase 2 environmental resource permit program within the geographic territory of the NFWFMD. The Phase 2 rules primarily will involve amendments to Chapter 62-346, F.A.C., to regulate the management and storage of surface waters, including isolated wetlands in that area. As part of that rulemaking, the Department may propose amendments to the existing noticed general permits in Chapter 62-341, F.A.C., and may propose new noticed general permits. Because this chapter has statewide applicability, the Department expects to have public workshops around the state if any amendments are proposed to this chapter.	
62-341.600	General Permit for the Construction of Artificial Reefs		

SUBJECT AREA TO BE ADDRESSED: Chapter 62-341, F.A.C., may be amended to revise existing noticed general permits and add new noticed general permits that are issued by the Department under the environmental resource permit program in Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.044, 373.118, 373.406(5), 373.4145, 373.418, 380.06(9)(b), 403.061, 403.0877, 403.805, 403.813(2), 403.813(2)(t), 403.814(1), 403.815 FS.

LAW IMPLEMENTED: 120.54(5)(a), 120.60(2), 120.60(6), 161.041, 161.055, 250.002, 253.03, 253.04, 253.77, 258.42, 258.43, 373.026(7), 373.043, 373.044, 373.046, 373.109, 373.118, 373.129, 373.136, 373.403, 373.406(5), 373.409, 373.413, 373.414, 373.4141, 373.4145, 373.416, 373.418, 373.419, 373.421, 373.422, 373.423, 373.426, 373.427, 373.4275, 373.428, 373.429, 380.06(9)(b), 403.031, 403.061, 403.062, 403.803, 403.812, 403.813, 403.814, 403.815, 403.816, 403.927, 403.9328 FS.

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

DATE AND TIME: Monday, December 3, 2007, 9:00 a.m. (ET)

PLACE: Department of Environmental Protection, Rm. 609, Bob Martinez Bldg., 2600 Blair Stone Road, Tallahassee, FL

DATE AND TIME: Tuesday, December 4, 2007, 9:00 a.m. (CT)

PLACE: Pensacola Junior College, Hagler Auditorium, Lecture Hall, Bldg. 2, Rm. 252, 1000 College Blvd., Pensacola, FL

DATE AND TIME: Wednesday, December 5, 2007, 9:00 a.m. (CT)

PLACE: Gulf Coast Community College, Sarzin Lecture Hall, Language & Literature Building, 5230 W. Hwy. 98, Panama City, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400; telephone (850)245-8486; e-mail: Mary.VanTassel@dep.state.fl.us; or facsimile (850)245-8499. (OGC Tracking No. 07-1320)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-346.010	Policy and Purpose
62-346.020	General Provisions
62-346.030	Definitions
62-346.040	Formal Determinations of the Landward Extent of Wetlands and Surface Waters
62-346.050	Permits Required
62-346.051	Exemptions from Permitting
62-346.055	No-notice General Permits
62-346.060	Conceptual Approval Permits
62-346.070	Procedures to Prepare Applications and Notices for Permits and to Request Verification of Qualification for an Exemption
62-346.071	Fees
62-346.080	Submittal of Applications and Notices for Permits and Petitions for Formal Determinations to Department and NFWFMD Offices
62-346.085	Rules and Documents Adopted by Reference
62-346.090	Processing of Notices and Applications
62-346.091	Documents Incorporated by Reference
62-346.095	Operation and Maintenance
62-346.100	Modification of Permits
62-346.110	Duration of Permits
62-346.120	Permit Extensions
62-346.130	Transfer of Ownership or Permit
62-346.140	Suspension and Revocation
62-346.301	Conditions for Issuance of Individual (Including Conceptual Approval) and Standard Stormwater Permits
62-346.302	Additional Conditions for Issuance of an Individual (Including Conceptual Approval) Permit
62-346.381	General and Special Limiting Conditions
62-346.451	Emergency Authorizations and Actions
62-346.900	Environmental Resource Permit Forms

PURPOSE AND EFFECT: Section 373.4145, F.S., requires the Department, in coordination with the Northwest Florida Water Management District (NFWFMD), to develop rules in a two-phase approach to implement the environmental resource permit (ERP) program under Part IV of Chapter 373, F.S., within the geographic limits of the Northwest Florida Water Management District (the "Panhandle"). In accordance with Section 373.4145(1)(a), F.S., the first phase of that rulemaking

(known as the "Phase 1 rules"), which became effective on October 1, 2007, is limited to regulating the construction, operation, alteration, maintenance, abandonment, and removal of stormwater management systems within the Panhandle. The purpose of this Notice is to announce that the Department, in coordination with the NFWFMD, is now ready to initiate rule development on Phase 2 of the ERP rules in the Panhandle in accordance with Section 373.4145(1)(b), F.S.

The Phase 2 rulemaking will involve amendments to Chapter 62-346, F.A.C., to add environmental criteria to the Phase 1 rules, including regulation of dredging and filling in, on, or over connected and isolated wetlands and other surface waters. In accordance with Section 373.4145(1)(b), F.S., these rules must improve the management and storage of surface waters with minimal impact on property interests, and in consideration of the rural nature, current development trends, and abundant natural resources within the NFWFMD relative to the permitting thresholds and requirements. Such rules also:

- (1) Must pursue streamlining of the federal and state wetland permitting programs pursuant to Sections 373.4143, F.S., and 373.4144, F.S.;
- (2) Implement other streamlining measures to the maximum extent possible, such as electronic permitting, field permitting, and informal wetland determinations;
- (3) Incorporate exemptions specified in Section 373.4145(3), F.S.; and
- (4) Incorporate provisions for activities that will continue to be governed under Chapters 62-25 and 62-312, F.A.C., in accordance with Section 373.4145(6) F.S.

This rulemaking will include amendments to Applicant's Handbook Volumes I and II, which are incorporated by reference in Chapter 62-346, F.A.C. Applicant's Handbook Volume I contains a discussion of the procedures and general criteria used in Chapter 62-346, F.A.C.; it will be amended to add new environmental criteria. Applicant's Handbook Volume II addresses the design and performance standards for stormwater management systems; it is expected to be amended to address issues that are identified during implementation of the Phase 1 rules. This rulemaking also may include amendments to the "Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Northwest Florida Water Management District and Department of Environmental Protection" and concurrent amendments to Chapter 62-341, F.A.C., to add or amend certain noticed general permits.

In accordance with Section 373.4145(1)(b), F.S., the Phase 2 rules cannot go into effect any earlier than January 1, 2008. When the Phase 2 rules go into effect, the wetland resource permitting program under Chapter 62-312, F.A.C., that regulates dredging and filling in surface waters of the state will no longer be in effect, except for certain activities in accordance with Section 373.4145(6), F.S.

SUBJECT AREA TO BE ADDRESSED: Chapter 62-346, F.A.C., is to be amended to implement Phase 2 of the ERP program within the geographic territory of the Panhandle, in accordance with Section 373.4145(1)(b), F.S. This rulemaking also may include some amendments to the Phase 1 rules adopted under Section 373.4145(1)(a), F.S.

SPECIFIC AUTHORITY: 120.54(5)(a), 373.026, 373.026(7), 373.043, 373.044, 373.046, 373.113, 373.118, 373.413, 373.414, 373.415, 373.416, 373.418, 373.421, 373.421(2), 380.06, 380.06(9)(b), 403.0877, 403.805(1) FS.

LAW IMPLEMENTED: 120.54(5)(a), 120.569(2), 120.60(2), 120.60(6), 218.075, 373.019, 373.026, 373.026(7), 373.042, 373.0421, 373.043, 373.046, 373.109, 373.117, 373.118, 373.119, 373.403, 373.406, 373.406(5), 373.409, 373.413, 373.4132, 343.414, 373.4141, 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.421, 373.4211, 373.422, 373.423, 373.426, 373.428, 373.429, 373.433, 373.436, 373.439, 380.06, 380.06(9)(b), 403.813(2), 403.805(1), 403.0877 FS.

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

DATE AND TIME: Monday, December 3, 2007, 9:00 a.m. (ET)

PLACE: Department of Environmental Protection, Rm. 609, Bob Martinez Bldg., 2600 Blair Stone Road, Tallahassee, FL

DATE AND TIME: Tuesday, December 4, 2007, 9:00 a.m. (CT)

PLACE: Pensacola Junior College, Hagler Auditorium, Lecture Hall, Bldg. 2, Rm. 252, 1000 College Blvd., Pensacola, FL

DATE AND TIME: Wednesday, December 5, 2007, 9:00 a.m. (CT)

PLACE: Gulf Coast Community College, Sarzin Lecture Hall, Language & Literature Building, 5230 W. Hwy. 98, Panama City, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. 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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400; telephone (850)245-8486; e-mail: Mary.VanTassel@dep.state.fl.us; or facsimile (850)245-8499. (OGC Tracking No. 07-1321)

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-167.004
 RULE TITLE: Required Preinsurance Inspection of Private Passenger Motor Vehicles

PURPOSE AND EFFECT: To adopt amendments to the rule to reflect legislative changes and update forms.

SUBJECT AREA TO BE ADDRESSED: Preinsurance Inspection of Private Passenger Motor Vehicles.

SPECIFIC AUTHORITY: 624.308(1), 627.744(5) FS.

LAW IMPLEMENTED: 624.307(1), 627.744 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: November 20, 2007, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Brian Bogner, Office of Insurance Regulation, E-mail Brian.Bogner@fldfs.com

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69O-167.004 Required Preinsurance Inspection of Private Passenger Motor Vehicles.

(1) Private passenger motor vehicle insurers providing physical damage coverage, including collision or comprehensive coverage, shall comply with Section 627.744, F.S., regarding preinsurance inspection requirements. Certain preinsurance inspections are excluded as prescribed by Sections 627.744(2)(a)-(1)(h), F.S.

(a) through (3) No change.

(4) Suspension of insurance coverage applies only to the physical damage coverage and is defined as a discontinuance of physical damage coverage immediately following the thirtieth ~~seventh~~ calendar day if inspection has not been completed and until the physical damage coverage is reinstated by completion of the inspection. During the period of suspension there is no physical damage coverage.

(5) The applicant may be required to pay the cost of the inspection not to exceed \$5. The inspection shall be performed at no cost or charge to the applicant.

(6) through (9) No change.

(10) An insurer may defer an inspection for thirty (30) ~~seven (7)~~ calendar days following the effective date of coverage for a new policy or the actual notice to the insurer or its agent of additional or replacement vehicle(s) to an existing policy, if an inspection at the time of the request for coverage would create a serious inconvenience for the applicant. The insurance file shall contain information necessary to identify those circumstances resulting in serious inconvenience.

(11) through (18) No change.

(19) Forms OIR-B1-505, "Notice of Mandatory Pre-insurance Inspection Requirement" (07/00), ~~(7/94)~~ OIR-B1-506, "Notice of Suspended Insurance Coverage" (07/00), ~~(7/94)~~ OIR-B1-507, "Florida Motor Vehicle Preinsurance Inspection Form" (07/00), ~~(10/90)~~ and OIR-B1-508, "Acknowledgement of Preinsurance Inspection" (07/00), ~~(7/94)~~ are adopted and incorporated by reference ~~and shall become effective upon adoption of this rule.~~

(20) Form OIR-B1-505, Form OIR-B1-506, Form OIR-B1-507, and Form OIR-B1-508 may be obtained from:

(a) The Office's website located at <https://www.florir.com>;

or
 (b) ~~by writing the Bureau of Property and Casualty Product Review Forms and Market Conduct Review, Division of Insurance Services~~, 200 E. Gaines Street, Tallahassee, Florida 32399-03300, (850)413-3146.

Specific Authority 624.308(1), 627.744(5) FS. Law Implemented 624.307(1), 627.744 FS. History—New 1-23-91, Formerly 4-28.006, Amended 4-28-92, Formerly 4-167.004, Amended.

**Section II
 Proposed Rules**

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: 2-40.005
 RULE TITLE: Rescheduling Specified Drug Products Containing Hydrocodone as Schedule III Substances

PURPOSE AND EFFECT: The Department proposes the repeal of this rule since the substance of the rule is included in Section 893.03(3), Florida Statutes.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 893.0355(2) FS.

LAW IMPLEMENTED: 893.0355 FS.