

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.001
 RULE TITLE: Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify requirements for licensure and to reflect the appropriate evaluation tool.

SUMMARY: The rule amendment will clarify requirements for licensure by examination and will reflect the appropriate evaluation tool.

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: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

- (1) through (4)(b) No change.
- (c) Uses the Federation of State Boards of Physical Therapy (FSBPT) coursework evaluation tool, that reflects the educational criteria in place at the time of graduation.
- (d) through (h) No change.
- ~~(5) Has attained and submitted to the Board the following:~~
 - ~~(a) A minimum of 75 professional education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool.~~
 - ~~(b) A minimum of 60 general education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool.~~

~~(i)(e)~~ Until and including December 31, 2006, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test

of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

~~(j)(d)~~ Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension.

~~(k)(e)~~ A report from the credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of educational equivalency in the United States.

~~(f)~~ At a minimum, the report shall contain the following information:

1. A clear and definitive statement as to whether the education is equivalent to a CAPTE-accredited physical therapy educational program.
2. Whether the institution is accredited by any governmental agency and, if so, which agency.
3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.
4. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.

Specific Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06, 9-19-06, 3-13-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-26.003
 RULE TITLE: Electronic Recordkeeping

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly.

1B-26.003 Electronic Recordkeeping.

(5)(1)(f) “Open format” means a data format that is defined in complete detail, ~~and that~~ allows transformation of the data to other formats without loss of information, ~~and is open and available to the public free of legal restrictions on use.~~ An open format may be either standards-based or proprietary.

(7) DOCUMENTATION STANDARDS.

(a) STANDARD. Agencies shall develop and maintain adequate and up-to-date technical and descriptive documentation for each electronic recordkeeping system to specify characteristics necessary for reading or processing the records. Documentation for electronic records systems shall be maintained in electronic or printed form as necessary to ensure; ~~and should also be maintained in computer-readable form to facilitate~~ access to the records. The minimum documentation required is:

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-2.001	Standards
5F-2.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels
5F-2.003	Registration and Identification
5F-2.005	Inaccurate Measuring Devices
5F-2.016	Guidelines for Imposing Administrative Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 51, December 21, 2007 issue of the Florida Administrative Weekly.

5F-2.001 Standards.

(1) Gasoline (includes gasoline blended with oxygenates). The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International designation D 4814-07b ~~D 4814-04b^{et}~~, “Standard

Specification for Automotive Spark-Ignition Engine Fuel,” with the following exceptions, providing that the base gasoline used under the exceptions conforms to the chemical and physical standards for gasoline as set forth in ASTM International designation D 4814-07b:

1. Vapor Pressure Class Requirements: Gasoline containing one (1) through ten (10) percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum from September 16 through May 31 (not applicable for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals for the month of May). From June 1 (May 1 for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals) through September 15, gasoline blends containing ethanol shall conform to the vapor pressure requirements and are entitled to the permissible increases provided by the Environmental Protection Agency (EPA) and outlined in ASTM International designation D 4814-07b, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

2. Distillation Class Requirements: Gasoline containing nine (9) through ten (10) percent ethanol by volume shall be allowed a minimum distillation temperature of 150 °F at the fifty volume percent evaporated distillation point.

3. Vapor Lock Protection Class Requirements: Gasoline containing nine (9) through ten (10) percent ethanol by volume shall be allowed a minimum test temperature for a vapor-liquid ratio of twenty (20) for the vapor lock protection classes listed below.

Class 3: 113 °F

Class 4: 107 °F

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 4814-07b ~~D 4814-04b^{et}~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International designation D 3699-07 ~~D 3699-04~~, “Standard Specification for Kerosine.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 3699-07 ~~D 3699-04~~, “Standard Specification for Kerosine.”

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International designation D 396-08 ~~D-396-04~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 396-08 ~~D-396-04~~, "Standard Specification for Fuel Oils."

(5) Alternative Fuels.

(a)1. Methanol, denatured ethanol, or other alcohols;

2. Denatured Ethanol.

a. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International designation D 4806-07a ~~D-4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 4806-07a ~~D-4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

2. Biodiesel blends (biodiesel blended with diesel fuel or fuel oil). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot contain more than 20% biodiesel. B99 is not considered a blend for the purposes of this section.

a. Standards. Biodiesel blends containing diesel fuel shall meet the specifications set forth by ASTM International designation D 975-07b ~~D-975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

b. Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International designation D 396-08, "Standard Specification for Fuel Oils."

~~c.b.~~ Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-07b ~~D-975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils."

d. Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 396-08, "Standard Specification for Fuel Oils."

(7) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) ASTM International D 4814-07b ~~D-4814-04b~~^{et}, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) ASTM International D 3699-07 ~~D-3699-04~~, "Standard Specification for Kerosene."

(d) ASTM International D 396-08 ~~D-396-04~~, "Standard Specification for Fuel Oils."

(e) ASTM International designation D 4806-07a ~~D-4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06, _____.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) GASOLINE.

(d) Gasoline found below standard because of a silver corrosion rating of two (2) shall be withheld from sale to the public until it conforms to the silver corrosion standard for gasoline as set forth in ASTM International designation D 4814-07b, "Standard Specification for Automotive Spark-Ignition Engine Fuel," or is replaced with a suitable product that conforms to the silver corrosion standard for gasoline as set forth in ASTM International designation D 4814-07b, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

~~(e)~~^(e) Gasoline not meeting specifications stated in ASTM International D 4814-07b ~~D-4814-04b~~^{et}, "Standard Specification for Automotive Spark-Ignition Engine Fuel" for reasons other than those enumerated in paragraphs (1)(a), ~~and~~ (b), (c) or (d) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(2) KEROSENE.

(b) Kerosene not meeting specifications stated in ASTM International D 3699-07 ~~D-3699-04~~, "Standard Specification for Kerosene" for reasons other than those enumerated in paragraph (2)(a) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(3) DIESEL FUEL OILS No. 1-D AND No. 2-D, AND FUEL OILS No. 1 AND No. 2.

~~(d)~~^(e) Diesel fuel oils No. 1-D and No. 2-D, and fuel oils No. 1 and No. 2 not meeting specifications stated in ASTM International D 975-07b ~~D-975-04e~~^{et}, "Standard Specification for Diesel Fuel Oils" and ASTM International D 396-08 ~~D-396-04~~, "Standard Specification for Fuel Oils", respectively for reasons other than those enumerated in paragraphs (3)(a), (b) or (c) ~~and (b)~~ shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

Specific Authority 525.037, 525.14, 525.16 FS. Law Implemented 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06.

5F-2.003 Registration and Identification.

(1) The Department of Agriculture and Consumer Services will furnish on request Form DACS-03202E for making statements and affidavits required in Section 525.01, Florida Statutes. Form DACS-03202E is effective 11-29-94, (Rev. 6/01) and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Standards, Bureau of Petroleum Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 or at <http://www.doacs.state.fl.us/onestop/forms/03202.pdf>.

(10) All biodiesel blends containing fuel oil kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as “Fuel Oil Containing Biodiesel (XX),” where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Every dispenser that dispenses a biodiesel blend containing fuel oil with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT WITH YOUR EQUIPMENT OR ENGINE MANUFACTURER OR OWNER’S MANUAL BEFORE USING THIS PRODUCT.

Specific Authority 525.14, 526.09 FS. Law Implemented 525.01, 525.035, 525.14, 526.01(1), (3) FS. History—Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06.

5F-2.005 Inaccurate Measuring Devices.

(3) If any petroleum fuel measuring device is found to be overregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014,

F.A.C., the device shall be placed out-of-service and prohibited from further use. Such measuring devices placed out-of-service for inaccuracy shall be rendered inoperative either by removal or by the locking of working parts with lead and wire seal and shall not be put back in service without reinspection ~~and~~ or the written consent of the department.

(4) If three or more petroleum fuel measuring devices at any petroleum retail facility are each found to be overregistering fuel in excess of 25 cubic inches, the devices shall be placed out-of-service and prohibited from further use. The nozzles of such petroleum measuring devices placed out-of-service for inaccuracy shall be covered with a red plastic bag and the measuring devices shall be rendered inoperative either by the removal or by the locking of working parts with lead and wire seal. The measuring devices shall not be put back in service without reinspection or ~~and~~ the written consent of the department.

Specific Authority 525.07, 525.14 FS. Law Implemented 525.07 FS. History—Amended 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(5) Pursuant to Section 525.16(1)(a)2., Florida Statutes, four factors will be considered when imposing an administrative fine on a second time or repeat offender for violations that are not shown to have been willful or intentional. The factors are:

- (a) The degree and extent of harm caused by the violation;
- (b) The cost of rectifying the damage;
- (c) The amount of money the violator benefitted from the noncompliance; and
- (d) The compliance record of the violator.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

- a. Severity and Nature of the Violation.

Gasoline

Fine	\$100	\$250	\$500
Distillation: End Point, °F	<450 <u>475</u> >475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure*, psi	April-October: > maximum but ≤11.5	November-March: > 13.5 April-October: > 11.5	
Antiknock Index, (Octane Rating)			>2.0 below displayed value

Sulfur			all violations
Gum			all violations
Vapor-Liquid Ratio		all violations	
Alcohol/Oxygenates, (vol. %)		> maximum but < 20%	>20%
Ethanol, (vol. %)	> 3.0 from displayed value		
Silver Corrosion			≥ 2 all violations

* The vapor pressure limits in this table for gasoline blended Diesel, Biodiesel Blends, Kerosene, and Fuel Oils with ethanol under the exceptions in subparagraph 5F-2.001(1)(a)1., F.A.C., shall be increased by 1.0 psi.

Fine	\$100	\$250	\$500
Flash Point, °F	diesel, biodiesel blends & fuel oils: 80-95 kerosene: 80-91	diesel, biodiesel blends, kerosene & fuel oils: 60-79	diesel, biodiesel blends, kerosene & fuel oils: < 60
Distillation, °F		diesel, biodiesel blends, kerosene & fuel oils: all violations	
Sulfur (ULSD, Biodiesel blends containing ULSD and S15 Biodiesel)			>35 ppm all violations
Sulfur (all other fuels)			all violations
Lubricity			all violations
Biodiesel and Fuel Oil Containing Biodiesel, (% vol. %)	biodiesel blends: >20		
Biodiesel and Fuel Oil Containing Biodiesel, (vol. %)	blends: > 5 from displayed value		

*Sulfur requirements for Ultra Low Sulfur Diesel (ULSD or S15) will be elevated to 22 ppm until September 1, 2006 at the wholesale level and October 15, 2006 at the retail level. See 40 CFR Part 80 as amended in Federal Register on November 22, 2005, volume 70 number 224, page 70498.

Fuel Ethanol (Ed75-Ed85) and Fuel Methanol (M70-M85)

Fine	\$100	\$250	\$500
Ethanol content, (vol. %)	Fuel Ethanol (Ed 75-Ed85): all violations		
Methanol content, (vol. %)	all violations		
Vapor Pressure, psi	all violations		
Sulfur	all violations		
Water content	all violations		
Distillation: End Point, °F	475	476-500	>500

Biodiesel Fuel Blend Stock (B100) and B99

Fine	\$100
Flash Point	all violations
Water and sediment content	all violations
Sulfur	all violations
Glycerin	all violations
Distillation: 90%, °F	all violations

b. Extent of Harm.

Fine	\$250	\$750	\$1,500
# of gallons sold	0-500	501-1000	> 1000

2. The cost of rectifying the damage is determined by the monetary value of repairs for equipment damaged by the substandard product. These damages must be related to a valid complaint filed with the Department.

Fine	\$100	\$250	\$500
\$value	<\$500	\$500-1000	>\$1000

3. Benefit to Violator.

Fine	Revenue resulting from sale of substandard product.
------	---

4. Compliance Record.

Fine	\$100 per violation	\$250 per violation	\$500 per violation
# of violations subject to penalty	3rd previous year	2nd previous year	1st previous year

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History–New 2-24-00, Amended 7-30-02, 6-1-06,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.090
 RULE TITLE: Content Area Reading Professional Development

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly.

6A-5.090 Content Area Reading Professional Development.

(1) through (2)(b) No change.

(3) The CAR-PD one hundred fifty (150) hour package consists of Florida On-Line Reading Professional Development (FOR-PD) or Florida Reading Initiative (FRI) or any state approved competency 2 in the reading endorsement for sixty (60) inservice points, the CAR-PD Face to Face Academy for sixty (60) inservice points and a thirty (30) hour practicum developed by Florida Literacy and Reading Excellence (FLaRE) and/or by the district. Each district practicum must address Competency 6 indicators to include the following indicators from the Reading Endorsement Competencies: 6.1, 6.5, 6.6, 6.7, 6.9, 6.10 and 6.12 as incorporated by reference in Rule 6A-4.0163, F.A.C.

(4) Content area teachers must take FOR-PD or FRI or any state approved competency 2 in the reading endorsement in its entirety before beginning the sixty (60) hour Face to Face CAR-PD Academy. Once those two (2) courses are completed, content area teachers may begin to provide reading intervention through their content area classes to fluent students who score Level 2 on FCAT. These teachers may take the thirty (30) hour practicum simultaneously with providing reading intervention.

(5) through (6) No change.

(7) Educators who have Reading Endorsement or Reading Certification K-12 are required to complete the sixty (60) hour Face to Face CAR-PD Academy in order to be qualified to train content area teachers. Other educators with reading expertise, and at the discretion of and selection by the district, may also qualify to teach the sixty (60) hour Face to Face

CAR-PD Academy to content area teachers if they complete the entire one hundred fifty (150) hour CAR-PD package prior to teaching the sixty (60) hour Face to Face CAR-PD Academy. Other educators must complete the one hundred fifty (150) hour CAR-PD package in order to be qualified to be a trainer of content area teachers.

(8) through (9) No change.

Specific Authority 1001.02(2), 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS. Law Implemented 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS. History–New _____.

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.”

LAND AND WATER ADJUDICATORY COMMISSION

Southeastern Community Development District

RULE NO.: 42III-1.003
 RULE TITLE: Supervisors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly.

42III-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Correy Dietz, Matthew Fitzpatrick, Corbett Drew, Mike Joynner, Sean Fennelly, Larry Fletcher, and Mike Brandon.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History–New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NOS.: 60FF-4.001
 RULE TITLES: Purpose; Definitions
 60FF-4.002 SLERS Partner Classifications
 60FF-4.003 Application and Approval Process
 60FF-4.004 Frequencies and Licenses
 60FF-4.005 Talk Groups
 60FF-4.006 Security, Encryption Requirements, Radio Programming, and System Key Management
 60FF-4.007 Service and Maintenance Priorities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 52, December 28, 2007 issue of the Florida Administrative Weekly.

These changes respond to comments by the Joint Administrative Procedures Committee and to suggestions filed through written comments and/or made during a public hearing held on January 29, 2008.

60FF-4.001 Purpose; Definitions.

- (1) No change.
- (2) No change.
- (a) through (b) No change.
- (c) First Responder – State, local and ~~f~~Federal law enforcement, fire service and emergency medical agencies.
- (d) through (f) No change.
- (g) Joint Task Force (JTF) Agency – State law enforcement entities (~~including ex-officio members~~) which are members of the Joint Task Force pursuant to Joint Task Force Board approval of applicants' implementation plans and applicants' acceptance of Board policies and standard operating procedures.

(h) through (n) No change.

(3) No change.

Specific Authority 282.106(9)(~~4~~6) FS. Law Implemented 282.1095 FS. History–New_____.

60FF-4.002 SLERS Partner Classifications.

- (1) No change.
- (2) No change.
- (a) and (b) No change.
- (c) Interoperability Users – Government agencies requiring communications with ~~f~~Federal, state, or local government First Responders using the State interoperability talk groups. Interoperability Users use another radio system for their primary radio system; SLERS is a secondary system for these agencies.

(d) through (f) No change.

Specific Authority 282.106(9)(~~4~~6) FS. Law Implemented 282.1095 FS. History–New_____.

60FF-4.003 Application and Approval Process.

- (1) through (2) No change.
- (3) The proposed agreement shall contain the terms and conditions; term of subscription; number of radios and users, by phase if a phased implementation; radio coverage requirements; site usage; necessary frequencies and licensing; an overview of equipment including use of encrypted radios; talk group structure including the number of talk groups and use of interoperability talk groups, by phases of implementation if applicable; overview of network operation, maintenance and reporting; and an analysis of traffic load impact to the system. The proposed agreement must include a proposed Statement of Responsibilities which defines roles and responsibilities of the Contractor, the SLERS Partner and the

Department. The proposed agreement shall include a projection of the applicant's growth and impact on the system in terms of additional radio users expected through June 2021 the year 2020.

(4) No change.

(a) No change.

(b) The proposed use of the system by the applicant ~~use~~ in no way diminishes the State's use of SLERS, other SLERS Partners' use of SLERS and that the proposed use will not cause the hourly average waiting time per call to exceed 0.5 seconds at any site; and

(c) through (d) No change.

(5) The Department shall review the proposed agreement within sixty (60) days and provide the Contractor and applicant with recommendations, if any, regarding the proposed agreement and requested changes or additions to ensure compliance with subsection 60FF-4.003(4), F.A.C. The Department may request changes to the proposed number of radios and users, by phase if a phased implementation; changes in requested area of radio coverage and associated site usage; provision of frequencies to be added to accommodate the additional users; use of encrypted radios for identified groups of uses; and changes in the proposed talk group structure including the number of talk groups and use of interoperability talk groups, by phases of implementation if applicable.

(6) If in response to a proposal the Department requests an applicant to provide radio frequencies for the system, the applicant shall submit with the final proposal a letter to the System Manager listing the frequencies and authorizing their licensing and use.

(7) Upon satisfactory review of the proposed or amended agreement, the Department shall present the applicant to the Technical and Standard Operations Procedures Committees of the Joint Task Force on State Agency Law Enforcement Communications, and present the proposed agreement to the Joint Task Force on State Agency Law Enforcement Radio Communications for its comments. Following the Joint Task Force review and comments, if the Department makes recommendations regarding the proposed agreement, the Contractor shall prepare a final proposed agreement and re-submit the proposed agreement to the Department ~~or the Department may specify special conditions as part of its acceptance.~~

(8) Upon satisfactory completion of the procedures set forth in subsections 60FF-4.003(1)-(7), F.A.C., the Department shall authorize, in writing, SLERS Partner use of the system by the applicant. Such written approval may include special conditions for applicant's use of SLERS. Special conditions for acceptance include limits on the approved number of radios and users; a phased implementation in concert with incremental growth of the radio system's capacities, requiring

the applicant to provide frequencies to be licensed to provide for system growth; use of encrypted radios for identified groups of uses; and specified talk group structure, by phases of implementation if applicable.

Specific Authority 282.106(9)(46) FS. Law Implemented 282.1095 FS. History--New _____.

60FF-4.004 Frequencies and Licenses.

(1) SLERS Partners wishing to join the Statewide Law Enforcement Radio System shall contribute FCC-licensed or Florida 800 MHz FCC Region 9 Public Safety Plan Frequencies for use by the Statewide Law Enforcement Radio System during their term of membership. In order to ensure that the Department can be properly licensed by the FCC to incorporate such frequencies into the Statewide Law Enforcement Radio System, such SLERS Partners shall provide the Department with all relevant correspondence or consents demonstrating their agreement to relinquish them to the Department for the period of Statewide Law Enforcement Radio System use. SLERS Partners shall provide at least six (6) months minimum notice of their intent to leave the system before the contributed frequencies will be returned to the user. The Department is authorized, pursuant to Section 282.102(5) (44), F.S., to apply for and obtain the licenses for the use of all such frequencies contributed to the system.

(2) In the case of Federal Government Users and State Government Users wishing to join the Statewide Law Enforcement Radio System but having no frequencies, the Department may require the subscriber to utilize dual band 700/800 MHz radios to supplement the Statewide Law Enforcement Radio System by accessing available frequency bands or to specify other Special Conditions for the subscriber in order to ensure that their equipment is compatible with and to avoid system usage that would cause the average waiting time per call to exceed 0.5 seconds at a site on the Statewide Law Enforcement Radio System.

(3) Interoperability Users will be exempted from the requirement to provide frequencies if the Department determines through an engineering evaluation that the subscriber will have a negligible ~~negative~~ impact on the Statewide Law Enforcement Radio System.

Specific Authority 282.106(9)(46) FS. Law Implemented 282.1095 FS. History--New _____.

60FF-4.005 Talk Groups.

(1) through (4) No change.

Specific Authority 282.106(9)(46) FS. Law Implemented 282.1095 FS. History--New _____.

60FF-4.006 Security, Encryption Requirements, Radio Programming, and System Key Management.

(1) through (4) No change.

Specific Authority 282.106(9)(46) FS. Law Implemented 282.1095 FS. History--New _____.

60FF-4.007 Service and Maintenance Priorities.

(1) If traffic loading at a site causes queuing of calls such that the busy hour average waiting time per call exceeds 0.5 seconds, the Department, in consultation with the Contractor and system users, is authorized to take measures to restrict system use. Such measures shall include: disabling of individual calling and telephone interconnect calling; patching of talk groups; disabling of talk groups; disallowing the addition of radios to the system; limiting usage to essential traffic only; or partitioning of channels. These measures will be employed when public safety emergencies result in heavier than normal radio traffic in an area and priorities must be invoked to ensure that essential radio communications can be maintained.

(2) through (3) No change.

Specific Authority 282.106(9)(46) FS. Law Implemented 282.1095 FS. History--New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.:	RULE TITLE:
64B7-26.002	Licensure of Massage Establishments

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 10, March 7, 2008 issue of the Florida Administrative Weekly.

The correction will revise the publication date from February 29, 2008 to the correct date of February 15, 2008 in the second line.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.:	RULE TITLE:
64B10-15.002	Criteria for Approved Continuing Education

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 2, January 11, 2008 issue of the Florida Administrative Weekly.

The change is in response to concerns of by the Joint Administrative Procedures Committee in a letter dated February 15, 2008. The change is as follows:

The rule shall read as:

64B10-15.002 Criteria for Approved Continuing Education.

(1) through (4) No change.

(5) To satisfy the requirements of this rule, in any biennium a licensee shall have a minimum of forty (40) hours of continuing education credit. In any biennium: attendance in the programs or courses of continuing education include personal presence at a live presentation or video conferencing offering, except a maximum of 10 hours credit may be obtained in any biennium through correspondence courses, home study courses, tape and/or video cassette courses or internet courses in the domains of practice provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must be in one of the domains of practice listed in Rule 64B10 16.005, F.A.C. A validation form shall be signed by the vendor and the licensee verifying the specific domains of practice covered in the video cassette course and total viewing time. Such verification/validation shall clearly indicate the course is a "correspondence course," "home study course," "tape or video cassette course" or "internet course" and that the licensee passed the course in order to be accepted as proof of attendance.

(a) A licensee shall have a minimum of twenty (20) hours of continuing education credits that include personal attendance at a live presentation.

(b) A licensee is allowed a maximum of twenty (20) hours of continuing education credits for web-based, video or audio-transmitted, or on-line instruction programs that require the licensee to interact or communicate back and forth with the instructor during the presentation of the program.

(c) A licensee is allowed a maximum of ten (10) hours home-study continuing education credits. Home-study education is independent study and includes pre-recorded programs that were previously classified as live or interactive under paragraphs (5)(a) and (5)(b). A validation form shall be signed by the vendor and licensee verifying the subject covered and total viewing time. Home-study courses must not exceed five (5) hours per subject.

(6) Providers, and licensees who self-submit continuing education hours earned, shall identify the course type as described in subsection (5).

(6) through (10) renumbered (7) through (11) No change.

Specific Authority 468.1685(1), 468.1725(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, 8-11-03, 8-9-04, 2-23-06, 10-24-07, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.001
 RULE TITLE: General Information
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 34, August 24, 2007 issue of the Florida Administrative Weekly.

The change is in response to concerns of by the Joint Administrative Procedures Committee in a letter dated December 12, 2007, regarding the proposed revision to form DH-MQA-NHA-OO3. The change is as follows:

The rule shall read as:

64B10-16.001 General Information.

(1) No change.

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F. S., at the time of application, including completion of an Administrator-in-Training Application, form DH-MQA-NHA003 (Revised 10/2007 ~~10/2005~~), hereby adopted and incorporated by reference, and pay the application fee specified in Rule 64B10-12.013, F.A.C. Form DH-MQA-NHA003 can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html> or the Division of Medical Quality Assurance Call Center by calling (850) 488 0595. The applicant is required to indicate on form DH-MQA-NHA003 (Revised 10/2007) whether the applicant is applying for the AIT 1000-hour program or the AIT 2000-hour program as referenced in Rule 64B10-11.002, F.A.C.

(3) through (13) No change.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History--New 9-24-81, Formerly 21Z-16.01, Amended 8-29-93, Formerly 61G12-16.001, Amended 6-2-96, Formerly 59T-16.001, Amended 10-12-97, 6-5-07, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 51, December 21, 2007 issue of the Florida Administrative Weekly.

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

(1) Except as specifically modified by statute or by the State Fire Marshal's rules. . . In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.: ***

NFPA 52-2006 edition, Vehicular Fuel Systems Code ~~Compressed Natural Gas Vehicular Fuel Systems Code~~ ****

NFPA 92A-2006 edition, Standard Recommended Practice for Smoke-Control Systems Utilizing Barriers and Pressure Differences***

NFPA 92B-2005 edition, Standard Guide for Smoke Management Systems in Malls, Atria, and Large Spaces ***

NFPA 96-2004 edition, Standard for Ventilation Control and Fire Protection ~~Prevention~~ of Commercial Cooking Operations.***

NFPA 99-2005 edition, ~~Standard for~~ Health Care Facilities ***

NFPA 99B-2005 edition, Standard for Hypobaric Facilities ***

NFPA 120-2004 edition, Standard for Fire Prevention and Control in Coal Mines ~~Preparation Plants~~ ***

NFPA 160-2006 edition, Standard for Use of Flame Effects Before an Audience ***

~~NFPA 230-2003 edition, Standard for the Fire Protection of Storage~~ ***

NFPA 253-2006 edition, Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source ***

NFPA 286-2006 edition, Standard Methods of Fire Test for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth ***

NFPA 484-2006 edition, Standard for Combustible Metals, ~~Metal Powders, and Metal Dusts~~***

NFPA 703-2006 edition, Standard for Fire Retardant-Treated ~~Impregnated~~ Wood and Fire-Retardant Coatings for Building Materials***

NFPA 750-2006 edition, Standard on ~~for~~ Water Mist Fire Protection Systems***

NFPA 1561-2005~~7~~ edition, Standard on Emergency Services Incident Management System ***

~~NFPA 8501-1997 edition, Standard for Single Burner Operation~~

~~NFPA 8502-1999 edition, Standard for the Prevention of Furnace explosions/Implosions in Multiple Burner Boilers~~

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: 69A-60.002
 RULE TITLES: Scope; Description of Florida Fire Prevention Code
 69A-60.005 Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 51, December 21, 2007 issue of the Florida Administrative Weekly.

69A-60.002 Scope; Description of Florida Fire Prevention Code.

(1) No change.

(2) Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Prevention Code adopted by this rule, with more stringent standards adopted in accordance with Section 633.025, F.S. Such standards shall be effective until repealed by the adopting municipality, county or special district if the requirements of Section 633.0215(10) were met; in all other cases, the standards shall expire following the adoption of the triennial amendment to this rule, unless adopted by the amendment into the Code.

69A-60.005 Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code.

(1) No change.

(2) The following publications are hereby adopted and incorporated by reference herein and added to the Florida Fire Prevention Code and shall take effect on the effective date of this rule: ***

NFPA 52-2006 edition, Vehicular Fuel Systems Code ~~Compressed Natural Gas Vehicular Fuel Systems Code~~***

NFPA 92A-2006 edition, Standard Recommended Practice for Smoke-Control Systems Utilizing Barriers and Pressure Differences***

NFPA 92B-2005 edition, Standard Guide for Smoke Management Systems in Malls, Atria, and Large Spaces ~~Areas~~***

NFPA 105, 2003 edition, Standard for Recommended Practice for the Installation of Smoke-Control Door Assemblies

NFPA 115, 2003 edition Standard for Recommended Practice on Laser Fire Protection

NFPA 160-2006 edition, Standard for Use of Flame Effects Before an Audience***

~~NFPA 230 2003 edition, Standard for the Fire Protection of Storage~~***

NFPA 251, 2006 edition Standard Methods of Tests of Fire Resistance ~~Endurance~~ of Building Construction and Materials

NFPA 484-2006 edition, Standard for Combustible Metals, Metal Powders, and Metal Dusts***

NFPA 703-2006 edition, Standard for Fire Retardant-Treated Impregnated Wood and Fire-Retardant Coatings for Building Materials***

NFPA 750-2006 edition, Standard on for Water Mist Fire Protection Systems***

~~NFPA 8501, 1997 edition, Standard for Single Burner Operation~~

~~NFPA 8502, 1999 edition, Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers~~

NFPA 1221, 2007 edition, Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems

NFPA 1561-2005 ~~7~~ edition, Standard on Emergency Services Incident Management System***

NFPA 1962, 2003 edition, Standard for the Inspection, Care, and the Use of Fire Hose, Including Couplings, and Nozzles; and the Service Testing of Fire Hose

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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."

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District, Intends to grant a variance from paragraph 40C-4.302(1)(c), Florida Administrative Code (F.A.C.), and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (July 1, 2007), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), to Fred D. Boozer, Jr., for the construction of a multi-family, observational pier. The project is located in Section 1, Township 26 South, Range 36 East, Brevard County, Florida. Paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (July 1, 2007), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting and require permit applicants to comply with additional criteria when the proposed work is located in, adjacent to, or in close proximity to such waters. The petitioner seeks a variance pursuant to