

65C-35.012 Requests for Second Opinions.

(1) The child protective investigator or dependency case manager may seek a second medical opinion at any time after consultation with a supervisor as to the need for a second opinion.

(2) When any party files a motion requesting that the court order a second medical opinion, the court may order the Department or its contracted service provider to obtain a second opinion within a reasonable timeframe as established by the court. Within one (1) business day of the court's order, the child protective investigator or the dependency case manager will make a referral for an appointment for the second opinion.

(3) The child protective investigator or dependency case manager must obtain the second opinion within twenty-one (21) calendar days or receipt of the court order. If the second opinion is not obtained within the required timeframes, the reasons for the delay must be reported to the court and all parties.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3)(d) FS. History--New

65C-35.013 Medical Report.

If a court order is required to obtain authorization to administer psychotropic medication, the prescribing physician must complete and sign the Medical Report form that is incorporated by reference in Rule 65C-35.001, F.A.C., and includes all requirements set forth in Section 39.407(3)(c)1.-5., F.S. The physician may submit a medical report on a form of their choice as long as all information required in Section 39.407(3)(c)1.-5., F.S. and the Medical Report incorporated by reference in Rule 65C-35.001, F.A.C., is included.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3)(c) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Alan Abramowitz, Office of Family Safety, 1317 Winewood, Bldg. 1, Tallahassee, FL 32399-0700, phone: (850)488-8762; email: 65C\_Psychotropic\_Medication\_Rule@dcf.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009, Vol. 35/38

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

**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."

**SPACE FLORIDA**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
57-50.001	General
57-50.002	Approval of Travel and Entertainment Expenses
57-50.003	Authority of the President to Make Advance Payment for Travel

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Regulatory Council of Community Association Managers**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61E14-2.001	Standards of Professional Conduct

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The Board Staff submitted a revised Statement of Estimated Regulatory Costs (SERC), which supersedes the original SERC that was published in the Notice of Rulemaking. A summary of the revised SERC reads as follows:

- 2,768 Management Firms in addition to the already regulated 11,000 Community Association Manager will be required to comply with the rule; furthermore, all licensed Community Association Management Firms and Community Association Managers will be required to comply.
- The only costs to be incurred are rulemaking costs. No effect on state or local revenue is expected.
- The proposed change will impact 1,000 – 4,999 small businesses. No small county or city will be impacted by the rule.

The foregoing change does not affect the substance of the Notice. The person to be contacted regarding the above change is Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-18.002  
 RULE TITLE: Board Approval of Continuing Education Providers

**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. 35, No. 32, of the August 14, 2009, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures. The changes are as follows:

1. Subsection (2)(e)7. shall now read as follows:  
 7. If applicant is providing a course by distanced learning: please outline the means by which the course promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.
2. Subsection (2)(e)8. shall now read as follows:  
 8. If applicant is not a business, but an individual, please attach a curriculum vitae or resume listing applicant's education and work experience. A list of the above requested information is available for your convenience from the Board Office or may be printed from the Board website at MyFloridaLicense.com.

3. Subsection (3) shall now read as follows:  
 (3) Upon arrival, each continuing education provider shall be issued a provider number. That provider number shall be used in all advertising, course materials, promotional materials and on the required certificate.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-18.003  
 RULE TITLE: Obligations of Continuing Education Providers

**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. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures. The changes are as follows:

1. Subsection (2) shall now read as follows:  
 (2) Comply with the requirements set forth in Section 455.2178, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-22.011  
 RULE TITLE: Standards for Business Valuations

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**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 ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-701.210	Documents Incorporated by Reference
62-701.300	Prohibitions
62-701.310	Approval of Alternate Procedures and Requirements
62-701.315	Permit Fees for Solid Waste Management Facilities
62-701.320	Solid Waste Management Facility Permit Requirements, General
62-701.520	Special Waste Handling
62-701.620	Long-Term Care
62-701.630	Financial Assurance
62-701.710	Waste Processing Facilities
62-701.730	Construction and Demolition Debris Disposal and Recycling

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. 35, No. 37, September 18, 2009 issue of the Florida Administrative Weekly.

62-701.210 Documents Incorporated by Reference.

Specific references to the documents listed below are made throughout this chapter. These documents are adopted as standards and are incorporated into this chapter by reference. The reference documents are available for inspection at the Department's district offices.

(1) through (11) No change.

(12) GRI Test Method GM13 revision ~~2~~ 6 dated June ~~1, 2009~~ 23, 2003.

(13) PGI 1104 Specification for PVC Geomembrane, effective ~~April 15, 2008~~ January 1, 2004.

(14) through (17) No change.

(18) GRI Test Method GM17 revision ~~6~~ 3 dated June ~~1, 2009~~ 23, 2003.

(19) through (20) No change.

62-701.300 Prohibitions.

(1) through (18) No change.

Rulemaking Authority No change.

Law Implemented 403.704, ~~403.7045(3)(d)~~, 403.707, 403.708 FS.

History No change.

62-701.310 Approval of Alternate Procedures and Requirements.

(1) through (7) No change.

Rulemaking Authority 403.0877, 403.704, 403.707 FS.

Law Implemented No change.

History No change.

62-701.315 Permit Fees for Solid Waste Management Facilities.

Notwithstanding the provisions of paragraph 62-4.050(4)(j), F.A.C., the following fees shall apply to permit applications for solid waste management facilities. The provisions of paragraphs 62-4.050(4)(o) through (v), F.A.C., continue to apply to such permits or applications. Fees for permit modifications are established in subsection 62-701.320(4), F.A.C.

(1) through (3) No change.

(4) Waste processing facility.

(a) Construction/operation permit \$2,000 ~~3,000~~

(b) No change.

(5) Construction and demolition debris disposal facilities.

(a) Construct, operate, and close a facility, including facilities that also recycle \$2,500 ~~4,000~~

(b) through (c) No change.

(6) through (11) No change.

62-701.320 Solid Waste Management Facility Permit Requirements, General.

(1) through (18) No change.

Rulemaking Authority No change.

Law Implemented 403.0877, ~~403.121(3)(e)~~, 403.702, 403.704, 403.707, 403.716, FS.

History No change.

62-701.520 Special Waste Handling.

(1) through (3) No change.

(4) Contaminated soil. Soil that has been contaminated with petroleum products or any other materials that are not hazardous wastes may be disposed of in Class I landfills, and may ~~be used as initial or intermediate cover material at solid waste disposal facilities,~~ if it meets the criteria of subsections ~~62-701.200(53) or (55) 62-701.200(33) and (53), F.A.C., as appropriate be used as initial or intermediate cover material at solid waste disposal facilities.~~ Contaminated soil that has the potential to leach constituents in excess of Department ground water standards or criteria may be used only at Class I landfills and only in those areas of the landfill where runoff or infiltration is captured by the leachate collection system.

(5) No change.

62-701.620 Long-Term Care.

(1) through (9) No change.

Rulemaking Authority No change.

Law Implemented ~~403.703(5)~~, 403.704, 403.707 FS.

History No change.

62-701.630 Financial Assurance.

(1) through (3) No change.

(4) Cost adjustments for closure.

(a) No change.

1. No change.

2. Using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business as specified in subparagraphs ~~(4)(a)2.a. and b. (4)(b)2.a. and b.~~ of this section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

a. through b. No change.

(c) through (d) No change.

(5) No change.

(6) Alternate proof of financial assurance.

(b) 40 CFR Part 264 Subpart H which contains EPA's rules on financial requirements for owners and operators of hazardous waste facilities are hereby adopted as financial requirements for purposes of this section incorporated by reference as those rules appear in 40 CFR Part 264, revised as of July 1, 2007, except:

1. The following sections of 40 CFR Part 264, Subpart H are specifically not adopted as part of this rule:

a. 264.140(a); ~~264.140(b); 264.140(d);~~ 264.141(a); 264.141(e); 264.142(b); 264.142(c); 264.143(f)(1); 264.144(b); 264.144(c); 264.145(f)(1); 264.147; 264.149; 264.150; and 264.151.

(7) through (10) No change.

62-701.710 Waste Processing Facilities.

(1) through (3) No change.

(4) Operational requirements.

(a) A permit application for a waste processing facility shall include the following operational requirements:

(1) No change.

2. A plan to inspect the wastes received by the facility, that specifies inspection procedures and procedures to handle unauthorized wastes; and

3. A contingency plan to cover operational interruptions and emergencies such as fires, explosions, or natural disasters; and

4. ~~A plan for the separation of CCA treated wood and disposal in an approved disposal facility.~~

(5) through (11) No change.

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) Applicability.

(a) No person shall construct, operate or close an off-site construction and demolition debris disposal facility without a permit issued by the Department. All holders of construction or operation permits issued prior to [eff date] that contain conditions not in conformance with this chapter shall apply for modification of the permit to conform to this chapter to the District Office of the Department that issued the permit. The submission shall occur at the time of application for renewal of an existing permit, or before [eff date + 180 days], whichever is earlier. For purposes of this paragraph, a permit issued prior to [eff date], is deemed to include a completed permit application received by the Department prior to [eff date]. However, the provisions of paragraph (4)(h) of this section will not apply to any disposal units of a facility that have received a Department permit authorizing construction or operation prior to [eff date].

(b) No change.

(2) through (21) No change.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.351  
 RULE TITLE: Standards for Approval of Registered Pharmacy Technician Training Programs

**NOTICE OF PUBLIC HEARING**

The Board of Pharmacy announces a hearing regarding the above rule, as noticed in Vol. 35, No. 38, September 25, 2009 Florida Administrative Weekly.

DATE AND TIME: Monday, November 16, 2009, 10:00 a.m., via teleconference. The conference call number is 1(888)808-6959, Code 5642037.

PLACE: n/a

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of Rule 64B16-26.351, F.A.C.

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 five days before the workshop/meeting by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.: 64J-1.0201  
 RULE TITLE: EMS Instructor Qualifications  
 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. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly.

The following change was not included in the October 2, 2009. This change has been made based on a written comment received by the public hearing deadline. The comment notes that this is the same date placed in the rule language under the lead instructor.

64J-1.0201(4)(e) replace July 1, 2011 with July 1, 2013.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12BER09-04  
 RULE TITLE: Tax on Transfers of Ownership Interest in Legal Entities

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2009-131, Laws of Florida, authorizes the Department to promulgate an emergency rule, and to renew such rule, to implement the provisions of the law. The law provides that conditions necessary for an emergency rule and its renewal have been met. Section 201.02(1)(b), F.S., provides for the imposition of tax on transfers of ownership interest in a conduit entity when the transfer is within three years of a transfer of Florida real property into the conduit entity, documentary stamp tax was not paid on the full consideration when the real property was transferred into the conduit entity,