

approved project's category nor result in a reallocation of more than 35% of the approved funding of the project among project elements. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-5-96, Formerly 16T-2.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-5.014 RULE TITLE: Poultry

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 31, on August 4, 2000, Florida Administrative Weekly, and the Notice of Change noticed in Vol. 26, No. 38, on September 22, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-6.010 RULE TITLE: Eggs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 31, on August 4, 2000, Florida Administrative Weekly, and the Notice of Change noticed in Vol. 26, No. 38, on September 22, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9G-6	Review of Local Emergency Management Plans and Programs
RULE NOS.:	RULE TITLES:
9G-6.002	Definitions
9G-6.0023	County Comprehensive Emergency Management Plans
9G-6.0025	The County Radiological Emergency Plan for Nuclear Power Plants
9G-6.005	Schedule for Development and Review of County and Municipal Comprehensive Emergency Management Plans
9G-6.006	County Comprehensive Emergency Management Plans Review by Division
9G-6.0095	Municipal Comprehensive Emergency Management Plans
9G-6.010	Municipal Comprehensive Emergency Management Plans Review by County Emergency Management

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule which was published September 15, 2000, in Vol. 26, No. 37, Florida Administrative Weekly and it now reads as follows:

9G-6.002 Definitions.

(1) through (6) No change.

(7) "County Radiological Emergency Plan for Nuclear Power Plants" means the plan to be prepared by the Division and county governments within 50 miles of a commercial nuclear power plant.

(8) "County Emergency Management Program" means the emergency management program authorized and mandated by Section 252, F.S. to be created by each legally constituted county in the state.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v) FS. History--New 1-18-81, Amended 2-24-85, Formerly 9G-6.02, Amended 2-5-91, 5-11-95, _____.

9G-6.0023 County Comprehensive Emergency Management Plans.

(1) Each county emergency management agency established pursuant to the authority contained in Section 252.38(2), F.S., shall develop and submit to the Board of County Commissioners for adoption a County Comprehensive Emergency Management Plan in compliance with the requirements, format and standards contained in this rule chapter.

(2) County Comprehensive Emergency Management Plans will be coordinated and consistent with the provisions of the State Plan. The county emergency management plan will include an evacuation component, a shelter component (risk and host events), and a post-disaster and recovery component and will consist of provisions addressing aspects of preparedness, response, recovery and mitigation. The county plan will assign lead and support responsibilities for county agencies and personnel that coordinate with the emergency support functions outlined in the State Plan.

(3) The County Comprehensive Emergency Management Plan shall be specific and shall address responses and actions in the event of an emergency. It shall clearly identify those positions or agencies responsible for specific functions under given circumstances. Responsibilities must be assigned by position title or agency name, and specific duties for each position or agency must be listed. Checklists and other readily accessible and easy-to-use guidelines are encouraged. Where appropriate, the county plan shall contain maps, diagrams and other visual aids. Copies of the forms the local government will use shall be available for review.

(4) The County Comprehensive Emergency Management Plan shall be divided into a minimum of two components: the Basic Plan and the Capability Assessment. The Basic Plan shall be narrative in form and generally describe responsibilities within the emergency management framework. It shall include but not be limited to two annexes addressing the recovery and mitigation functions of the county emergency management program. The Basic Plan and the Recovery and Mitigation Annexes shall include organizational charts, maps and checklists. The Capability Assessment shall demonstrate competencies and present information outlined in the County Comprehensive Emergency Management Plan, standard operating procedures and other supporting documents that are involved in the emergency management program, i.e., emergency response, recovery and mitigation activities.

(5) The County Comprehensive Emergency Management Plan shall cover county agencies and resources and should cover applicable municipal agencies and resources. County plans shall interface with plans of contiguous jurisdictions, regional, municipalities and the state comprehensive emergency management plans.

(6) The County Comprehensive Emergency Management Plan or supporting operating procedures referred to in the plan shall provide a detailed description of the process to be followed at the local level whenever an emergency or disaster occurs as a result of the many consequences generated by natural, technological or manmade causes. Such emergencies include, but are not limited to: tornadoes, hurricanes, flooding, freezes, extreme temperatures, disease outbreaks, wildfires, terrorism, drought, hazardous materials releases or spills and civil disturbances. The plan shall identify and describe

pre-emergency warning systems, evacuation and sheltering plans, hazard mitigation and other anticipatory actions as well as post-event response and recovery actions.

(7) The Division hereby adopts and incorporates by reference "Local Comprehensive Emergency Management Plan Compliance Criteria" and the "Emergency Management Capabilities Assessment Checklist" (Form Numbers CEMP-001 and CEMP-002, 2000 Edition) as part of this chapter. County Comprehensive Emergency Management Plans and County Emergency Management Programs shall comply with these criteria. These criteria are available from the Division and may be obtained by writing the Division at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 or online at www.floridadisaster.org. These criteria shall be used in the development and review of County Comprehensive Emergency Management Plans and Programs. Counties shall complete the compliance criteria prior to the Division's review of their Comprehensive Emergency Management Plan and have them available to the Division thirty days after receiving notification of the Division's intent to review. Counties shall demonstrate satisfaction of the required plan criteria by noting the page and section in their plan, or supporting documents, where each criterion is satisfied. Counties shall provide the documentation needed to satisfy the requirements of the Capabilities Assessment.

(8) Counties are encouraged to follow the format of the State Plan in development of the County Comprehensive Emergency Management Plan. County emergency management agencies are not required to duplicate the suggested format, but should be able to demonstrate the ability to communicate with those emergency support functions and state agencies that support the State Plan.

Specific Authority 252.35(2)(u) FS, Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v), 252.38(1) FS, History—New

9G-6.0025 The County Radiological Emergency Plan for Nuclear Power Plants.

This county plan shall provide a detailed description of the process to be used to protect the public from the potential health effects associated with a radiological emergency at a commercial nuclear power plant. Only those counties within a 50 mile radius of a commercial nuclear power plant are required to develop this plan. This plan shall be developed with direct assistance from the Division and shall be incorporated into the appropriate site plan contained in Annex A of the State Plan. This plan shall comply with the Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (NUREG-06541 FEMA REP-1 Rev. 1). This plan or annex shall be submitted to the Federal Emergency Management Agency for review and approval.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v), 252.60 FS. History—New

9G-6.005 Schedule for Development and Review of County and Municipal Comprehensive Emergency Management Plans.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a), (b), (c), (d), (k), (v) FS. History—New 1-18-81, Amended 2-24-85, Formerly 9G-6.05, Amended 2-5-91, 5-11-95, Repealed

9G-6.006 County Comprehensive Emergency Management Plans – Review by Division.

(1) No change.

(2) The Division shall review each county comprehensive emergency management plan at a minimum of every four years and shall offer the affected Regional Planning Council an opportunity to participate in the review. The Division shall review the county plan in accordance with the criteria CEMP-001 and CEMP-002. The Division shall provide notice of its intent to review a County Comprehensive Emergency Management Plan at least 60 days prior to initiation of the review. Within 30 days of receipt of this notification the county shall provide to the Division three copies of the plan to be reviewed with three copies of the completed compliance criteria. The county may waive the 60 day review notification. Upon receiving notification of the intent to review, the county and the Division shall coordinate to finalize the Capabilities Assessment prior to the date of the plan review. The Division will provide the county with the results of its review and its finding as to the compliance of the plan within 60 days of its initial review. If the Division finds the county plan meets the requirements of this chapter and Rule Chapter 9G-7, F.A.C. it shall issue a notice of compliance.

(3) ~~If When~~ the Division finds that a county plan does not meet all of the criteria established in is not in compliance with the requirements of this chapter and Rule Chapter 9G-7, F.A.C., the Division shall withhold a notice of non-compliance and issue an official notification by certified mail specifically stating the reasons the plan does not meet the criteria for non-compliance. Upon receipt of the official notification a notice of non-compliance, the county shall either:

(a) Within 60 days, revise its plan, notify the Division of the changes and make the changes available to the Division for review;

(b) Within 60 days develop a workplan to be approved by the Division which addresses all changes necessary for compliance and a timetable for completion or;

~~(c)~~(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(4) If the county does not submit a revised plan, a workplan or request an administrative hearing 60 days after the receipt of the official notification the Division shall issue a

notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

~~(5)~~(4) If the upon the submittal of the revised plan, either after the 60 days allotted or upon completion of the workplan, the Division finds that the revised plan is not in compliance the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(6) If the workplan is not completed in the time frame established, the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance, the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

~~(7)~~(5) No change.

~~(8)~~(6) If the Division is unable, for any reason, to provide notice to the county regarding the results of its initial review within 60 days, it will forward a notice to the county stating its intent to extend the review period for the specifically identified time period necessary to provide notice.

~~(7) County and Municipal Comprehensive Emergency Management Plans are intended to be dynamic contingency plans and should be continually revised to reflect such changes as population growth, industrial development, and advances in technology. Each county and municipal comprehensive emergency management plan shall be reviewed at least every four years. The Division shall provide notice of its intent to review a county comprehensive emergency management plan at least 60 days prior to initiation of the review. A county shall~~

~~provide notice to the municipalities of its intent to review a municipal comprehensive emergency management plan at least 60 days prior to the initiation of the review.~~

~~(9)(8)~~ In order to ensure that County ~~and Municipal~~ Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

~~(10)(9)~~ After a determination that a County ~~or Municipal~~ Comprehensive Emergency Management Plan is in compliance with the terms of this chapter ~~and Rule Chapter 9G-7, F.A.C.~~, the approved plan must be adopted by resolution of the governing body of the jurisdiction within 60 days of receiving notification of compliance from the Division before it becomes the Comprehensive Emergency Management Plan for such local government. If the county is unable to adopt the plan within 60 days the county may request in writing to the Division, stating just cause, an extension of no more than an additional 90 days to adopt the plan. Adoption must occur, at a minimum, every four years. Notification of the date of adoption shall be sent to the Division. Failure to adopt, to notify the Division of an adoption date or make available for review a revised plan as specified in 9G-6.006 will constitute non-compliance. Upon adoption of the plan, the county shall submit a copy of the adopted plan to the Division.

Specific Authority 252.35(2)(u), 120.53, 120.57 FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v), 120.57 FS. History—New 1-18-81, Amended 2-24-85, Formerly 9G-6.06, Amended 2-5-91, 5-11-95, _____.

Proposed as 9G-6.0125.

9G-6.0095 Municipal Comprehensive Emergency Management Plans.

Municipal Comprehensive Emergency Management Plans must comply with all the standards and requirements applicable to County Comprehensive Emergency Management Plans. Municipal Comprehensive Emergency Management Plans shall comply with the Local Comprehensive Emergency Plan Compliance Criteria adopted by reference in Rule 9G-6.0023(7). These criteria are available from the Division and shall be used in the development and review of Municipal Comprehensive Emergency Management Plans. Municipal Comprehensive Emergency Management Plans are encouraged to follow the suggested format for County Comprehensive Emergency Management Plans. Municipal emergency management programs are not required to duplicate the suggested format, but should conform to it as closely as possible.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (u), 252.38(2) FS. History—New _____.

9G-6.010 Municipal Comprehensive Emergency Management Plans – Review by County Emergency Management.

(1) The provisions of this section shall apply to either initial review by the County Emergency Management Agency, or to review of revised information as a result of a determination by the County Emergency Management Agency that a Municipal Comprehensive Emergency Management Plan is not in compliance with the terms of this chapter.

(2) If a municipality elects to prepare a Comprehensive Emergency Management Plan, the plan shall be periodically reviewed by its County Emergency Management Agency to determine compliance with the established criteria ~~established in Rule Section 9G-7.003(7).~~

(3) The County Emergency Management Agency shall provide initial notice to the chief elected official of each municipality in the county of the county's intent to establish a schedule to review municipal comprehensive emergency management plans. A county shall provide notice to the municipalities of its intent to review a Municipal Comprehensive Emergency Management Pan at least 60 days prior to the initiation of the review. This notice shall also advise the municipalities, in general terms, of the applicable plan requirements. Each municipality must respond to this notice and advise the county of the existence of a municipal comprehensive emergency plan or program. Each municipality shall also provide a copy of this response to the Division. If any municipality creates a comprehensive emergency management plan or program subsequent to this initial notice, it must advise the county emergency management director and the Division in writing, and request that the municipality be included in the county's plan review schedule.

(4) The County Emergency Management Agency shall provide the municipal emergency program with the results of its review and its finding as to the compliance of the municipal comprehensive emergency management plan within 60 days of completion of its initial review. If the County Emergency Management Agency determines that the Municipal Comprehensive Emergency Management Plan complies with the requirements of this rule chapter ~~and Rule Chapter 9G-7, F.A.C.~~, it shall issue a notice of compliance to the Municipal Emergency Management Program and to the Division.

(5) When the County Emergency Management Agency determines that a Municipal Comprehensive Emergency Management Plan is not in compliance with the requirements of this rule chapter ~~and Rule Chapter 9G-7, F.A.C.~~, it shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of a notice of non-compliance, the municipal emergency program shall, within 60 days, revise its plan, notify the county emergency

management agency and make the revised information available for review by the county emergency management agency.

(6) No change.

(7) In order to ensure that Municipal Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

(8) After a determination that a Municipal Comprehensive Emergency Management Plan is in compliance with the terms of this chapter, the approved plan must be adopted by resolution of the governing body of the jurisdiction before it becomes the Comprehensive Emergency Management Plan for such local government.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), (k), (v), 252.38(1), (2) FS. History—New 5-11-95, Amended.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Denise Imbler, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9916

DEPARTMENT OF REVENUE

**NOTICE OF CABINET AGENDA
ON DECEMBER 12, 2000**

The Governor and Cabinet, on December 12, 2000, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12-11.003, F.A.C. (Requests for Technical Assistance Advisements), and 12-11.006, F.A.C. (Processing Requests for, and Obtaining Copies of, Technical Assistance Advisements). A Notice of Rule Development Workshop for these proposed rule amendments was published in the Florida Administrative Weekly on August 11, 2000 (Vol. 26, No. 32, pp. 3658-3659), and the workshop was held on September 5, 2000. No testimony was received at the workshop, and no written comments were submitted. Subsequently, a Notice of Proposed Rulemaking for these proposed rule amendments was published in the Florida Administrative Weekly on October 20, 2000 (Vol. 26, No. 42, pp. 4849-4850), and a public hearing was conducted on November 14, 2000. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-3.0015	Documents, Extensions, and Due Dates for Filing
12C-3.012	Releases

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rules 12C-3.0015 and 12C-3.012, F.A.C., as published in Vol. 26, No. 39, pp. 4488-4492, September 29, 2000, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee regarding: A) a deleted statute that is currently in the "Law Implemented" portion of the note at the end of Rule 12C-3.0015, F.A.C.; and, B) the provision in subsection (3) of Rule 12C-3.012, F.A.C., that requires certain taxpayers to deposit a "tentative tax" amount with the Department prior to the issuance of a release.

The note at the end of Rule 12C-3.0015, F.A.C., has been changed, so that, when adopted, the note will read as follows:

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.02, 198.03, 198.04, 198.05, ~~498.42~~, 198.13, 198.14, 198.15, 198.32 FS. History—New 12-13-94, Amended.

Subsection (3) of Rule 12C-3.012, F.A.C., has been changed, so that, when adopted, the rule will read as follows:

(3) Waiver and Release of the Florida Estate Tax Lien. When a release is requested, if it appears that a tentative tax deposit or additional tax deposit will be due this state on the basis of the information contained in the Request Application and Certificate for Waiver and Release of ~~the~~ Florida Estate Tax Lien (Form DR-308), the estate will be required to post such deposit in the following circumstances:

(a) Resident decedents – if the value of the real property to be released when aggregated with the value of real property previously released is greater than 50 percent of the total estimated value of Florida real property, a deposit equal to the amount by which the aggregate value of real property already released plus the value of the real property requested to be released exceeds 50 percent of the estimated total value of the Florida real property is required, unless the estate can demonstrate that a lesser amount of estate tax is due.

(b) Nonresident decedents – 16 percent of the value of the property to be released, unless the estate can demonstrate that a lesser amount of estate tax is due.

(c) Once the provisions of this subsection have been met, the tentative tax as determined in subsections (1) or (2) of this rule may be required before the Request and Certificate for Waiver and Release of Florida Estate Tax Lien (Form DR-308) will be ~~is~~ issued.

DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12D-16.002	Index to Forms

NOTICE OF CHANGE

Notice is hereby given that in accordance with subparagraph 120.54(3)(d)1., F.S., changes have been made to the proposed amendment to Rule 12D-16.002, F.A.C., as published in Vol. 26, No. 40, October 6, 2000, issue of the Florida Administrative Weekly to remove proposed changes to subsections (21)(b) and (d), (35), and (38)(a). When amended, the proposed rule, subsections (2) through (61) will read as follows:

- (2) DR-401 Freight Line and Equipment Companies Annual Report (r. ~~12/004/94~~) 1/0142/94
- (3)(a) No change.
- (b) DR-403AC Revised Recapitulation of the Ad Valorem Assessment Rolls (County Values) (r. ~~04/004/97~~) 1/0142/97
- (4)(a) DR-403AM Revised Recapitulation of the Ad Valorem Assessment Rolls (Municipality Values) (r. ~~04/004/97~~) 1/0142/97
- (b) through (5) (a) No change.
- (b) DR-403EB Assessment Roll Exemption Breakdown (r. ~~04/003/90~~) 1/013/90
- (6) through (21) No change.
- (22)(a) DR-482 Application and Return for Agricultural Classification of Lands (r. ~~12/0042/99~~) 1/014/00
- (b) No change.
- (c) DR-482HP Application and Return for Classification of Property as Historic Property Used for Commercial or Certain Nonprofit Purposes (n. 12/00) 1/01
- (d) DR-483 Request for Extension of Time for Completion of Assessment Roll(s) 08/89
- (23) through (27) No change.
- (28)(a) DR-489AC Preliminary Recapitulation of Ad Valorem Assessment Rolls – County (r. ~~04/004/97~~) 1/0142/97
- (b) DR-489AM Preliminary Recapitulation of Ad Valorem Assessment Rolls – Municipality (r. ~~04/004/97~~) 1/0142/97
- (c) DR-489EB Assessment Roll Exemption Breakdown (r. ~~04/003/90~~) 1/013/90
- (d) No change.
- (29)(a) DR-49 Notice of Disapproval of Application for Property Tax Exemption by the County Property Appraiser (r. ~~12/0042/99~~) 1/014/00
- (b) through (38)(c) No change.
- (d) DR-501SC Sworn Statement of Adjusted Gross Income of Household and Return (r. ~~12/00n-12/99~~) 1/0104/00
- (39) No change.
- (40)(a) DR-504 Ad Valorem Tax Exemption Application and Return (r. ~~12/0042/97~~) 1/0142/97
- (b) No change.
- (c) DR-504CS Ad Valorem Tax Exemption Application Charter School Facilities (n. 12/00) 1/01
- (41) through (46)(a) No change.
- (b) DR-513 Tax Collector's Certification (r. ~~12/003/99~~) 1/014/00
- (c) through (51)(a) No change.
- (b) DR-534 Notice and Application for Alternative Payment of ~~200149~~ Property Taxes (r. ~~12/0042/96~~) 1/0142/96
- (52) through (57) No change.
- (58) DR-590 Standard Record Layout for Rule 12D-8 Name, Address and Legal (N.A.L.) File (Required format) (r. ~~12/004/95~~) 1/0142/94
- (59) through (61) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-9.003
 RULE TITLE: Definitions

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. 26, No. 36, September 8, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff at the Joint Administrative Procedures Committee.

Subsections (4) and (6) of Rule 61G6-9.003 shall now read as follows:

(4) "Course Provider" means the person or legal entity who is registered pursuant to this rule chapter, and who is responsible for conducting a course approved pursuant to this

rule chapter, maintaining records of those in attendance for three (3) years. The course provider is responsible for maintaining records.

(6) "Homestudy Course" means a continuing education course approved pursuant to this rule chapter, that is offered as a correspondence course or through the Internet and requires a multiple-choice test at the end of the session with a minimum passing score of 75%.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.011 RULE TITLE: Diagnostic Techniques, Western Diagnostic Terminology

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. 26, No. 39, September 29, 2000, issue of the Florida Administrative Weekly. The rule shall now read as follows:

64B1-4.011 Diagnostic Techniques, Western Diagnostic Terminology.

(There is no change to the text of the proposed rule.)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.012 RULE TITLE: Acupoint Injection Therapies

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. 26, No. 39, September 29, 2000, issue of the Florida Administrative Weekly. The rule shall now read as follows:

64B1-4.012 Acupoint Injection Therapies.

Effective March 1, 2002, adjunctive therapies shall include acupoint injection therapy which shall mean the injection of herbs, homeopathics, and other nutritional supplements in the form of sterile substances into acupuncture points by means of hypodermic needles but not intravenous therapy.

Specific Authority 457.102, 457.104 FS. Law Implemented 457.102 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-12.020 RULE TITLE: Courses Required of Dentists for Renewal and Reactivation

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 35, September 1, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The Board, at its meeting on October 6, 2000, in Tampa, Florida, voted to change subsection (2) of the rule to read as follows:

(2) Instruction in laws and rules governing the practice of dentistry and dental hygiene consisting of at least 2 hours of instruction in relevant topics including: professional responsibility and competence; legal standards; confidentiality; professional relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; and relevant case studies.

Subsection (2)(a) and (b) of the rule shall remained unchanged.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-17.009 RULE TITLE: Patient Records; Copying Charges; Timely Release

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly. The Board of Dentistry held its regularly scheduled board meeting on October 6, 2000, and reviewed the rule text for this rule. The Board determined that due to comments received at the board meeting and comments received from the staff of the Joint Administrative Procedures Committee, that subsection (3) of the rule should be amended to read as follows:

(3) A dentist shall comply with a patient's written request for copies of records and reports in a timely manner, with due regard for the patient's health needs. In the absence of circumstances beyond the control of the licensee, timely shall mean less than 30 days.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.: RULE TITLES:
64B16-26.103 Continuing Education Credits
64B16-26.603 Reporting Continuing Education Requirements
64B16-26.606 Number of Required Hours

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 35, September 1, 2000, Florida Administrative Weekly have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THESE RULES IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: RULE TITLE:
65E-5.2301 Health Care Surrogate or Proxy

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. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly. The changes were made in response to written and oral comments received at the public hearing.

65E-5.2301 Health Care Surrogate or Proxy.

(1) During the interim period between the time a patient is determined to be incompetent to consent to treatment by one or more physicians, pursuant to s. 765.204, F.S., by a physician, as defined in s. 394.455(21), F.S., to be incompetent to consent to treatment and the time a guardian advocate is expeditiously appointed by a court, pursuant to s. 394.467(6)(d), F.S., to provide express and informed consent to the patient's treatment, a health care surrogate designated by the patient, pursuant to chapter 765, part II, F.S., may provide such consent to treatment.

(2) No change.

(3) Upon the documented determination that a patient is incompetent to make health care decisions for himself or herself by one or more physicians, pursuant to s. 765.204, F.S. by two physicians that a patient is incompetent to make health care decisions for himself or herself, the facility shall notify the surrogate or proxy in writing that his or her authority under the law has commenced. Use of recommended form CF-MH 3122, Jan 98, "Certification of Patient's Incompetence to Consent to

Treatment and Notification of Health Care Surrogate/Proxy," will be considered by the department to be sufficient for this purpose.

(4) A petition for adjudication of incompetence to consent to treatment and appointment of a guardian advocate shall be filed with the court within two court_working days of the determination of the patient's incompetence to consent to treatment by one or more physicians, pursuant to s. 765.204, F.S. by the physicians, as defined in s. 394.455(21), F.S., of the patient's incompetence to consent to treatment. Use of recommended form CF-MH 3106, Jan 98, "Petition for Adjudication of Incompetence to Consent to Treatment and Appointment of a Guardian Advocate," will be considered by the department to be sufficient for this purpose.

(5) No change.

Specific Authority 394.457(5) FS. Law Implemented 394.4598, 765 FS. History--New 11-29-98, Amended

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vince Smith, Operations and Management Consultant II, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 209, Tallahassee, Florida 32399-0700, Telephone (850)413-0932

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE CHAPTER NO.: RULE CHAPTER TITLE:
65E-11 Behavioral Health Services
RULE NOS.: RULE TITLES:
65E-11.002 Definitions
65E-11.003 Scope of Behavioral Health Services
65E-11.004 Clinical Guidelines for Referral
65E-11.005 Behavioral Health Services Standards
65E-11.006 Performance-Based Measures and Outcomes
65E-11.007 Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and To Prevent Unnecessary Expenditures

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. 26, No. 36, September 8, 2000, issue of the Florida Administrative Weekly. These changes are in response to suggestions from the public hearing and written response to the proposed rulemaking by the Joint Administrative Procedures Committee.

65E-11.002 Definitions.
Definitions as used in Chapter 65E-11.

(1) through (5) No change.

(6) "Behavioral Health Services" means those services, contingent on the child's presenting condition, that are provided to enrolled children in the Behavioral Health Specialty Care Network for the treatment of mental or substance-related disorders ~~substance dependence disorders~~.

(7) No change.

(8) "Behavioral Health Specialty Care Network" means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance-related disorders ~~substance dependence disorders~~ who are determined eligible for the Title XXI part of the KidCare Program that includes providers who are managed behavioral health organizations, private and state funded mental health and substance-related disorders providers, and Lead Agencies. The Behavioral Health Specialty Care Network is administered by the Department of Children and Families, Children's Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance-related disorders ~~substance dependence disorders~~.

(9) through (10) No change.

~~(11) "Children's Global Assessment Scale (C-GAS)" means a clinical instrument used to determine a child's level of functioning during a specified time period. The instrument contains behaviorally oriented descriptors that depict behaviors and life situations applicable to children.~~

(12) through (13) renumbered (11) through (12) No change.

~~(13)~~(14) "Emergency Behavioral Health Care" means those services necessary to stabilize a child who is experiencing an acute crisis attributable to his or her mental or substance-related disorder ~~substance dependence disorders~~, and without care or treatment, there exist a substantial likelihood the child will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

(15) through (20) renumbered (14) through (19) No change.

~~(20)~~(21) "Providers of Behavioral Health Services" means those managed behavioral health care organizations, or substance-related alcohol dependence and treatment programs, or independent behavioral health providers, or subcontracted providers that directly provide behavioral health services to enrolled children and who also meet the minimal licensure and credentialing standards set forth in statutes and rules of the department or the Department of Health, Division of Medical Quality Assurance, pertinent to the treatment and prevention of mental and substance-related disorders ~~substance dependence disorders~~.

(22) through (29) renumbered (21) through (28) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History--New _____.

65E-11.003 Scope of Behavioral Health Services.

(1) through (3) No change.

(a) Florida's Medicaid benefit package for Community Mental health, Inpatient and Outpatient Hospitals. Notwithstanding 65E-11.003(3)(a) above, a Provider of Behavioral Health Services shall not be liable for more than 10 inpatient days per contract year.

(b) through (c) No change.

(4) through (5) No change.

(6) Notwithstanding Section 65E-11.003(3) above, Alternative Services shall be provided to enrolled children when deemed necessary to meet the objectives outlined in a child's treatment plan and shall be provided in the most integrated setting appropriate to the needs of the enrolled child.

(7) through (9) No change.

(10) The Behavioral Health Liaison shall be a licensed professional as defined in Chapters 490, or 491, Florida Statutes or a certified professional ~~masters level~~ as defined in Chapter 397, Florida Statutes, and shall:

(a) No change.

(b) Be knowledgeable of mental health and substance-related disorders ~~substance dependence disorders~~ diagnosis and treatment; and

(c) No change.

(11)(a) through (g) No change.

(h) Provide ongoing training to the local Children's Medical Services staff on identification and intervention with children who exhibit behavioral health problems as a result of their mental or substance-related disorder ~~substance dependence disorder~~ and be available for consultation regarding general behavioral health care issues,

(i) through (n) No change

(o) Complete the Behavioral Health Specialty Care Network Screening and Eligibility Tracking form September 2000 version, July 1, 1999 version hereby incorporated by reference as if fully set out here. The Behavioral Health Specialty Care Network Screening and Eligibility Tracking form may be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office. Upon completion, the Behavioral Health Liaison shall submit a copy of the Behavioral Health Specialty Care Network Screening and Eligibility Tracking form to the Children's Medical Services area office and the district Alcohol, Drug Abuse, and Mental Health Program Office.

(12) through (13) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History--New _____.

65E-11.004 Clinical Guidelines for Referral.

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

1. Criteria Set 1:

a. The child has a DSM-IV Axis I clinical classification of mental disorders or substance-related disorders ~~substance dependence disorders~~,

b. through 2. No change.

3. Criteria Set 3: The child has been committed for the treatment of substance-related disorders ~~substance dependence disorders~~ under the Hal S. Marchman Act of 1993, Section 397.01, Florida Statutes, at least once within the last six months.

(3) through (5) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History-
New _____.

65E-11.005 Behavioral Health Services Standards.

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

(c) Standards for credentialing shall be no less restrictive than those staffing and direct services standards found in the Community Mental Health Coverage and Limitation Handbook, version July 2000 ~~July 1999~~, herein incorporated by reference as if fully set out here. A copy of the Community Mental Health Coverage and Limitation Handbook can be obtained from the district Agency for Health Care Administration program Office.

(d) through 11.c. No change

~~1.4.~~ When a child does not complete the prescribed behavioral health services treatment outlined in his or her treatment plan and is transferred to an out-of-network provider.

~~(3)5.~~ Providers of Behavioral Health Services providing treatment for substance-related disorders ~~substance dependence disorders~~ shall follow the Florida Supplement to the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-Related Disorders, Second Edition (ASAM PPC-2) July 1, 1998 ~~Revised July 1, 2000~~ criteria as a clinical placement guide, hereby incorporated by reference as if fully set out here. A copy of the ASAM PPC-2 can be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office.

(4) through (5) No change.

(6) Providers of Behavioral Health Services shall have demonstrated experience in the diagnosis and treatment of children with serious mental or serious substance-related disorders ~~substance dependence disorders~~, as appropriate to the child's presenting condition.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History-
New _____.

65E-11.006 Performance-based Measures and Outcomes.

(1) through (3)(d) No change.

(e) Children receive services in the most integrated setting appropriate to the needs of the child ~~Children receive services in the least restrictive appropriate environments,~~

(f) through (g) No change.

~~(4) Reports. Providers of Behavioral Health services shall report the services provided to each enrolled child by complying with the Department's Substance Abuse and Mental Health Integrated Data System. For those alternative services not specifically included in the Department's Substance Abuse and Mental Health Integrated Data System, Providers of Behavioral Health Services shall follow the reporting requirements found in Sections 65E-11.003(6)(a) and 65E-11.007(14). Reports. Providers of Behavioral Health Services shall submit all applicable reports required by state or federal law, regulation, and rule.~~

~~(a) Providers of Behavioral Health services shall report the services provided to each enrolled child by complying, whenever applicable, with the Department's Substance Abuse and Mental Health Integrated Data System.~~

~~(b) For those alternative services not specifically included in the Department's Substance Abuse and Mental Health Integrated Data System, Providers of Behavioral Health Services shall follow the reporting requirements found in Sections 65E-11.003(6)(a) and 11.007(14).~~

(5) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History-
New _____.

65E-11.007 Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and To Prevent Unnecessary Expenditures.

(1) No change.

(a) A board certified child psychiatrist with experience treating children who have mental or substance-related disorders ~~substance dependence disorders~~ shall serve as the authorizing authority for necessary services. The Lead Agency shall communicate the details of the plan to the local Children's Medical Services Area Office. The plan shall be reviewed and updated no later than ninety (90) days apart.

(b) Notwithstanding 65E-11.007(1)(a) above, if the provider can demonstrate that a board certified child psychiatrist with experience treating children who have mental or substance-related disorders ~~substance dependence disorders~~ is not available for participation due the lack of availability, a psychiatrist with experience treating children who have mental disorders or a medical doctor with experience treating children for substance-related disorders ~~substance dependence disorders~~ shall serve as the authorizing authority for necessary services.

(2) through (8) No change.

(a) The Lead Agency shall not be responsible for payment of services delivered after twenty-four hours of the authorization of admission unless the Lead Agency has specifically authorized the delivery of such services.

(b) through (14) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History-
New _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-47.010	Definitions
67-47.020	Notice of Funds Availability

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-47, Florida Administrative Code, published in Vol. 26, No. 40, of the October 6, 2000, Florida Administrative Weekly.

67-47.010 Definitions.

(7) "Application Package" or "HOME Home Ownership Construction Loan Application Package" or "Form 2000 HOCLP " means the forms, tabs and instructions thereto, obtained from Florida Housing Finance Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with Rule Chapters 67-47, F.A.C., in order to apply for HOME Loan funds. The Application is adopted and incorporated herein by reference, effective on the date of the last amendment to this Rule Chapter.

(42) "Very Low-Income Households" means families or persons whose annual incomes do not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for household size, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low household incomes.

Specific Authority 420.507(12),(14) FS. Law Implemented 420.5089(2) FS. History--New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 91-47.010, Amended 10-20-98,_____.

67-47.020 Notice of Funds Availability.

(4) After the selection of Applicants is made pursuant to Rule 67-47.100, F.A.C., any remaining funds will be made available for eligible programs that qualify under C.F.R. 24, Part 92 and activities as authorized by the Corporation's Board of Directors.

**Section IV
Emergency Rules**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE:	RULE NO.:
Threshold Inspection Certification Extension	61G1ER00-1

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Community Affairs' statute

authorizing the threshold inspection was repealed and transferred to s. 481.213(2), F.S., which requires rulemaking. The problem is all the certifications for threshold inspectors are on a staggered basis, thus causing a situation where architects, builders, and inspectors are finding themselves in the middle of a project, thus not being able to complete the job, have it inspected, or verify the structural safety of the partially complete multistory structure or certify its structural integrity and safety for occupancy. This situation is causing a concern for the safety and welfare of the public and at same time creating a financial hardship for those involved in the industry. REASONS FOR CONCLUDING THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Board is simultaneously submitting rule development to provide for certification of inspectors pursuant to the new statutory framework.

SUMMARY OF THE RULE: The Board of Architecture and Interior Design has determined that it is necessary to file this emergency rule which will allow all licensed architects who are certified Special Inspectors and on the Roster of Special Inspectors pursuant to old Rule 9B-3.043, F.A.C. continue to be certified Special Inspectors of threshold buildings until the new rule goes into effect.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE EMERGENCY RULE IS:

61G1ER00-1 Threshold Inspection Certification Extension.

All licensed architects who are certified Special Inspectors and on the Roster of Special Inspectors maintained by the Department of Community Affairs, pursuant to Rule 9B-3.043, F.A.C., as of June 30, 2000 shall be qualified to continue to be certified Special Inspectors of threshold buildings.

Specific Authority 481.2055, 481.225, 481.225(2) FS. Law Implemented 481.213(7) FS. History--New 11-9-00.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 9, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Criteria for the Performance of Office Surgery	64B8ER00-3

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Medicine has statutory authority to