

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: Dangerous Transmissible Diseases

RULE CHAPTER NO.: 5C-20

RULE TITLES: Declaration; Requirement to Report

RULE NOS.: 5C-20.002

Requirement to Report Suspicious

Disease Incidents 5C-20.004

PURPOSE AND EFFECT: The purpose and effect of the rule change is to include prevalent, emerging and increasingly re-emerging animal affecting diseases to the list of diseases reportable to the State Veterinarian in order to prevent, control and eradicate certain infectious or communicable diseases of livestock and other domestic animals, ensuring the health, safety and welfare of the public, livestock and food production animals from illness and subsequent economic disaster.

SUBJECT AREA TO BE ADDRESSED: This rule proposes modifications in the list of disease reportable to the State Veterinarian.

SPECIFIC AUTHORITY: 585.002(3), 585.15 FS.

LAW IMPLEMENTED: 585.15 FS.

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

TIME AND DATE: 4:00 p.m., June 3, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Animal Industry, Conference Room 316, 407 S. Calhoun St., Tallahassee, FL 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry, Room 330, 407 S. Calhoun Street, Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0915

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-20.002 Declaration: Requirement to Report.

Each of the following pests or diseases is declared to be a dangerous, transmissible pest or disease of animals and to constitute an animal and/or public health risk nuisance. Any person who has knowledge of, or suspects, the existence of any of the following these diseases or pests in or among livestock or poultry the state shall immediately report suspicions or findings same to the State Veterinarian (office hours: (850)410-0900; fax: (850)410-0915; after hours: 1(800)342-5869; email: rad@doacs.state.fl.us).

1. African Horse Sickness
2. African Swine Fever
3. Anthrax
4. Avian Influenza
5. Bont Tick infestation (Amblyomma) ~~Bovine spongiform encephalopathy (BSE)~~
6. Bovine Piroplasmosis (Cattle Tick Fever) ~~Brucellosis~~
7. Bovine Spongiform Encephalopathy ~~Cattle fever tick infestation~~
8. Brucellosis ~~Chlamydiosis (psittacosis, ornithosis)~~
9. Southern Cattle Tick infestation (Boophilus) ~~Cochliomyiasis (screw worm infestation)~~
10. Chlamydiosis (Psittacosis, Ornithosis) ~~Contagious equine metritis~~
11. Classical Swine Fever ~~Contagious bovine or caprine pleuropneumonia~~
12. Chronic Wasting Disease ~~Dourine~~
13. Contagious Bovine or Caprine Pleuropneumonia ~~Equine encephalitis (Eastern, Western or Venezuelan)~~
14. Contagious Equine Metritis ~~Equine infectious anemia~~
15. Dourine ~~Equine piroplasmosis~~
16. Equine Encephalitis (Eastern, Western, Venezuelan, or West Nile Virus) ~~Foot and mouth disease~~
17. Equine Infectious Anemia ~~Glanders~~
18. Equine Piroplasmosis (Horse Tick Fever) ~~Heartwater~~
19. Equine Viral Arteritis ~~Hog cholera~~
20. Exotic Newcastle Disease ~~Infectious bronchitis~~
21. Foot and Mouth Disease ~~Laryngotracheitis~~
22. Glanders ~~Mycoplasma gallisepticum~~
23. Heartwater ~~Mycoplasma meleagridis~~
24. Infectious Bronchitis ~~Mycoplasma synoviae~~
25. Laryngotracheitis ~~Newcastle disease~~
26. Lumpy skin Disease ~~Pseudorabies (Aujeszky's disease)~~
27. Mycoplasmosis (poultry) ~~Pullorum disease~~
28. Peste des Petits Ruminants ~~Rabies~~
29. Pseudorabies (Aujeszky's Disease) ~~Rinderpest~~
30. Pullorum Disease ~~Salmonella enteritidis~~
31. Rabies ~~Scabies of sheep or cattle~~
32. Rift Valley Fever ~~Scrapie of sheep or goats~~
33. Rinderpest ~~Southern cattle fever (Texas fever)~~
34. Salmonella enteritidis ~~Tropical horse tick infestation~~
35. Scabies (sheep or cattle) ~~Tuberculosis~~
36. Scrapie (sheep or goats) ~~Vesicular exanthema~~
37. Screw worm infestation ~~Vesicular stomatitis~~
38. Sheep and Goat Pox
39. Strangles
40. Spring Viremia of Carp
41. Swine Vesicular Disease
42. Tropical Horse Tick Infestation (Demacentor nitens)

- 43. Tuberculosis
- 44. Vesicular Exanthema
- 45. Vesicular Stomatitis

Specific Authority 585.002(3), 585.15 FS. Law Implemented 585.15 FS. History—New 10-15-84, Formerly 5C-20.02, Amended 6-1-92, 5-15-95,

5C-20.004 Requirement to Report Suspicious Disease Incidents.

Any person who has knowledge of, or suspects, the existence of any other serious animal disease or pest in the state which may be a foreign or a newly-emerging disease that might result in serious animal loss, economic damage, or is suspected of causing human disease, should immediately report suspicions or findings to the State Veterinarian (office hours: (850)410-0900; fax: (850)410-0915; after hours: 1(800)342-5869; email: rad@doacs.state.fl.us).

Specific Authority 585.002(3), 585.15 FS. Law Implemented 585.15 FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices

RULE CHAPTER NO.:

(BMP) for Container Plant Nurseries in South Florida 5M-6

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt the Water Quality/Quantity BMPs for container plant nurseries in South Florida, and provide the mechanisms for the Florida Department of Agriculture and Consumer Services to verify compliance with the Best Management Practices (BMPs) in accordance with Sections 373.4595 and 403.067(7), F.S.

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to review a draft rule that adopts the Water Quality/Quantity BMPs for Container Plant Nurseries in South Florida, establishes record keeping requirements and the procedures for landowners and leaseholders to submit a notice of intent to comply with Best Management Practices (BMPs) and interim measures.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 403.067(7) FS.

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

TIME AND DATE: 11:00 a.m., Thursday, June 23, 2005

PLACE: Palm Beach Agriculture Extension Office, Exhibit Hall A, 559 North Military Trail, West Palm Beach, FL 33415, (561)233-1725

TIME AND DATE: 7:00 p.m., Thursday, June 23, 2005

PLACE: Broward County Agriculture Extension Office, 3245 College Avenue, Davie, FL

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Bob Clark, Environmental Specialist, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)922-6508, Fax (850)921-2153

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Gulf Coast Citrus Best Management Practices

RULE CHAPTER NO.:

5M-7

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt the Water Quality/Quantity BMPs for Gulf Coast Citrus, and provide the mechanisms for the Florida Department of Agriculture and Consumer Services to verify compliance with the Best Management Practices (BMPs) in accordance with Section 403.067(7), F.S.

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to review a draft rule that adopts the Water Quality/Quantity BMPs for Gulf Coast Citrus, establishes record keeping requirements and the procedures for landowners and leaseholders to submit a notice of intent to comply with Best Management Practices (BMPs) and interim measures.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 403.067(7) FS.

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

TIME AND DATE: 1:00 p.m., Tuesday, June 14, 2005

PLACE: IFAS Extension Office, 14700 Immokalee Road, Naples, FL 34120, (239)353-4244

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Ken Kuhl, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)488-6249, Fax (850)921-2153

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Design and Construction of Plant
RULE NO.: 25-4.036

PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Code. As Rule 25-4.036, F.A.C., is incorporated by reference into Rules 25-24.585, 25-24.740 and 25-24.835, F.A.C., the draft amendments to Rule 25-4.036, F.A.C., also affect shared tenant service companies, alternative access vendor service companies, and competitive local exchange companies.

SUBJECT AREA TO BE ADDRESSED: National Electrical Code standards pertaining to the design and construction of telecommunications facilities by incumbent local exchange companies, shared tenant service companies, alternative access vendor service companies, and competitive local exchange companies.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03 FS.

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

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the ~~2002 Edition~~ of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (NFPA ~~70-2002~~ 70-2005), pertaining to the construction of telecommunications facilities.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History-Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94, 12-23-02, _____.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLES:	RULE NOS.:
Record of Metering Devices and Metering Device Tests	25-6.022
Test Procedures and Accuracies of Consumption Metering Devices	25-6.052
Metering Device Test Plans	25-6.056
Determination of Average Meter Error	25-6.058
Meter Test by Request	25-6.059
Meter Test – Referee	25-6.060

PURPOSE AND EFFECT: To clarify the calculation of meter error used in the determination of any potential refund or backbill.

SUBJECT AREA TO BE ADDRESSED: Electric meter testing.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.04(2)(f), 366.05(1),(3),(4),(5) FS.

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

TIME AND DATE: 9:30 a.m., June 9, 2005

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Roland Floyd, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6676

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.022 Record of Metering Devices and Metering Device Tests.

(1) For all types of utility-performed tests, a test record shall be made whenever a unit of metering equipment is tested, but need not be retained after the equipment is again tested unless the test is made in accordance with Rule 25-6.059, F.A.C. For equipment tested under Rule 25-6.059, F.A.C., any record of a previous accuracy test must be retained by the utility until after any dispute is resolved. The record shall show information to identify the unit and its location; equipment with which the unit is associated; the date of the test; reason for

the test; readings before and after the test; if the meter creeps, a statement as to the rate of creeping; a statement of the “as found” accuracy; indications showing that all required checks have been made; a statement of repairs made, if any; and identification of the person making the test. The completion of each test will signify the “as left” accuracy falls within the required limits specified in Rule 25-6.052, F.A.C., unless the meter is to be retired.

(2) No change.

(3) Records of Test for Incoming Purchases. Regardless whether the newly purchased metering equipment is tested under a Random Sampling Plan approved pursuant to Rule 25-6.056, F.A.C., each utility shall maintain and make available to the Commission for each purchase of new meters and associated devices made during the calendar or fiscal year, the following information:

(a) through (4)(i) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1),(3), 366.04(2)(f) FS. History—Amended 7-29-69, Formerly 25-6.22, Amended 5-19-97, _____.

25-6.052 Test Procedures and Accuracies of Consumption Metering Devices.

(1) Accuracy Requirements for Watthour Meters. The performance of an in-service watthour meter shall be acceptable when the meter does not creep and the average percentage registration is not more than 102 percent nor less than 98 percent, calculated in accordance with Rule 25-6.058, F.A.C.

(2) Accuracy Requirements for Demand Meters and Registers.

(a) The performance of a mechanical or lagged demand meter or register shall be acceptable when the error of registration does not exceed four percent in terms of full-scale value throughout the range of, when tested at any point between 25 percent and 100 percent of full-scale value.

(b) The performance of an electronic demand meter or register shall be acceptable when the error of registration does not exceed two percent of reading throughout the range of, when tested at any point between 10 percent and 100 percent of full-scale value.

(c) No change.

(3) Meter Equipment Test Procedures.

(a) No change.

(b) Watthour meters and associated devices shall be tested for accuracy and adjusted in accordance with American National Standard for Electric Meters, Code for Electricity Metering (ANSI C12.1 – 2001 1995), which is incorporated into this rule by reference.

(c) Totally solid-state meters that compute demand from watthour meter registration and programmed demand algorithms shall be tested and adjusted in accordance with ANSI C12.1 – 2001 1995. Demand registration need not be

tested, provided the meter has been inspected to contain the correct demand algorithm whenever watthour registration is tested.

(4) through (b)4. No change.

5. Description of the general steps involved.

(c) Any changes to a previously approved test procedure must be submitted to the Commission’s Division of Economic Regulation for approval. Adding a meter type to a previously approved test procedure is a change that which requires approval.

(d) Review of Proposed Test Procedures. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility’s proposed test procedures to determine whether they satisfy the criteria set forth in paragraphs (4)(a) and (b) above and shall notify the utility in writing of its decision accepting or rejecting the proposed procedures. If a proposed procedure is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed procedure. If a utility’s proposed procedure is rejected, the utility shall submit a revised procedure to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its procedures and a procedure has been rejected, the utility may petition the Commission for approval of the procedure. ~~If a utility has not submitted a satisfactory procedure within six months following the submission of the initially proposed procedure, the Commission may prescribe by order a procedure for the utility.~~

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—Amended 7-29-69, Formerly 25-6.52, Amended 5-19-97, _____.

25-6.056 Metering Device Test Plans.

(1) No change.

(2) All metering device tests shall be retained in accordance with ~~by the utility and made available to the Commission pursuant to~~ Rule 25-6.022, F.A.C.

(3) No change.

(4) All metering equipment listed in paragraph 25-6.052(4)(a), F.A.C., shall be tested:

(a) Before initial and each successive installation, either by the utility or the manufacturer, with the exception of units of metering equipment which are statistically sample tested by the utility under an approved Random Sampling Plan, as set forth in subsection (8); and

(b) through (5)(c) No change.

(6) Within each population specified in an approved sampling plan or periodic test plan of mechanical or lagged demand meters, or other metering devices for which acceptability is stated in terms of full-scale value, each device shall have the same full-scale value.

~~(7)(6)~~ In-Service Testing.

(a) through (b) No change.

(c) The utility shall supplement its in-service tests of metering equipment by operating a program to analyze customer billing records and any other information regarding customers' consumption, for the purpose of detecting and investigating abnormally high or low electric bills. The utility's procedures for doing this shall be set forth in its meter testing plan on file with the Commission.

~~(8)(7)~~ Random Sampling Plans Submitted for Approval.

(a) through 3. No change.

(d) "Variables" sampling plans ~~shall may~~ use either of the "known variability" or the "unknown variability" acceptance criteria. The acceptance criteria shall be appropriately modeled. Variables sampling plans shall use the population standard deviation to measure variability unless the proposed plan is accompanied by adequate justification for using another parameter.

~~(9)(8)~~ No change.

~~(10)(9)~~ Approval of Sampling Plans and In-Service Testing Schedules. All utilities subject to this rule shall submit to the Commission's Division of Economic Regulation a proposed Random Sampling Plan for each population of metering devices for which it intends to use a random sampling plan for acceptance testing or for in-service testing, and a proposed periodic testing schedule for each population of metering devices for which it does not submit a proposed in-service random sampling plan. Sampling plans and in-service testing schedules must be reviewed and approved pursuant to subsection (11) prior to their use.

~~(11)(10)~~ Review of Proposed Test Plan. As used in this subsection, the word "plan" includes periodic testing schedules as well as Random Sampling Plans. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility's plan to determine whether it satisfies the criteria set forth in subsections ~~(8)(7)~~ and ~~(9)(8)~~ above and shall notify the utility in writing of its decision accepting or rejecting the proposed plan. If a proposed plan is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan. If a utility's proposed plan is rejected, the utility shall submit a revised plan to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its plan and the plan has been rejected, the utility may petition the Commission for approval of the initially proposed plan. ~~If a utility has not submitted a satisfactory plan within six months following the submission of the initially proposed plan, the Commission may prescribe by order a plan for the utility.~~

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Amended 4-13-80, Formerly 25-6.56, Amended 5-19-97, _____.

25-6.058 Determination of Average Meter Error.

The average meter error shall be determined as follows: Whenever a metering installation is tested and found to exceed the accuracy limits, the average error shall be determined in one of the following ways:

(1) Average Meter Error for Watthour Meters.

~~(a)(1)~~ No change.

~~(b)(2)~~ If a single-phase metering installation is used on a varying load, the average error shall be determined ~~by in~~ one of the following methods, ways: The utility shall select the method that best fits the customer's usage pattern.

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

~~3.(e)~~ A single point, when calculating the error of a totally solid-state solid-state meter, and the single point is an accurate representation of the error over the load range of the meter.

~~(c)(3)~~ If a polyphase metering installation is used on a varying load, the average error shall be determined ~~by in~~ one of the following methods, ways: The utility shall select the method that best fits the customer's usage pattern.

~~1.(a)~~ No change.

~~2.(b)~~ A single point, when calculating the error of a totally solid-state solid-state meter, and the single point is an accurate representation of the error over the load range of the meter.

(2) Average Meter Error for Demand Meters

(a) For tests performed to determine whether a meter meets the performance requirement of paragraph 25-6.052(2)(a) or paragraph 25-6.052(2)(b), F.A.C., for acceptance tests, in-service tests, or tests requested by customers, meter error shall be determined by testing the meter at both 40 percent and 80 percent of reference meter full-scale value, or as near to these two points as is practicable. The kilowatt readings on the meter being tested shall be denoted by M40 and M80, respectively, and the corresponding kilowatt errors shall be denoted by E40 and E80, respectively. These two pairs of results define a straight line relationship between the kilowatt readings on the meter being tested and the corresponding kilowatt errors.

1. For mechanical or lagged demand meters, the straight line determined by paragraph (2)(a) above shall be used to estimate the kilowatt error of the meter at 25 percent of full scale and at 100 percent of full scale, both with respect to the meter being tested. The kilowatt errors shall be denoted by E25 and E100, respectively. The greater of the kilowatt errors E25 and E100 shall be expressed as a percentage of the full-scale value of the meter being tested to determine if the meter meets the accuracy requirement of paragraph 25-6.052(2)(a), F.A.C.

2. For electronic demand meters, the straight line determined by paragraph (2)(a) above shall be used to estimate the kilowatt error of the meter at 10 percent of full scale and at 100 percent of full scale, both with respect to the meter being tested. The kilowatt errors shall be denoted by E10 and E100, respectively. The two kilowatt errors E10 and E100 shall be expressed as a percentage of the corresponding reference meter

kilowatt reading. The greater of these two percentages shall be used to determine if the meter meets the accuracy requirement of paragraph 25-6.052(2)(b), F.A.C.

(b) For tests performed to calculate amounts to refund customers, or amounts by which to backbill customers whose meters are found to be in error according to paragraphs 25-6.052(2)(a) or 25-6.052(2)(b), F.A.C., meter error shall be determined as follows. Using the same linear relationship determined in paragraph 25-6.058(2)(a), F.A.C., above, determine the kilowatt error at the point on the scale that represents the average billing demand over the refund period. The kilowatt error so determined shall be expressed as a percentage of the reference meter reading corresponding to the average billing demand and shall be used to determine the corrected billing demand for each month in the refund period.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.58, Amended 5-19-97, _____.

25-6.059 Meter Test by Request.

(1) No change.

(2) Should any customer request a meter test more frequently than provided for in subsection (1) of this rule, the utility may require a deposit to defray costs of testing, such deposit not to exceed fifteen dollars (\$15.00) for each test. If the meter is found to be running fast in excess of the allowable limit the deposit shall be refunded, but if the meter is below the allowable limit, the deposit may be retained by the utility as a service charge for conducting the test.

(3) No change.

(4) At the request of the customer, the utility shall make arrangements for a meter test to be conducted by an independent meter testing facility of the customer's choosing. The customer shall be responsible for negotiating and paying to the independent meter testing facility any fee charged for such a test. Such independent meter testing facilities shall, at a minimum, conform to the requirements of the American National Standard for Electric Metering, Code for Electricity Metering, ~~Seventh Edition~~ (ANSI C12.1 2001 ~~1982~~). Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs to the utility associated with a meter test by an independent meter testing facility. The utility shall provide a detailed estimate of such costs and may require payment of such costs prior to the actual meter test. If the meter is found to be running fast in excess of the limits established by these rules, such costs shall be refunded, but if within the allowable limits, the utility may retain the costs.

(5) No change.

(6) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(4),(5), 366.05(3) FS. History—New 7-29-69, Amended 10-11-83, Formerly 25-6.59, Amended _____.

25-6.060 Meter Test – Referee.

(1) through (3) No change.

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.60, Amended _____.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Pay Telephone Service
 RULE NO.: 25-24.515

PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Code.

SUBJECT AREA TO BE ADDRESSED: National Electrical Code standards pertaining to the design and construction of telecommunications facilities by pay telephone service providers.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS.

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

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.515 Pay Telephone Service.

(1) through (22) No change.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (NFPA 70-2005 ~~NEPA 70-2002~~).

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Interagency Agreements

RULE NO.: 40C-1.106

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference a new proposed operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will revise the division of responsibilities between St. Johns River Water Management District and the Department of Environmental Protection regarding their regulatory responsibilities under Part IV, Chapter 373, F.S., to return to the Department responsibility for any shore protection structure, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of the Department to review. The proposed rule amendment also clarifies the division of other regulatory responsibilities under Part IV, Chapter 373, F.S., between the District and the Department.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., June 9, 2005

PLACE: St. Johns River Water Management District Headquarters, Room 136 A & B, Resource Management Building, 4049 Reid Street, Palatka, Florida 32177

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 10, 2005

PLACE: St. Johns River Water Management District, Palm Bay Service Center, 525 Community College Parkway, S. E., Palm Bay, Florida 32909

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.106 Interagency Agreements.

(1) No change.

(3) The following agreements have been entered into by the District and are hereby incorporated by reference:

(a) through (g) No change.

(h) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits Under Section 403.814, F.S.~~, between St. Johns River Water Management District and Department of Environmental Protection dated (effective date) 12-3-98.

(i) through (l) No change.

Specific Authority 373.044, 373.046, 373.113 FS. Law Implemented ~~40C-53, 373.016(5), 373.046, 373.103, 373.421(2)~~ FS. History—New 8-1-89, Amended 11-12-92, 10-3-95, 12-3-98, 11-11-03.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:

RULE NOS.:

Publications Incorporated by Reference 40C-4.091

Additional Conditions for Issuance of Permits 40C-4.302

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference a new proposed operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will revise the division of responsibilities between St. Johns River Water Management District and the Department of Environmental Protection regarding their regulatory responsibilities under Part IV, Chapter 373, F.S., to return to the Department responsibility for any shore protection structure, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of the Department to review. The proposed rule amendment also clarifies the division of other regulatory responsibilities under Part IV, Chapter 373, F.S., between the District and the Department.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., June 9, 2005

PLACE: St. Johns River Water Management District Headquarters, Room 136 A & B, Resource Management Building, 4049 Reid Street, Palatka, Florida 32177

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 10, 2005

PLACE: St. Johns River Water Management District, Palm Bay Service Center, 525 Community College Parkway, S. E., Palm Bay, Florida 32909

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective 2-1-05.

(b) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., ~~and Aquaculture General Permits Under Section 403.814, F.S.~~ Between St. Johns River Water Management District and Department of Environmental Protection dated (effective date) 8-25-94.

(c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, _____.

40C-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(2) When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant’s violation of any Department rules adopted pursuant to Sections 403.91-403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department’s delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; ~~and~~ Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated (effective date), all incorporated by reference in Rule 40C-4.091, F.A.C.

Specific Authority ~~373.016, 373.044, 373.046, 373.103, 373.113, 373.171, 373.414(9), 373.418~~ FS. Law Implemented ~~373.016(2), 373.042, 373.409, 373.413, 373.414, 373.416, 373.418, 373.426, 380.23~~ FS. History–New 10-3-95, Amended 10-11-01, _____.

APPLICANT’S HANDBOOK SECTION:

10.1.2 When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant’s violation of any Department rules adopted pursuant to Sections 403.91-403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department’s delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between

the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; ~~and~~ Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated (effective date), all incorporated by reference in Rule 40C-4.091, F.A.C.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services
 RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective June 1, 2005, to provide the following changes:

Effective June 1, 2005 and ending June 30, 2005, the final total of all special Medicaid payments (SMPs) will be the lower of (1) – 85.90 percent of the total Upper Payment Limit (UPL) for private hospitals and – 195.00 percent of the total Upper Payment Limit for non-state public hospitals, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all special Medicaid payments will not exceed the Upper Payment Limit.

Effective July 1, 2005, the final total of all special Medicaid payments (SMPs) will be the lower of (1) 35 percent of the total Upper Payment Limit (UPL) for private hospitals and 80 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all special Medicaid payments will not exceed the Upper Payment Limit.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Special Medicaid payments.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., June 8, 2005

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, Florida 32308, (850)414-2759

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Financial Reporting Requirements
 RULE NO.: 61D-8.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to accurate calculation of permitholder takeout (commission) rates in whole percentages and written responses for information from permitholders and totalisator companies within 30 days of an audit or other reports or requests for information.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are permitholder takeout (commission) rates and responses due from permitholders and totalisator companies.

SPECIFIC AUTHORITY: 550.0251(3),(7),(9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS.

LAW IMPLEMENTED 550.0251, 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 7, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Standard for Laws and Rules Course Providers

RULE NO.: 61G15-22.015

PURPOSE AND EFFECT: Purpose and effect are to set standards for continuing education courses on Florida laws and rules governing the practice of engineering.

SUBJECT AREA TO BE ADDRESSED: Standard for Laws and Rules Course Providers.

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Seals Acceptable to the Board

RULE NO.: 61G15-23.001

PURPOSE AND EFFECT: Purpose and effect are to clarify what form of seals are acceptable and the deadline for use of the new seal format.

SUBJECT AREA TO BE ADDRESSED: Seals Acceptable to the Board.

SPECIFIC AUTHORITY: 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-23.001 Seals Acceptable to the Board.

(1) Pursuant to Section 471.025, F.S., the Board hereby establishes as indicated below the forms of embossing impression seals which are acceptable to the Board. Said seal shall be a minimum of 1 7/8 inch in diameter. All engineers must be utilizing a the new seal as illustrated in this rule no later than prior to January 1, 2006.

(2) No change.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Approval of Courses

RULE NO.: 61G19-9.004

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Approval of courses approved by the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board and the Board of Architecture and Interior Design.

SPECIFIC AUTHORITY: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-9.004 Approval of Courses.

(1) through (10) No change.

(11) The Board, subject to review, approves those continuing education courses approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; and the Board of Architecture and Interior Design.

(12) through (13) No change.

Specific Authority 468.606, 468.627 FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 5-21-95, 10-1-97, 8-17-99, 4-23-01, 1-2-02, 12-10-02, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (8) No change.

(9) The fee for obtaining a duplicate wall certificate/license shall be \$25.00.

(10) through (16) No change.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, 10-30-03, 8-29-04, _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Documentation of Eligibility for Licensure RULE NO.: 64B14-4.003

PURPOSE AND EFFECT: The Board proposes to review this section to decide whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Licensure.

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 468.803 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic RULE NO.: 64B14-4.110

PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic.

SPECIFIC AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Continuing Education Requirement
 RULE NO.: 64B14-5.002
 PURPOSE AND EFFECT: The Board proposes to review this section to decide whether changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.
 SPECIFIC AUTHORITY: 468.802, 468.806 FS.
 LAW IMPLEMENTED: 456.013, 456.024, 468.806 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Standards of Practice
 RULE NO.: 64B14-7.001
 PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Standards of Practice.
 SPECIFIC AUTHORITY: 468.802 FS.
 LAW IMPLEMENTED: 456.063(1), 456.072(1)(o),(u), 468.802 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Unprofessional Conduct; Definition
 RULE NO.: 64B32-5.003

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.
 SUBJECT AREA TO BE ADDRESSED: Unprofessional Conduct; Definition.
 SPECIFIC AUTHORITY: 468.353(1), 468.365(1)(f) FS.
 LAW IMPLEMENTED: 468.365(1)(f) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.003 Unprofessional Conduct; Definition.

Unprofessional conduct shall be defined to include, but not be limited to, a licensee is guilty of unprofessional conduct when he commits any of the following:

- (1) through (2) No change.
- (3) Leaves a respiratory therapy assignment before properly advising appropriate supervisory personnel.
- (4) through (6) No change.

Specific Authority 468.353(1), 468.365(1)(f) FS. Law Implemented 468.365(1)(f) FS. History—New 4-29-85, Formerly 21M-37.02, 21M-37.002, 61F6-37.002, 59R-74.002, 64B8-74.002, Amended 1-6-02, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLES: RULE NOS.:
 Food Stamp Program Definitions 65A-1.601
 Food Stamp Program Case Processing 65A-1.602
 Food Stamp Issuance 65A-1.604

PURPOSE AND EFFECT: Economic Self-Sufficiency (ESS) rules were reviewed to determine rules that needed amendment to remove obsolete language; align with state and/or federal laws and federal regulations; and, combine rules that address the same subject. Administrative Rules 65A-1.601, 65A-1.602 and 65A-1.604, contain obsolete and overlapping Food Stamp Program (FSP) language. Administrative Rules 65A-1.601 and 65A-1.604, will be repealed and pertinent provisions added to Administrative Rule 65A-1.602. Administrative Rule 65A-1.602, will be amended to clarify FSP case processing; provide the Simplified Reporting (SR) option requirements; and, add Electronic Benefit Transfer issuance requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments remove obsolete FSP definitions and overlapping language and provide for the addition of food stamp SR

requirements. Administrative Rules 65A-1.601 and 65A-1.604 will be repealed and relevant food stamp provisions added to Administrative Rule 65A-1.602. Administrative Rule 65A-1.602 will be amended to clarify FSP case processing; provide SR option requirements; and, add Electronic Benefit Transfer issuance requirements.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.942, 414.31, 414.32 FS.

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

TIME AND DATE: 10:30 a.m., June 16, 2005

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, Building 3, Room 450, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)921-0253

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: RULE NO.:
 Recount Procedures 1S-2.031

PURPOSE AND EFFECT: The primary purpose of the proposed changes to the rule is provide statewide and uniform procedures and standards for conducting a manual recount of a touchscreen voting system when a manual recount is triggered by the results of a machine recount under Section 102.141, Florida Statutes. No such procedures or standards are in place following the expiration of Emergency Rule 1SER04-01.

Emergency Rule 1SER04-01, relating specifically to manual recounts for touchscreen voting systems, had been adopted in October 15, 2004, to replace subsection (7) of Rule 1S-2.031, Florida Administrative Code. Subsection (7) had provided that manual recounts of touchscreen ballots were not required because the purpose for which such recounts are done could not be accomplished because an overvote could not be cast and a determination could not be made regarding a clear indication of a voter's choice of an undervote on such touchscreen voting systems. Nonetheless, on August 27, 2004, subsection (7) was declared invalid and contrary to Section 102.166, Florida Statutes by an administrative law judge in American Civil Liberties Union of Florida, Inc., et al. v. Florida Department of State, Case No. 04-2341RX. The timing and nature of the administrative ruling just before the upcoming 2004 General

Elections posed the imminent danger that processes for conducting manual recounts would be created on an ad hoc county-by-county basis and that such disparate processes would have an adverse effect on the conduct of elections.

In an effort to minimize the potential for such disparity in the electoral process, the Department adopted Emergency Rule 1SER04-01 which remained effective until January 13, 2005. The Department now seeks to put into place permanent statewide and uniform procedures and standards which are necessary for conducting manual recounts of touchscreen voting systems, and to make other attendant changes to the rule to conform.

A Notice of Proposed Rule Development was published on January 21, 2005, in the Florida Administrative Weekly (Vol. 31, No. 3) which included a notice of a scheduled workshop but no draft of the proposed rule was available. The workshop was held on February 22, 2005, but there were no public attendees.

SUMMARY: The proposed rule generally provides procedures and standards for conducting manual recounts of touchscreen voting systems and makes other technical conforming changes. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: 3:00 p.m., Monday, June 13, 2005

PLACE: Department of State, R. A. Gray Building, Heritage Hall, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Nancy Whitfield, (850)245-6262, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.031 Recount Procedures.

(1) General applicable provisions.

(a) All procedures relating to machine and manual recounts shall be open to the public.

(b)(2) At least two members of the county canvassing board shall be present during all times a machine or manual recount is being conducted.