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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

Florida Real Estate Commission

RULE NO.: RULE TITLE: 61J2-17.014 Guest Lecturers

PURPOSE AND EFFECT: The amendment requires guest lecturers to have prior written approval of the Division Director (instead of the Commission).

SUBJECT AREA TO BE ADDRESSED: Guest Lecturers.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04(1), 475.451(1), (2)(a),(c) FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.: RULE TITLES: 65E-9.001 Applicability 65E-9.002 Definitions Licensure

65E-9.005 Operating Standards

65E-9.006 Program Standards

65E-9.007 Staffing 65E-9.008 Admission 65E-9.012 Rights of Children

65E-9.013 Restraint, Seclusion, and Time Out

PURPOSE AND EFFECT: The purpose of the rule development is to amend the current rule to correct technical errors and statutory changes and to modify sections related to applicability, definitions, licensure, operating and program standards; staffing and admissions criteria, rights of children, and restraints and use of seclusion. These rules shall apply to all residential treatment centers, including therapeutic group homes under contract with the department or the agency to provide treatment services to children with emotional disturbances who are admitted to services pursuant to Chapter 39 or Chapter 394, F.S. These rules shall also apply to providers serving children through age 20 who have been committed to the department under Section 985.19, F.S.

SUBJECT AREA TO BE ADDRESSED: Those sections related to applicability, definitions, licensure, operating and program standards; staffing, and admissions criteria, rights of children, restraints seclusion, and time out.

SPECIFIC AUTHORITY: 39.407 FS. LAW IMPLEMENTED: 394.875 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Sorrell, Medicaid Program Analyst, Department of Children and Families, Mental Health Program, 1317 Winewood Blvd., Building 6, Room 293, Tallahassee, Florida 32399

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:

9B-7.0042 Florida Accessibility Code for

Building Construction

PURPOSE AND EFFECT: The Florida Building Commission's staff has discovered a formatting glitch that impacts the rule as it appears in the Florida Administrative Code relative to the Notice of Proposed Change published on

November 16, 2007, and one instance in which the width of the accessible route needs to be specifically identified. This rule amendment will address those limited issues.

SUMMARY: The revised rule is reformatted to specifically integrate text included in the Notice of Change referred to above in a new subparagraph, and a new subparagraph is included amending the Accessibility Code for Building Construction specifically referencing the 44 inch width required for an accessible route.

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

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

SPECIFIC AUTHORITY: 553.512(1) FS. LAW IMPLEMENTED: 553.512(1) FS.

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

DATE AND TIME: March 19, 2008, 8:30 a.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda.

PLACE: Embassy Suites Hotel, 3075 Spectrum Boulevard, Tampa, Florida 33612

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-7.0042 Florida Accessibility Code for Building Construction.

(1) The 1997 Florida Accessibility Code for Building Construction (the Code) is adopted by reference as the rule of this Commission, effective October 1, 1997. The 2001 and 2004 revisions to the Code are herein incorporated into this rule by reference and shall take effect on the effective date of this rule. Copies of the Code and the 2001 and 2004 revisions

are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

(2) The Code is amended, and such amendments shall be integrated into the Florida Building Code, as follows:

(a) A second exception is added to section 4.3.3 providing that all spaces must be located on an accessible route no less than 44 inches (1118 mm) wide so that users will not be compelled to walk or wheel behind parked vehicles.

(b) The first paragraph of Section 4.6.4 is amended to read:

"Each such parking space must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation which is placed on or at a distance of 84 inches above the ground to the bottom of the sign and which bears the international symbol of accessibility, ADAAG s. 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY". Such sign erected after October 1, 1996, must indicate the penalty for illegal use of the space." The shaded text that comprises the balance of Section 4.6.4 shall remain as currently adopted.

Specific Authority 553.503 FS. Law Implemented 553.503 FS. History-New 9-14-97, Amended 10-31-99, 1-20-02, 1-20-08,

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE TITLE: RULE NO.:

9B-70.002 Commission Approval and

Accreditation of Advanced **Building Code Training Courses**

PURPOSE AND EFFECT: To review the provisions of these rules in light of the past two years experience and implement changes beneficial to the program.

SUMMARY: The rule amendment further specifies and defines grounds for revoking the status of accreditor of Building Code Education Courses and modifies the deadline for updates to accredited courses to coincide with the effective date of code changes that created the need for the update.

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

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

SPECIFIC AUTHORITY: 553.841(2), 553.841 FS. LAW IMPLEMENTED: 553.841(2), 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 19, 2008, 8:30 a.m. (or as soon thereafter as the matter is brought before the Commission in accordance with its agenda)

PLACE: Embassy Suites Hotel, 3075 Spectrum Boulevard, Tampa, Florida 33612

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, and possesses an active license

issued pursuant to Sections 471.015, 481.213, 481.311; Chapter 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Approval as an accreditor shall be revoked upon a finding by the Florida Building Commission that the accreditor has committed misfeasance or malfeasance related to the process of accreditation; accredited courses in violation of Florida Building Commission rule(s) related to courses reflecting the building eode(s), or Florida Statutes or rules; or failed to maintain the license that provided the basis for approval as an accreditor.

- (2) Revocation of approval as an accreditor.
- (a) Any accreditor shall have his/her approval status revoked for any of the following reasons:
- 1. Knowingly providing a fraudulent application to the Commission, when applying for accreditor status.
- 2. Suspension or revocation of a trade license submitted to the Commission as part of the initially approved accreditor application, which was not reported to the Commission at the time of suspension or revocation.
- 3. Failure to effectively and/or accurately accredit courses, specifically relating to the correctness of the course building code content references.
- 4. Failure to remove him/herself from any "conflict of interest" situations, such as accrediting own courses.
- 5. Accrediting courses in which the accreditor has a financial interest.
- <u>6. Failure of the accreditor to cooperate with a Commission ordered investigation.</u>
- (b) The Commission may revoke the approval status of any accreditor based on any provision of Rule 9B-70.002, F.A.C., until such time as the accreditor demonstrates that the accreditor's status is currently in compliance with this rule.
- (c) The Commission shall initiate an investigation based on a written complaint containing substantial material evidence of a violation of this rule by any substantially affected party.
- (d) The Commission shall clearly post the status of an investigation on its website, the Florida Building Codes Information System, www.floridabuilding.org.
- (3) Accreditor Review of Courses. Accreditors shall review courses submitted by providers approved by the Department of Business and Professional Regulation to determine if the course accurately presents the technical and administrative responsibilities reflected in the current edition of the Florida Building Code, or future editions of the Code if the accreditor is reviewing a course revised to comply with an

updated edition of the Code in accordance with paragraph (4)(f) of this Rule; or Florida Statutes or rules related to the Florida Building Code. Accreditors shall not mutually accredit each others' courses. The accreditor shall determine if the course meets the following minimum criteria:

- (a) Course Title/Number. The word "advanced" and, if appropriate, "internet" shall be in the title;
 - (b) Hours of Credit;
- (c) Name, address, telephone number and e-mail address of the provider;
- (d) Course Description completely describing what the particular course is designed to address;
 - (e) Course/Learning Objectives;
 - (f) Course Time allotments for course content;
- (g) Course Outline/Instructional Methods detailed description of course content in sequence of how taught and methods used to teach that content. The following instructional methods are authorized, but are not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations;
 - (h) Code edition to which the course relates;
 - (i) Course references cited in the outline;
 - (j) Method of Course Evaluations;
- (k) A minimum of 50% of the actual training materials content shall be related to the Florida Building Code or Florida Statutes or rules related to the Florida Building Code;
- (1) Course materials shall accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission; and
- (m) Course materials provided to the student shall be provided to the Accreditor.
- (4)(3) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.
- (a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information

- System Form FBCED 2003-002, Provider Registration, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org, and pay a registration fee of \$25.00.
- (b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing Form FBCED 2003-003, Course Accreditation Application, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.
- (c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with expertise in the field for which approval is sought.
- (d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification from the Building Code Information System at www.floridabuilding.org and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the Accreditation Approval Status on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.
- The Building Code Information www.floridabuilding.org shall assign an accreditation number to the application upon submittal. The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at www.floridabuilding.org no later than 23 calendar days prior to the next scheduled meeting of the Florida Building Commission. The Commission shall finalize the accreditation process utilizing the Building Code Information System at www.floridabuilding.org and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications.
- (f) On or before the effective date of changes to the Florida Building Code, pProviders shall either have 120 calendar days from the date of the code adoption to update existing accredited courses affected by the code changes and submit for accreditation or designate on the Building Code Information System at www.floridabuilding.org that the course is not affected by the code changes or update existing accredited courses affected by the code changes and submit for accreditation. If the course is not affected by the code changes, the course's status shall remain active and the course status should remain active. Existing courses may continue to be delivered during the 120 calendar day period. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to

accredited courses and courses in alternative formats to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(g) The Commission shall audit 2% of all courses submitted for accreditation and of all courses submitted for reaccreditation. Any courses submitted for accreditation or re-accreditation determined to not accurately reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code shall be denied. All approved Advanced Building Code Courses must reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code. Any courses accredited and found by audit or any means to inaccurately reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code or accredited by an accreditor outside the approved areas of expertise shall have the accreditation revoked, the status of the course communicated to the respective licensing board, and the provider required to file a new application for accreditation, if the course would comply.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History–New 6-8-05, Amended 4-30-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE: 14-10.025 Wall Murals

PURPOSE AND EFFECT: New Rule 14-10.025, F.A.C., Wall Murals, is being adopted to implement provisions of Section 479.156, Florida Statutes, regulating wall murals as defined in Section 479.01(27), Florida Statutes. A new application form is incorporated by reference.

SUMMARY: This is a new rule to implement the provisions of Section 479.156, Florida Statutes, regulating wall murals.

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

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

SPECIFIC AUTHORITY: 334.044(2), 479. 02(7) FS.

LAW IMPLEMENTED: 479.156 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 18, 2008, 10:00 a.m.

PLACE: Department of Transportation Headquarters, Haydon Burns Building, Room 479, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-10.025 Wall Murals.

- (1) Wall murals displaying commercial messages within 660 feet of the nearest edge of the right of way of an interstate or federal aid primary highway must obtain Department approval prior to installation.
- (2) Application for approval of a wall mural is made by completing and submitting the form Application for Wall Mural Approval, Form 575-070-31, 09/07, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. The application form may be obtained from the State Outdoor Advertising License and Permit Office.
 - (a) A separate application is required for each wall mural.
- (b) Priority of applications will be based upon the order of the receipt of completed applications.
- 1. An application will be considered complete when all items on the application form have been filled in, and all required attachments received.
- 2. Incomplete applications will be returned to the applicant without Departmental action. Applications containing incorrect information will be returned to the applicant as denied.
- 3. Once an application form has been received by the Department, any change or addition to the application form as submitted must be initialed by the applicant on the original application document.
- (c) Each application must include the following attachments:
- 1. A statement from the local government within whose jurisdiction the mural is to be located that the property on which the mural is to be located is zoned for commercial or industrial use,

- 2. A statement from the local government approving the placement of the wall mural as described in the Application,
- 3. A copy of the local ordinance enacted in conformance with Section 479.156, F.S., allowing for the placement of wall murals,
- 4. A photograph of the building on which the mural will be displayed, and
- 5. Payment of the initial fee in the amount set forth in Rule 14-10.0043, F.A.C., for outdoor advertising permit fees.
- (3) In order to be approved by the Department, all the following requirements must be met:
- (a) The property on which the wall mural is to be located must be zoned for commercial or industrial uses.
 - (b) The height of the mural facing may not exceed 30 feet.
 - (c) The width of the mural facing may not exceed 60 feet.
- (d) The total area of the mural may not exceed 1200 square feet.
- (e) Wall murals must meet minimum spacing requirements from any permitted outdoor advertising sign or previously approved wall mural. Minimum spacing is 500 feet on the federal aid primary highway system and 1,000 feet on the Interstate highway system. Measurements are taken from the midpoint of a mural placed parallel to the controlled roadway and from the point of the mural closest to the roadway for right or left read displays.
- (f) Wall murals may not be located within 500 feet of an interstate interchange outside an incorporated area.
- (g) In lieu of the requirements set forth in paragraphs (3)(a) through (3)(f) the applicant must demonstrate that the wall mural constitutes a customary use which was recognized as a widespread, long-standing and common general practice within the local jurisdiction as of the January 27, 1972, agreement between the State of Florida and the United States Department of Transportation implementing the requirements of the Highway Beautification Act of 1965, 23 U.S.C. Sec. 131.
- (h) An annual fee in the amount established in Rule 14-10.0043, F.A.C., for outdoor advertising permit fees must be paid.
- (4) The Department shall deny any application for a wall mural and will revoke any previously issued permit if the Department receives notification from the Federal Highway Administration that the wall mural is not approved under federal laws or regulations.
- (5) The Department will approve or deny complete applications within 30 days of receipt by the Department.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.156 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn Holschuh, Administrator, Outdoor Advertising Control NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-6.0183 Electric Utility Procedures for

Generating Capacity Shortage

Emergencies

PURPOSE AND EFFECT: To adopt the revised and updated amendment to the generating capacity shortage emergency

SUMMARY: Rule 25-6.0183, F.A.C., is amended to adopt the July, 2007, version of the Florida Reliability Coordinating Council's Generating Capacity Shortage Plan. Docket No. 070642-EI

STATEMENT OF SUMMARY **ESTIMATED** REGULATORY COSTS: There should be no impact from the rule changes on ratepayers, small businesses, small cities, or small counties, or on businesses, cities, or counties. Electric utilities would incur minor costs to update their plans. Customers would benefit from warnings of outages, but incur no new costs.

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

SPECIFIC AUTHORITY: 350.127(2), 366.05 FS.

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Ballinger, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6680

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Ballinger, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6680

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2007

DEPARTMENT OF CORRECTIONS

RULE NOS.: **RULE TITLES:** 33-601.800 Close Management 33-601.820 Maximum Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify and simplify the Department's Rules by amending Rules 33-601.800 and .820, F.A.C., to use form DC6-229 "Daily Record of Special Housing," to document provision of services to inmates in special housing statutes.

SUMMARY: Combines two forms (DC6-229A, Close

Management Daily Record of Segregation; DC6-229, Daily Record of Segregation) into one form (DC6-229 Daily Record of Special Housing) that can be used for various housing statuses. Revises title of DC6-229B in accordance with change to DC6-229 - Daily Record of Segregation - Supplemental changed to Daily Record of Special Housing – Supplemental. SUMMARY OF **STATEMENT** OF **ESTIMATED** REGULATORY COSTS: No Statement of Estimated

Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.800 Close Management.

- (1) through (5) No change.
- (6) Close Management Facilities.
- (a) through (d) No change.
- (e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and apply to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Close Management Daily Record of Special Housing Segregation, Form DC6-229A. Form DC6-229A is incorporated by reference in subsection (19) of this rule.
 - (f) through (g) No change.
- (h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229A, Close Management Daily Record of Special Housing Segregation.
 - (7) through (9) No change.
 - (10) Conditions and Privileges in CM Units.
- (a) Clothing Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229A and approved by the chief of security. Shower slides may be

substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229A, Close Management Daily Record of Special Housing Segregation. Under no circumstances shall an inmate be left without a means to cover him or herself.

- (b) Bedding and linen Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the action initially. Such exceptions shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to action no later than the next working day following the action.
- (c) Personal Property Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is a indication of a security problem. Close management inmates at all levels shall be allowed to possess a "walkman" type radio with approved headphones as is allowed for general population inmates. Exceptions or removal of any item will be documented on the Form DC6-229A. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to him or herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.
- (d) Comfort Items Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior

correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Close Management Daily Record of Special Housing Segregation, Form DC6-229A, which must be reviewed by the chief of security. When any personal property is removed, an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

- (e) No change.
- (f) Diet and Meals All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the close management area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in close management who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the Close Management Daily Record of Special Housing Segregation, Form DC6-229A.
 - (g) through (k) No change.
- (1) Reading materials Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-229A, Close Management Daily Record of Special Housing Segregation. If items are removed in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.
- (m) Exercise Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall

provide the inmate with an in-cell exercise guide and document such on the Close Management Daily Record of Special Housing Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Close Management Daily Record of Special Housing Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

- (n) No change.
- (11) No change.
- (12) Suspension of Privileges. The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on the Close Management Daily Record of Special Housing Segregation, Form DC6-229A. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.
 - (13) through (14) No change.
- (15) Contact by Staff. The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (19) of this rule. The staff member shall also document his or her visit on the Close Management Daily Record of Special Housing Segregation, Form DC6-229A, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:
 - (a) through (i) No change.
 - (16) Review of Close Management.

- (a) No change.
- (b) All services provided by any mental health or program staff member shall be recorded on the Close Management Daily Record of Special Housing Segregation, Form DC6-229A, which shall be kept in the CM unit.
 - (c) through (g) No change.
 - (17) Close Management Records.
- (a) A Report of Close Management, Form DC6-233C, shall be kept for each inmate placed in close management.
- (b) A Close Management Daily Record of Special Housing Segregation, Form DC6-229A, shall be maintained for each inmate as long as he is in close management. Form DC6-229A shall be utilized to document any activities, including cell searches, items removed, showers, outdoor exercise, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The close management unit officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229A shall be maintained in the housing area for 30 days. After each 30 day review of the inmate by a member of the ICT, Form DC6-229A shall be forwarded to classification to be filed in the institutional inmate record.
- (c) A Daily Record of <u>Special Housing Segregation</u> Supplemental, Form DC6-229B, shall be completed and attached to the current Form DC6-229A whenever additional written documentation is required concerning an event or incident related to the specific inmate.
 - (d) through (e) No change.
 - (18) No change.
- (19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.
 - (a) through (d) No change.
- (e) Form DC6-229, Daily Record of <u>Special Housing</u> Segregation, effective date 12-16-01.
- (f) Form DC6-229A, Close Management Daily Record of Segregation, effective date 4-9-06.

(f)(g) Form DC6-229B, Daily Record of Special Housing Segregation – Supplemental, effective date

(h) through (l) renumbered (g) through (k) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History-New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07,__

33-601.820 Maximum Management.

- (1) through (3) No change.
- (4) Conditions of Placement in Maximum Management. Inmates shall be subject to the following conditions upon initial placement in maximum management:
- (a) The inmate shall be provided clothing and bedding. If the inmate's behavior requires, the Shift Supervisor may authorize the removal of clothing or bedding or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status. The Shift Supervisor shall notify the Warden. If in agreement with the action, the Warden shall notify the Regional Director. If the Regional Director agrees with the action, the Deputy Assistant Secretary of Institutions - Operations will be contacted for final approval no later than the first work day following the Shift Supervisor's action. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229A, CM Daily Record of Special Housing Segregation. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C. Under no circumstances shall an inmate be left without a means to cover him or herself.
 - (b) through (g) No change.
 - (5) Initial Placement Hearing and Decision Process.
 - (a) through (j) No change.
- (k) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229A, CM Daily Record of Special Housing Segregation, is documented with any status or condition changes approved by the Maximum Management Review Team. The Classification Supervisor shall also ensure that the inmate is informed verbally and in writing of the Maximum Management Review Team's decision. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C.
 - (1) through (m) No change.
- (6) Review of Maximum Management Status and Conditions.
- (a) The Institutional Classification Team shall review the inmate's maximum management status, the conditions set forth in subsection (4) above, and previously modified conditions, weekly for the first sixty days from the date of placement, and at least monthly thereafter.

- 1. Weekly reviews by the Institutional Classification Team during the first sixty days of maximum management status and monthly thereafter shall be documented on Form DC6-229A, CM Daily Record of Special Housing Segregation.
 - 2. through 3. No change.
 - (b) through (e) No change.
- (f) The Classification Supervisor at the maximum management facility shall ensure that Form DC6-229A, CM Daily Record of Special Housing Segregation, is documented with any status or condition changes approved by the Regional Director or Deputy Assistant Secretary of Institutions -Operations.
 - (g) through (h) No change.
 - (7) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History-New 12-7-00, Amended 11-23-03, 10-30-06

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.: RULE TITLES: 40B-2.031 Implementation 40B-2.041 Permits Required

PURPOSE AND EFFECT: The purpose of the proposed rule is to update these sections of Chapter 40B-2, Florida Administrative Code, to codify a new water use permit category and revise the general and individual permit categories for consistency. The effect of the rule will be to provide for a more efficient water use permitting program.

SUMMARY: This proposed rule will codify a new water use permit category and revise the general and individual permit categories for consistency to provide for a more efficient permitting program.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171

LAW IMPLEMENTED: 373.103, 373.118, 373.216, 373.219, 373.226, 373.244 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-2.031 Implementation.

- (1) An individual water use permitting program, Chapter 40B-2 shall became become effective on October 1, 1982, and has shall been implemented throughout the District.
- (2) A general water use permitting program, became effective on October 1, 1982, and has been implemented throughout the District.
- (3) A minor use permit by rule permitting program became effective on _____, and has been implemented throughout the District.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.103(1), 373.118, 373.216, 373.226 FS. History–New 10-1-82, Amended ______.

40B-2.041 Permits Required.

- (1) <u>A water use permit is required This rule requires a permit</u> prior to the withdrawal or diversion of water for any consumptive use except those expressly as exempted by law or <u>District rule</u>. Exempted uses are defined in Section 40B-2.051. Any person may request a conceptual approval permit under the procedures in subsection 40B-1.703(3). Otherwise, one of the following types of permits may be requested:
- (2) The District issues three types of water use permits: minor water use permit by rule, general water use permit, and individual water use permit.

Minor Water Use Permit

- (a) Except as provided in paragraphs (b), (c) and (d) below, a minor permit by rule is hereby granted for the following water uses as referenced in subsection 40B-2.501(3), F.A.C.: agricultural, aquacultural, augmentation, commercial, golf course, landscape irrigation, nursery, power production, water-based recreation, water utility uses, and other outside uses, provided they meet the criteria specified below:
- 1. The average daily use is less than 100,000 gallons per day and the maximum daily use is less than 250,000 gallons per day.
- 2. The water will be either withdrawn from a single well with a uniform casing diameter of four inches or less or from a single withdrawal point with a pipe diameter of four inches or less.
- 3. The water is not transported across water management district boundaries.
- 4. All uses shall employ standard water conservation practices for the use type.
- 5. In the event of a water shortage as declared by the Board, the permittee shall adhere to all limitations on withdrawal or use ordered by the District pursuant to Chapter 40B-21, F.A.C.

- 6. The Permittee shall allow District personnel access at reasonable times and at District expense, or with District equipment, to monitor withdrawal rates and volumes authorized by this permit.
- (b) Except as provided in paragraphs (c) and (d) below, a minor permit by rule is hereby granted for hydrostatic testing, provided:
- 1. The Permittee provides written notice to the District at least ten (10) business days prior to each hydrostatic test. The written notice shall include a location map showing the pipeline to be tested, volume of water to be pumped, test duration and discharge point(s).
- 2. The water is not transported across water management district boundaries.
- 3. The Permittee allows District personnel access at reasonable times and at District expense, or with District equipment, to monitor the test.
- 4. In the event of a water shortage as declared by the Board, the permittee adheres to all limitations on withdrawal or use ordered by the District pursuant to Chapter 40B-21, F.A.C.
- 5. In the event the use interferes with any existing legal use, the Permittee shall mitigate for these impacts.

General Water Use Permit

(c) Except as provided in paragraphs (a) and (b) above or (d) below, a A general permit is required shall be requested under the general permit procedures in paragraph 40B-1.703(1)(c), F.A.C., (a) fFor all withdrawals or diversions from ground waters or closed systems which are less than ten million gallons per day maximum daily rate of withdrawal and less than two million gallons per day average daily rate of withdrawal, a general permit application may be submitted and considered under the general permit procedures in paragraph 40B-1.703(1)(c). Either the Executive Director, the Assistant Executive Director, or the Deputy Executive Director shall approve general permit applications under this paragraph without a hearing, except that any application recommended for denial shall be presented to the Governing Board for final agency action.

Individual Water Use Permit

- (d)(b) An individual permit is required under the individual permit procedures in subsection 40B-1.703(2), F.A.C., fFor all withdrawals or diversions which exceed the limits established in paragraph s. 40B-2.041(2)(1)(b)(a), F.A.C., and for all bottled water uses regardless of the quantity of the withdrawal or diversion, an individual permit application may be submitted and considered under the individual permit procedures in s. 40B-1.703(2).
- (2) Water uses existing prior to the implementation date of this chapter shall be governed under the provisions of s. 373.226, Florida Statutes, and this chapter.

Specific Authority <u>373.044</u>, 373.113, <u>373.118</u>, 373.171 FS. Law Implemented <u>373.103</u>, <u>373.118</u>, 373.219, <u>373.226</u>, <u>373.244</u> FS. History–New 10-1-82, Amended 5-1-83, 6-16-88.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: RULE TITLE:

40B-4.1090 **Publications and Agreements**

Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the proposed rule is to update this section of Chapter 40B-4, Florida Administrative Code, to adopt the most current version of the items incorporated by reference. The effect of the proposed rule amendments will incorporate the new flood insurance study for the Suwannee River and its tributaries in Suwannee County.

SUMMARY: These proposed amendments will address items incorporated by reference.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS. LAW IMPLEMENTED: 373.019, 373.083, 373.084, 373.085, 373.086, 373.403, 373.413, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-4.1090 Publications and Agreements Incorporated by Reference.

- (1) through (2)(d) No change.
- (e) Suwannee County, Florida and Incorporated Areas, Effective September 28, 2007.

Specific Authority 373.044 FS. Law Implemented 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 FS. History-New 11-21-02, Amended 5-13-07,

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.: RULE TITLES: 40B-21.631 Water Shortage, Phase II Water Shortage, Phase III 40B-21.641

PURPOSE AND EFFECT: The purpose of the proposed rule is to update these sections of Chapter 40B-21, Florida Administrative Code, to provide an exemption from water shortage restrictions for high pressure/high volume irrigation systems that have been certified within the past two years to be as efficient as practicable. The effect of the proposed rule will be to amend the rule language to allow for certification within five years prior to the effective date of a water shortage order.

SUMMARY: This proposed rule will provide an exemption from water shortage restrictions for high pressure/high volume irrigation systems that have been certified within the past two years to be as efficient as practicable.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.175, 373.246 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-21.631 Water Shortage, Phase II.

- (1) through (3)(b) No change.
- (c) Overhead irrigation by high pressure/high volume systems shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m. Systems that have been certified by an independent irrigation laboratory within the past <u>five</u> two years prior to the effective date of a water shortage order to be as efficient as practicable shall not be restricted, except in accordance with subsection 40B-21.601(1), F.A.C.
 - (d) through (7)(g)2. No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 7-30-06, <u>Amended</u>.

40B-21.641 Water Shortage, Phase III.

- (1) through (3)(b) No change.
- (c) Overhead irrigation by high pressure/high volume systems shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m. Systems that have been certified by an independent irrigation laboratory within the past <u>five</u> two years prior to the effective date of a water shortage order to be as efficient as practicable shall not be restricted, except in accordance with subsection 40B-21.601(1), F.A.C.
 - (d) through (7)(g)2. No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 7-30-06, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-1.002 Delegation of Authority

PURPOSE AND EFFECT: The purpose of the proposed amendments to subsection 40D-1.002(2), F.A.C., is to delegate to designated staff the authority to act on requests for variances and waivers to Chapters 40D-21, Water Shortage Plan, and 40D-22, F.A.C., Year-Round Water Conservation Measures in order to streamline the variance and waiver process and to correct certain staff titles.

SUMMARY: This rulemaking to amend subsection 40D-1.002(2), F.A.C., will delegate authority from the Governing Board to designated staff to act on requests for variances and waivers to Chapters 40D-21, F.A.C., Water

Shortage Plan, and 40D-22, F.A.C., Year-Round Water Conservation Measures. The delegation will streamline the variance and waiver processes under those rule chapters. The rulemaking will add the Demand Management Coordinator and the Water Use Permit Program Director as staff authorized to grant variances and waivers and will also update the titles of staff positions already delegated authority to act on requests for variances and waivers from both rules, remove the reference to the Assistant Executive Director (a position that no longer exists) and replace the reference to the Records and Data Director with one for the head of the department that Records and Data has been merged into (Regulation Performance Management).

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

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

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

- (1) No change.
- (2) The Governing Board delegates to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation, the Regulation Performance Management Director, the Regulation Program Director WUP Program, and the Demand Management Coordinator Director of Records and Data the authority to take final agency action on petitions for variances and waivers pursuant to Rule 40D-21.441, F.A.C., subsection 40D-1.1002(5), F.A.C., and Rule 40D-22.303, F.A.C.
 - (3) No change.

Specific Authority 373.044, 373.103, 373.113, 373.118, <u>373.171</u>, 373.219, 373.309 FS. Law Implemented 253.002, <u>373.083</u>, 373.103, 373.149, <u>373.171</u>, <u>373.175</u>, 373.219, 373.223, 373.224, 373.226, <u>373.246</u>, 373.308, 373.309, 373.427 FS. History–New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: RULE TITLE:

Application and Examination Fees 61G10-12.001 PURPOSE AND EFFECT: The Board proposes to amend the rule to incorporate changes in CLARB examination and fees.

SUMMARY: The rule amendment incorporates changes in CLARB examination and fees.

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

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

SPECIFIC AUTHORITY: 481.306, 481.307 FS.

LAW IMPLEMENTED: 481.307 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-12.001 Application and Examination Fees.

- (1) No change.
- (2) The following is the examination fee schedule for the Landscape Architectural Registration Examination and the Florida Section:

Section A	Fee is set by and \$65.00 payable to the
	Council of Landscape Architectural
	Registration Boards.
Section B	Fee is set by and \$115.00 payable to the
	Council of Landscape Architectural
	Registration Boards.

Section C	The fee for each examination offering is as
	<u>follows:</u>
	<u>December 2007 and June 2008 – \$260.00,</u>
	December 2008 and June 2009 – \$270.00,
	December 2009 and June 2010 – \$276.00,
	\$230.00 payable to the Department.
Section D	Fee is set by and \$180.00 payable to the
	Council of Landscape Architectural
	Registration Boards.
Section E	The fee for each examination is as follows:
	December 2007 and June 2008 – \$260.00,
	December 2008 and June 2009 – \$270.00,
	December 2009 and June 2010 – \$276.00,
	\$225.00 payable to the Department.
Florida	\$300.00 of which, \$282.00 is payable to the
Section	department and is due at the time of
	application, \$18.00 is payable to the
	Department's contracted testing service, and
	is due at the time of the testing.

(3) No change.

Specific Authority 481.306, 481.307 FS. Law Implemented 481.307 FS. History-New 2-4-80, Amended 3-9-84, 7-26-84, Formerly 21K-12.01, Amended 10-7-87, 11-12-89, 3-11-91, Formerly 21K-12.001, Amended 8-7-95, 1-13-99, 8-16-99, 8-27-00, 8-21-05,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

Continuing Professional 61H1-33.0035

Education/Governmental Auditing

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide an update of the documents incorporated into the rule.

SUMMARY: The rule amendment will update the documents incorporated into the rule.

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

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

SPECIFIC AUTHORITY: 473.312(3) FS.

LAW IMPLEMENTED: 473.312(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.0035 Continuing Professional Education/ Governmental Auditing.

(1) Effective with the CPE reporting period ending June 30, 2006:

(1)(a) Any licensee who is involved in governmental audits shall be required to comply with the CPE requirements imposed by Government Auditing Standards 2007 1994 commonly referred to as the "Yellow Book," effective July 2007, which is hereby incorporated by reference, if during the engagement:

(a)1. The licensee is the in charge person, or

(b)2. The licensee reviews the working papers or report or both, or

(c)3. The licensee supervises others, or

(d)4. The licensee is the only licensee performing the work.

(2)(b) Licensees conducting audits controlled by either subparagraph (a)1- or (b)2- below, shall be required to take 24 hours of governmental CPE and shall be required to comply with the CPE requirements imposed by Government Auditing Standards.

(a)1. Government Auditing Standards 2007 1994 Revision, issued by the U. S. Government Accountability Office, which may be obtained at http://www.gao.gov/govaud/ybk01.htm Comptroller General of the United States.

(b)2. The Rules of the Auditor General, Chapter 10.550, which may be obtained at http://www.myflorida.com/audgen/pages/rules.htm.

(3)(2) The required 24 hours of governmental CPE may be used to meet the courses required in paragraph 61H1-33.003(1)(a), F.A.C., provided they meet the requirements of subsection 61H1-33.003(2), F.A.C.

Specific Authority 473.312(3) FS. Law Implemented 473.312(3) FS. History–New 8-22-90, Amended 7-7-92, Formerly 21A-33.0035, Amended 5-2-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE: 64B5-15.030 One-Time Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to correct the date of the one-time fee of \$250.00 and to delete the reference to the written notice of the one-time fee requirement.

SUMMARY: The rule amendment will correct the date of the one-time fee of \$250.00 and to delete the reference to the written notice of the one-time fee requirement.

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

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

SPECIFIC AUTHORITY: 456.025(4), 466.004(4), 466.015(1), (2) FS

LAW IMPLEMENTED: 456.025(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.030 One-Time Fee.

(1) Each dentist licensed by the Department pursuant to Chapter 466, F.S., on or before November 1, 2007 March 1, 2008, and still holding such a license, whether active or inactive, on November 1, 2007 March 1, 2008, shall pay a one-time fee of \$250.00 to the Board of Dentistry. Payment of the one-time fee must be postmarked to the Board no later than February 28, 2008.

(a) through (c) No change.

(2) The Department shall mail written notice of the one-time fee requirement to each licensed dentist's address of record by no later than November 1, 2007.

Specific Authority 456.025(4), 466.004(4), 466.015(1), (2) FS. Law Implemented 456.025(4) FS. History-New 10-23-07, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-24.001 Initial Certification for Podiatric

X-Ray Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning certification for podiatric x-ray assistants.

SUMMARY: Language concerning certification for podiatric x-ray assistants will be updated.

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

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

SPECIFIC AUTHORITY: 461.005, 461.0135 FS.

LAW IMPLEMENTED: 120.52(9), 456.013(2), 456.025(1), 456.064, 461.003(2), 461.0135 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-24.001 Initial Certification Licensure for Podiatric X-Ray Assistants.

(1) Each applicant for initial certification licensure as a certified podiatric x-ray assistant shall submit an certification application, on form DH-MOA 1026, 12/99, entitled. "Application For Certified Podiatric X-Ray Assistant," which is hereby incorporated by reference, and will be effective February 16, 2000, copies of which may be obtained from the Board of Podiatric Medicine's website http://www.doh. state.fl.us/mqa/podiatry/index.html office and applicants shall pay a licensure certification fee of \$75. shall include:

(a) A certification fee of \$75.00; and

- (b) The name(s) of the applicant's supervising Florida licensed podiatric physician(s).
- (2) Any change of supervisor must be reported by the applicant/certified podiatric x-ray assistant to the Board within 30 days of the change on form DH-MQA 1118, 02/08, entitled, "Update Supervisor for Certified Podiatric X-ray Assistant," which is hereby incorporated by reference and will be , and can be obtained from the Board of effective Podiatric Medicine's website http://www.doh.state.fl. us/mga/podiatry/index.html.
- (3) The Board shall verify successful passage of the course and examination required by Section 461.0135, F.S., prior to issuance of the eertified podiatric x-ray assistant certification.

Specific Authority 461.005, 461.0135 FS. Law Implemented 120.52(9), 456.013(2), 456.025(1), 456.064, 461.003(2), 461.0135 FS. History–New 2-16-00, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE: 64D-2.002 Definitions

PURPOSE, EFFECT AND SUMMARY: This rule chapter is amended to update the effective date of the federal poverty level (FPL) from February 2007 to February 2008, to comply with the most current federal poverty level standards. The Department of Health and Human Services updates the federal poverty level annually to better serve low-income persons living with HIV disease. This amended rule updates the effective date of the FPL from the year 2007 to 2008. The U.S. Department of Health and Human Services publishes the FPL level annually, which is used for eligibility purpose for the HIV/AIDS Patient Care Programs.

SPECIFIC AUTHORITY: 381.0011(13) FS.

LAW IMPLEMENTED: 381.001(1), 381.003(1)(c), 381.0011(5) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Joseph P. May, Program Administrator, Department of Health, Division of Disease Control, Bureau of HIV/AIDS, Patient Care, 2585 Merchants Row Boulevard, 3rd Floor, Room 345, Tallahassee, Florida 32399-1715

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

64D-4.002 Definitions.

For the purpose of this rule chapter, the words and phrases listed below are defined in the following manner:

- (1) through (9) No change.
- (10) "Federal Poverty Level" (FPL) means the poverty income levels (effective February 2008 2007) as published by the U.S. Department of Health and Human Services (HHS), Federal Office of Management and Budget (OMB), which is incorporated by reference. The federal poverty guidelines are located on the Department of Health, Bureau of HIV/AIDS website or can be obtained at any Florida county health department.
 - (11) through (16) No change.

Specific Authority 381.0011(13) FS. Law Implemented 381.001(1), 381.003(1)(c), 381.0011(5) FS. History–New 1-23-07. <u>Amended</u>

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE TITLES:
Definitions
Approved Emergency Procedure
Curriculum
Reactive Strategy Policy and
Procedures
Initial Assessments
Authorizations for Specific Reactive
Strategies
Limitations on Use and Duration of
Reactive Strategies
Seclusion and Restraint
Chemical Restraint
Prohibited Procedures
Documentation and Notification
Access to Rules
Enforcement

PURPOSE AND EFFECT: This rule will implement subsection 393.13(4)(h) and 916.1093(2), F.S., by establishing standards and procedures relating to the use of restraint and seclusion.

SUMMARY: The proposed rules comply with the legislative directive for rulemaking at subsection 393.13(4)(h) and legislative authorization for rules at Section 916.1093(2), F.S., with regard to the following subject matter areas: prohibiting inherently dangerous restraint or seclusion procedures; limitations on the use and duration of restraint and seclusion; measures ensuring the safety of clients and staff during an incident of restraint or seclusion; procedures for staff to following before, during, and after incidents of restraint and seclusion; professional qualifications and training; facility data collection and reporting; documentation of use in a facility or program record; and procedures for incorporating these rules into staff training and making them available to clients, parents, guardians, guardian advocates, and staff members.

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

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

SPECIFIC AUTHORITY: 393.501(1) F.S.

LAW IMPLEMENTED: 393.13(4)(h), 916.1093(2) FS.

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

DATE AND TIME: March 20, 2008, 1:00 p.m. – 4:00 p.m. PLACE: Room 301, 4030 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ron Drake, at (850)414-8096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steve Coleman, Senior Behavior Analyst, at the above address and at (850)414-8695

THE FULL TEXT OF THE PROPOSED RULES IS:

REACTIVE STRATEGIES

65G-8.001 Definitions.

(1) "Approved emergency procedure curriculum" means a course of instruction in procedures and techniques for intervening in behavioral emergency situations, approved by

- the Agency for Persons with Disabilities ("Agency"), and incorporated into a facility's or program's policy for utilizing reactive strategies.
- (2) "Authorizing agent" means an individual authorized by the facility or program manager to approve use of a reactive strategy.
- (3) "Authorized staff person" means an employee of a facility or program that has completed training in the approved emergency procedure curriculum and is approved by the authorizing agent to use restraint and seclusion procedures.
- (4) "Local Review Committee" means the committee required by subsection 65G-4.008(3), F.A.C., to oversee and review all behavior analysis services provided to clients to ensure that the services are designed and approved in accordance with Florida Statutes and agency rules.
- (5) "Behavioral protective device" means a device used as a means of interfering with or preventing specific results of a targeted behavior as part of a behavior program approved by the Local Review Committee.
- (6) "Facility" means a residential operation serving Agency clients funded or licensed under Chapter 393, F.S., and includes separate and secure facilities serving forensics clients pursuant to Chapter. 916, Part III, F.S.
- (7) "Implementation plan" means an individualized plan utilizing services to assist a client with developmental disabilities in acquiring skills that enable the client to improve his or her physical, mental, and social functioning.
- (8) "Medical protective equipment" means health-related protective devices prescribed by a physician or dentist for use during specific medical or surgical procedures, or for use as client protection in response to an existing medical condition.
- (9) "Reactive strategies" means the procedures or physical crisis management techniques of seclusion or manual, mechanical, or chemical restraint utilized for control of behaviors that create an emergency or crisis situation.
- (10) "Mechanical restraint" means a physical device used to restrict an individual's movement or restrict the normal function of the individual's body. The definition does not include the following:
 - (a) Medical protective equipment as defined by this rule;
- (b) Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for medical treatment, routine physical examinations, or medical tests;
- (c) Restraints necessary to support functional body position or proper balance, or to prevent a person from falling out of bed: or
- (d) Restraints used for safety during transportation, such as seatbelts or wheelchair tie-downs.
- (11) "Chemical restraint" means the use of medication to effect immediate control of an individual's behavior. It does not include the medication administered as treatment for a medical or psychiatric condition.

- (12) "Manual restraint" means the use of hands or body to immobilize a person's freedom of movement or normal access to his or her body for more than fifteen continuous seconds. It does not include physically guiding or transporting a client during skill training for up to two minutes. Repeated applications and releases of manual restraint in order to circumvent the fifteen-second and two-minute criteria are prohibited.
- (13) "Seclusion" means enforced isolation or confinement of an individual in a room or area. It does not mean "time out" or "time out from positive reinforcement" procedures as defined by this rule, or isolation resulting from medical conditions or symptoms of illness.
- (14) "Time out" or "time out from positive reinforcement" means a procedure designed to interrupt a specific behavior of an individual by temporarily removing that individual to a separate area or room, or by screening him or her from others, or by signaling that the individual is in "time out." "Time out" is not a reactive strategy regulated by these rules. "Time out" procedures differ from the reactive strategy of seclusion through the following characteristics:
- (a) A "time out" is of short duration, as brief as one minute and never longer than twenty consecutive minutes;
- (b) It is implemented only in response to a specified behavior;
- (c) It is part of a written program that includes a functional assessment and is approved by a Local Review Committee; and
- (d) The program is implemented either by a psychologist licensed under Chapter 490, F.S.; or a clinical social worker, mental health counselor, or therapist licensed under Chapter 491, F.S.; or a behavior analyst certified by the Behavior Analyst Certification Board; or a behavior analyst certified under Chapter 65G-4, F.A.C.;
- (e) "Time out" data is collected for assessment, evaluation, and analysis;
- (f) It is not used as a disciplinary act, threat, or as a tool for staff's convenience;
- (g) A termination criterion (e.g., "one minute of calm") ends the time out period, ensuring that termination of the time out is under the control of the person in time out; and
- (h) After termination, the individual returns to his or her previous activity.
- NOTE: Use of time-out for a period exceeding twenty minutes constitutes the reactive strategy of seclusion.
- (15) "Client" means any person with a developmental disability receiving services in the State of Florida.
- (16) "Licensed medical professional" means a physician licensed under Chapter 458 or 459, F.S.; or registered nurse, licensed practical nurse, or Advanced Registered Nurse Practitioner licensed under Chapter 464, F.S.
- (17) "Containment" means immobilizing an individual with any technique for the purpose of behavioral control.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New

- 65G-8.002 Approved Emergency Procedure Curriculum.
- (1) All providers, facilities, and programs that use reactive strategies must utilize an emergency procedure training curriculum approved by the Agency, and require all staff to be trained in that curriculum.
- (2) The training curriculum must meet the following minimum requirements for approval:
- (a) It has a history of applied use to persons with developmental disabilities;
 - (b) It includes an ongoing training program;
- (c) It requires certification of the persons administering the curriculum training;
- (d) It provides for periodic review of both trainer and participant competency;
- (e) It does not include reactive strategy procedures prohibited by this rule chapter or any other Florida law or rule;
 - (f) It requires at least sixteen direct training hours;
 - (g) It includes non-physical crisis intervention techniques;
- (h) The curriculum incorporates training in the provisions of this rule chapter;
- (i) It provides for supervised practice and performance-based competency evaluation, including a written test with a minimum passing achievement score of 80%;
- (j) It includes training in criteria for use of reactive strategies, and methods for reducing physical interventions;
- (k) It incorporates quality assurance and safety measures as well as incident data collection and review;
- (1) It provides participants with a certificate displaying the name of the curriculum, the name of the trainer, the date(s) of training; and the date of certificate expiration;
- (m) It incorporates transportation procedures that require the cooperation of the person being transported;
- (n) It includes a "release" criterion (e.g., a stated period of calm behavior) that is of short duration and that is client-driven or initiated.
- (3) Staff must be certified through an Agency-approved emergency procedure curriculum before being authorized or permitted to administer a reactive strategy technique. Providers and facilities must maintain copies of all staff training certificates and make the certificates available to the Agency upon request.
- (4) Training certification is valid for one year. Before the certificate expires, staff must undertake a full training curriculum to obtain new certification.
- (5) In order to obtain Agency approval for a proposed curriculum, the provider must submit a copy of the curriculum materials and an "Emergency Procedure Training Curriculum Application," APD Form 65G8-001 (00/00/00), incorporated herein by reference. A copy of the form may be obtained by

- writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main telephone number (850)488-4527.
- (6) The Senior Behavior Analyst will refer the proposed curriculum to a multidisciplinary committee or a Peer Review Committee for additional review and comment.
- (7) Review of a proposed emergency procedure curriculum must include:
- (a) Verification of the curriculum's compliance with the minimum criteria established in this rule chapter;
- (b) Direct observation of the reactive strategy techniques incorporated in the curriculum;
- (c) Review of available data related to implementation of the curriculum;
- (d) Committee recommendations to the Senior Behavior Analyst for either accepting or rejecting the proposed curriculum.
- (8) Following review, the Senior Behavior Analyst will make a final determination to either accept or reject the proposed curriculum and provide notification of the determination in writing, stating the reasons for rejection. If the proposed curriculum is rejected, it may be resubmitted with appropriate modifications to meet minimum requirements provided by this rule chapter.
- (9) No changes to approved curriculum materials or procedures may be incorporated until the curriculum, along with the proposed changes, is resubmitted to the Agency and approved.
- (10) The Agency may deny or withdraw approval for any of the following acts or omissions:
- (a) Obtaining or attempting to obtain course approval through fraud, false statements, deceit, or misrepresentation of material facts, whether those representations or statements are made knowingly or negligently;
- (b) Failure to provide complete and accurate information in the initial application for approval or in any notification for a change in information;
- (c) Failure to notify the Agency within six weeks of a change in the information required for course approval;
- (d) Failure to maintain the curriculum format and content as approved by the Agency.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History—New

65G-8.003 Reactive Strategy Policy and Procedures.

(1) All facilities or programs subject to this rule shall develop and implement policies and procedures consistent with the provisions of this rule chapter, including adoption of an approved emergency procedure curriculum, appropriate staff training, record maintenance, reporting and recording the use of any reactive strategy, training in the provisions of this rule

- chapter, data collection, and maintenance of reactive strategy consent information in patient records, and any other requirements established in this rule chapter.
- (2) Facility or program policies may not include reactive strategies not provided in the Agency-approved curriculum or vary from the requirements of these rules without an Agency-approved variance or waiver obtained in advance through Section 120.542, F.S.
- (3) Providers, facilities and programs that employ reactive strategies are required to implement procedures to ensure the safety of staff and clients during the use of reactive strategies and to ensure that Agency clients are not placed at risk because of existing medical conditions.
- (4) All staff implementing reactive strategies must be certified in advance for all reactive strategy techniques used or approved for use by the facility, program, or provider.
- (5) A variation of a specific reactive strategy may be employed only if it is designed for a specific client with documented evidence of need and benefit, and only if evaluated and approved in advance of implementation by the Local Review Committee and the Agency's Senior Behavior Analyst.
- (6) The program or facility must conduct an internal review of its emergency procedures at least annually with a written evaluation that addresses the following issues:
- (a) Proposed methods of reducing the use of reactive strategies;
- (b) Policy evaluations and proposals to ensure that all applications of reactive strategies are being conducted in accordance with the Agency-approved emergency procedure curriculum, administered in a safe manner;
- (c) Compliance with this rule chapter, including appropriate records and reports of reactive strategies.

The facility, program, or provider must maintain this written evaluation for a minimum of five years and make it available to the Agency upon request.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New

65G-8.004 Initial Assessments.

- (1) Upon an individual's admission to a facility or program and at least annually thereafter, the facility or program provider must obtain information and documents relevant to the use of reactive strategies from a variety of sources for the individual's records. Appropriate sources include the individual, his or her family members, treating medical professionals, and other informants familiar with the individual. The individual's records must include the following documentation:
- (a) A medical release stating that the individual has no medical conditions or physical limitations that would place him or her at risk of physical injury during restraint or seclusion, as permitted by this rule chapter; or;

- (b) A physician's report of any physical limitations that would preclude the use of one or more reactive strategies; and
- (c) Documentation of any history of trauma, such as a history of sexual or physical abuse, that the informants, individual, facility, or providers believe to be relevant to the use of reactive strategies; and
- (2) Medical conditions or physical limitations that might create a risk to the individual include, but are not limited to, the following:
 - (a) Obesity;
 - (b) Cardiac conditions;
 - (c) Pregnancy;
 - (d) Asthma or other respiratory conditions;
 - (e) Impaired gag reflex;
 - (f) Back conditions or spinal problems;
 - (g) Seizure disorders:
 - (h) Deafness;
 - (i) Blindness;
 - (i) Limitations on range of motion;
 - (k) Osteoporosis;
 - (1) Osteopenia; and
 - (m) Hemophilia.
- (3) In addition to the annual review, the individual's file information must be updated whenever there is a change in the individual's physical or psychological condition that might affect his or her tolerance of one or more reactive strategies, or updated in compliance with any reassessments required by State or Federal law.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History-New

- 65G-8.005 Authorizations for Specific Reactive Strategies.
- (1) Upon initiating any reactive strategy, staff must immediately notify the highest-level direct care supervisor.
- (2) Each use of a reactive strategy requires continuous staff supervision.
- (3) The following reactive strategies can be approved only by the following authorizing agents:
- (a) The authorizing agent for medical protective equipment or chemical restraint must be a physician licensed under Chapter 458 or 459, F.S;
- (b) The authorizing agent for behavioral protective devices must be either a psychologist licensed under Chapter 490, F.S.; a clinical social worker, marriage and family therapist, or mental health counselor licensed under Chapter 491, F.S.; or a Certified Behavior Analyst certified by the Behavior Analyst Certification Board; or a behavior analyst certified by the rule Chapter 65G-4, F.A.C.;
- (c) The authorizing agent for mechanical restraint must be a physician licensed under Chapter 458 or 459, F.S., a psychologist licensed under Chapter 490, F.S.; a clinical social

- worker, marriage and family therapist, or mental health counselor licensed under Chapter 491, F.S.; or a Certified Behavior Analyst certified by the Behavior Analyst Certification Board; or a behavior analyst certified by the Rule Chapter 65G-4, F.A.C.;
- (d) The authorizing agent or staff person with approval authority for seclusion must have at least a bachelor's degree, two years of experience serving individuals with developmental disabilities, and certified in reactive strategies through an Agency-approved emergency procedure curriculum;
- (e) The authorizing agent or staff person with approval authority for manual restraint must be certified in reactive strategies through an Agency-approved emergency procedure curriculum.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History—New

- <u>65G-8.006 Limitations on Use and Duration of Reactive Strategies.</u>
- (1) All authorizations for a reactive strategy must include a clear rationale for its use.
- (2) Reactive strategies must not be implemented automatically or as part of a deceleration plan for undesirable behaviors, as punishment, as a substitute for an implementation plan, or for the convenience of staff.
- (3) At the onset of seclusion or restraint implementation, staff will notify the appropriate authorizing agent of the conditions leading up to the use of the reactive strategy. The authorizing agent is responsible for terminating any procedure not in compliance with this rule.
- (4) Each use of a reactive strategy requires continuous staff monitoring.
- (5) A reactive strategy must provide for the least possible restriction consistent with its purpose.
- (6) A reactive strategy must be terminated immediately when the emergency ends.
- (7) Reactive strategies must be implemented in a manner that permits the greatest possible amount of comfort and protection from injury to the individual.
- (8) The Agency may disapprove the use of any emergency procedure, system, strategy, or program that does not meet the above requirements or that contains procedures the Agency determines to be unsafe.
- (9) If an individual exhibits behavior requiring a reactive strategy at a frequency of more than two times in any thirty-day period, or six times in any twelve-month period, then the facility or provider should submit a request for behavior analysis services for that individual, including documentation of the frequency of reactive strategy use.

- (10) The facility or program must provide written behavioral criteria for termination of a reactive strategy, conforming to the Agency-approved emergency procedure curriculum, to all staff trained in those techniques.
- (11) Reactive strategies must be terminated within five minutes after predetermined behavioral criteria have been met. Providers and facilities may seek an exemption from this requirement through the variance and waiver process authorized by Section 120.542, F.S.
- (12) Reactive strategies must be limited to one hour in duration; additional time for a reactive strategy requires reauthorization.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New

65G-8.007 Seclusion and Restraint.

- (1) Every effort should be made to avoid unnecessary use of seclusion and restraint; therefore, staff should try to redirect and diffuse problem behavior before employing the reactive strategy of seclusion and restraint.
- (2) Seclusion and restraint as a reactive strategy may be utilized only if adequate staff is available for safe implementation.
- (3) Staff must continuously observe the client during restraint procedures, monitor respiration rate, and determine when release criteria have been met.
- (4) Seclusion and restraint procedures exceeding one hour require approval by an authorizing agent.
- (5) Seclusion and restraint may not exceed two hours without visual review and approval of the procedure by an authorizing agent or the agent's on-site designee.
- (6) Staff must obtain additional authorization for use of seclusion and restraint for a behavioral episode occurring more than fifteen minutes after termination of a prior restraint procedure, and document the additional use of restraint in the individual's record.
- (7) Before initiating a seclusion or restraint procedure, staff must inspect the environment and the individual to be restrained in order to ensure that any foreign objects that might present a hazard to the individual's safety are removed.
- (8) Any room in which the individual is held must be have sufficient lighting and ventilation to permit the individual to see and breathe normally, and must have enough space to permit him or her to lie down comfortably.
- (9) The door to any room in which an individual is secluded without a caregiver must not be locked; however, the door can be held shut by a caregiver using a spring bolt, magnetic hold, or other mechanism that permits the individual in seclusion to leave the room if the caregiver leaves the vicinity. Forensic facilities may seek a waiver or variance from this requirement through Section 120.542, F.S.

(10) An individual mechanically restrained for more than one hour must be permitted an opportunity for motion and exercise for at least ten minutes of each hour that the individual is restrained.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History-New

65G-8.008 Chemical Restraint.

- (1) Chemical restraint is used for behavioral control; it is not standard treatment for medical or psychiatric conditions.
- (2) An individual may be given a chemical restraint only on the written order of an authorized physician who has determined that the chemical is the least restrictive, most appropriate alternative available.
- (3) The authorizing physician either must be present at the onset of the emergency requiring restraint, or must provide telephone consultation with an authorized staff person who is present and has personally examined the individual.
- (4) If the authorizing physician is not present to write the order, he or she must dictate the order's contents to another on-site licensed medical professional;
- (5) An order for chemical restraint must be recorded in the individual's record on the same date it is issued, along with the expected results of the medication and a detailed description of the behaviors that justified the use of chemical restraint.
- (6) A licensed medical professional must conduct a face-to-face evaluation of the individual within one hour of administration of a chemical restraint, if the restraint was authorized by telephone. The medical professional must record the results of this evaluation in the individual's records and document whether the administration of medication achieved the expected results.
- (7) Staff must monitor an individual who has been chemically restrained at least once every half-hour and record the effects of the restraint in the individual's records.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History-New

65G-8.009 Prohibited Procedures.

The following reactive strategies are prohibited:

- (1) Reactive strategies involving noxious or painful stimuli, as prohibited by Section 393.13(4)(g), F.S.;
 - (2) Untested or experimental procedures;
- (3) Any physical crisis management technique that might restrict or obstruct an individual's airway or impair breathing, including techniques whereby staff persons use their hands or body to place pressure on the client's head, neck, back, chest, abdomen, or joints;
- (4) Restraint of an individual's hands, with or without a mechanical device, behind his or her back;
- (5) Physical holds relying on the inducement of pain for behavioral control;
 - (6) Movement, hyperextension, or twisting of body parts;

- (7) Any maneuver that causes a loss of balance without physical support (such as tripping or pushing) for the purpose of containment;
- (8) Any reactive strategy in which a pillow, blanket, or other item is used to cover the individual's face as part of the restraint process;
- (9) Any reactive strategy that may exacerbate a known medical or physical condition, or endanger the individual's life;
- (10) Use of any immobilizing technique prior to obtaining a medical release that rules out increased risk to the individual by use of this position;
- (11) Containment without continuous monitoring and documentation of vital signs and status with respect to release criteria;
- (12) Use of any reactive strategy on a "PRN" or "as required" basis.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History-New

65G-8.010 Documentation and Notification.

- (1) Staff must document the following information in the individual's records immediately following the use of a reactive strategy:
 - (a) The behavior that necessitated a reactive strategy;
 - (b) The reactive strategy used:
- (c) The date and time the reactive strategy was implemented and the time the strategy was terminated;
- (d) The person(s) who initiated, applied, authorized, and terminated the reactive strategy;
- (2) The authorizing agent must review and sign the reactive strategy documentation within twenty-four hours or by the end of the next business day.
- (3) The service provider or facility must also document every use of a reactive strategy on the "Reactive Strategy Report," APD Form 65G8-002 (00/00/00), incorporated herein by reference. A copy of the form may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main telephone number (850)488-4527. These Reports must be submitted within thirty days to the Local Review Committee chairperson, or the chairperson's designee, and copies of the Report made a part of the individual's record.
- (4) Agency Area Offices and Developmental Services <u>Institutions must submit copies of these Reports electronically</u> to the Central Office Senior Behavior Analyst on a monthly basis.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New .

65G-8.011 Access to Rules.

- (1) The program or facility employing reactive strategies must maintain on-site a copy of these rules and provide access to staff, clients, parents, guardians, and guardian advocates.
- (2) The requirements established in this rule chapter are to be incorporated into all staff pre-service training programs related to the use of reactive strategies.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New

65G-8.012 Enforcement.

(1) Use of a reactive strategy not authorized by or in violation of this rule chapter or any other provision of law is a violation of Section 393.13, F.S., "The Bill of Rights of Persons with Disabilities," or Section 916.107, F.S., and is subject to the enforcement proceedings, penalties, and private rights of action provided therein.

(2) A residential facility licensed under Section 393.067, F.S., that violates any reactive strategy provision or requirement of this rule chapter through the action of either facility management or staff, is subject to administrative disciplinary action authorized by Section 393.0673, F.S.

Specific Authority 393.501 FS. Law Implemented 393.13(4)(h), 916.1093(2) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Coleman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jane E. Johnson, Director, Agency for Persons with Disabilities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: RULE TITLE:

68-1.003 Florida Fish and Wildlife

Conservation Commission Grants

Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to include the Boating Safety and Education Grant Program, the Florida Boating Improvement Program, and the Boating Infrastructure Grant Program with guidelines incorporated that have been developed because the agency has had sufficient time to acquire the knowledge and experience reasonably necessary to address rulemaking for these programs.

SUMMARY: The proposed changes to Rule 68-1.003, F.A.C., will include the Boating Safety and Education Grant Program with education in the title to reflect the education objectives, incorporates new program guidelines, and deletes a repealed rule. They will also include the Florida Boating Improvement

Program with the guidelines incorporated and a repealed rule deleted. These guidelines include recent changes to Section 206.606, F.S., to add other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, and derelict vessel removal as eligible uses of program funds and deleted aquatic plant control. They also include a change that adds a new funding source for public launching facilities, giving priority to counties with 35,000 or more registered vessels, pursuant to Section 328.72(15), Florida Statutes.

The Boating Infrastructure Grant Program is being added to the rule and will incorporate guidelines that follow the requirements of Section 7404 of the Sportfishing and Boating Safety Act of 1998 and the Federal Register, 50 CFR Part 86. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 206.606, 327.47 FS.

LAW IMPLEMENTED: 206.606, 327.47, 328.72 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susanna Stephens, FBIP Program Administrator, or Patricia Harrell, Boating Access Coordinator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399, telephone (850)488-5600, or email fbip@myfwc.com or bigp@myfwc.com

THE FULL TEXT OF THE PROPOSED RULE IS:

- 68-1.003 Florida Fish and Wildlife Conservation Commission Grants Program.
 - (1) through (7) No change.
- (8) Florida Boating Safety <u>and Education</u> Grant Program grants shall meet all <u>additional program</u> requirements of Rules 62D-5.031-039, F.A.C. set forth in the Boating Safety and Education Grant Program Guidelines (dated Jan. 2008), which are hereby incorported by reference. The guidelines are available from the Commission at 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600 or www.myfwc.com/boating/grants/.
- (9) Florida Boating Improvement Program grants shall meet all additional program requirements set forth in the Florida Boating Improvement Program Guidelines (dated Jan. 2008), which are hereby incorporated by reference. The guidelines are available from the Commission at 620 S.

Meridian Street, 1M, Tallahassee, Florida 32399-1600 or www.myfwc.com/boating/grants/fbip.htm. be similar to eligible projects determined under the program administered by the Department of Environmental Protection and established in Rules 62D-5.031-.036, F.A.C.

- (10) through (11) No change.
- (12) Boating Infrastructure Grant Program grants shall meet all additional requirements set forth in the Boating Infrasturcture Grant Program Guidelines (dated Jan. 2008), which are hereby incorporated by reference. The guidelines are available from the Commission at 620 S. Meridian St., 1M, Tallahassee, Florida 32399-1600 or www.myfwc.com/boating/ grants/bigp.htm.

Specific Authority 370,023 FS. Law Implemented 370,023 FS. History-New 4-4-04, Amended 3-15-05, Formerly 68A-2.015, Amended 5-22-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Harrell, Boating Access Coordinator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission sitting as agency head

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

FISH AND WILDLIFE CONSERVATION **COMMISSION**

Vessel Registration and Boating Safety

RULE NO.: RULE TITLE:

68D-16.029 Derelict Vessel Removal Grant

Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend this rule to conform it to amendments made in Sections 206.606, 376.15, and 823.11, Florida Statues.

SUMMARY: The amendment allows the Derelict Vessel Grant Program to award grants to all local governments as opposed to only coastal local governments, and to fund removal of vessels identified and marked by any law enforcement officer as opposed to only officers employed by the Fish and Wildlife Conservation Commission.

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

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

SPECIFIC AUTHORITY: 376.15 FS.

LAW IMPLEMENTED: 206.606, 376.15, 823.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Woody, Grants Specialist, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399 or at (850)488-5600 or tim.woody@myfwc.com

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-16.029 Derelict Vessel Removal Grant Program.

- (1) In the event monies are appropriated by the Legislature for the funding of the Derelict Vessel Removal Grant Program for a given fiscal year, the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement (Division) Executive Director may award said grants only to eoastal local governments based on these criteria.
 - (a) through (f) No change.
- (2) Only derelict vessels as defined in Section 823.11(1), F.S. shall be eligible for removal with grant funds. Derelict vessels must be designated and marked by a law enforcement officer as specified in Section 327.70, F.S. Such designation and marking shall be considered made when the law enforcement officer completes form number FWCDLE 048, Derelict or Abandoned Vessel Report, dated October 2005, incorporated herein by reference. This form may be obtained by contacting the Division No vessel shall be eligible for removal with grant funds, unless and until, said vessel has been designated and marked as a dereliet vessel by the Division of Law Enforcement. Such designation and marking shall be eonsidered made when the division assigns a case number to the vessel and completes a derelict vessel report on it.
- (3) Authorized disposal sites for derelict vessels shall be limited to permitted artificial reef sites and permitted landfill locations. Any exceptions must be approved in writing by the Division Executive Director.
- (4) In the event monies are appropriated by the Legislature for the funding of the Derelict Vessel Removal Grant Program for a given fiscal year, the Division shall announce the availability of funding in the Florida Administrative Weekly and on the Web site at http://myfwc.com/ boating/grants/derelict.htm. A grant applicant shall provide a completed grant application to the Division Commission no more than 60 days from the date the announcement is published later than August 1st of a given fiscal year, except for Fiscal Year 1985-86 in which said application must be provided to the Commission prior to January 1st. This application shall be submitted on the Form No. DVGrant.199 which is hereby incorporated by reference. This form FWC/DV-APP(12/2007), is entitled, "Application for Derelict

Vessel Removal Grant" effective date 7/1/99, incorporated herein by reference, and may be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600. No other form will be accepted.

- (5) The <u>Division</u> Executive Director may within 30 days after the established submission closing date make the award of said grants pursuant to the criteria set forth in (1) above. Said grants may be awarded for the removal and disposal of all or part of the vessels designated on a given grant application. In the event the dollar amount of the awarded grant applications is less than the allocated funds or the <u>Division</u> Executive Director determines that any or all of the submitted applications do not adequately meet the established award criteria, or any of the designated derelict vessels contained within an awarded grant are removed prior to their removal with grants funds, the <u>Division</u> Executive Director may solicit additional applications from potential applicants for the balance of the allocated funds not expended pursuant to the grant program.
- (6) A grant recipient shall administer the removal and disposal of designated derelict vessels as an independent governmental authority and not as an agent or representative of the Commission. In the event the <u>Division Executive Director</u> determines that a derelict vessel(s) included in a grant constitutes an immediate hazard to navigation or determines after consultation with the Department of Health that a vessel constitutes an immediate hazard to the public's health and safety, the <u>Division Executive Director</u> may suspend the grant procedures set forth in this rule and initiate emergency procedures under Section 823.11, F.S.
- (7) No grant monies for the removal and disposal of a given derelict vessel shall be paid to the grant recipient until said vessel has been legally removed and such removal and disposal properly documented by the grant recipient. The grant recipient must submit documentation for the removal and disposal of derelict vessels along with a request for reimbursement to the Division on a monthly basis Certification as to the removal and disposal of any designated dereliet vessel during a given month shall be made by the submission to the Commission of Form DVGrant2.199, hereby incorporated by reference, along with a properly executed invoice. This form is entitled "Disposition Certificate for Dereliet Vessels, effective 7/1/99, and may be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Law Enforcement. Such request for reimbursement shall be made by the grant recipient on a monthly basis and shall be accompanied by a monthly status report and the required eertification form. Only costs directly associated with the actual removal and disposal of a designated derelict vessel(s) including the removal of pollutants are eligible for reimbursement from the grant program.

(8) No change.

Specific Authority 376.15(2)(c) FS. Law Implemented 376.15(2)(b) FS. History–New 11-11-85, Formerly 16N-16.29, Amended 5-20-86, Formerly 16N-16.029, 62N-16.029, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Harrell, Boating Access Coordinator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Florida Fish and Wildlife Conservation Commission sitting as agency head

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

69J-7.004 Participating Contractors –

Application and Participation

Agreement

PURPOSE AND EFFECT: Section 215.5586(2)(c), Florida Statutes contemplates the Department will establish "qualifications and certification requirements for mitigation contractors," and indicates the "program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors." Subsection (6) of 215.5586, Florida Statutes provides rulemaking authority to adopt rules governing mitigation contractors. This rule establishes an application and qualification process for contractors to participate and be listed as participating contractors. The rule also incorporates a standard agreement form by which contractors may agree to participate.

SUMMARY: The rule adopts an application process for building contractors to provide hurricane damage mitigation services under the My Safe Florida Home Program.

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

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

SPECIFIC AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, March 18, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Simon, (850)413-4270 contacting: Ellen Ellen.Simon@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Assistant General Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4270

THE FULL TEXT OF THE PROPOSED RULE IS:

- 69J-7.004 Participating Contractors Application and Participation Agreement.
- (1) Definitions. As used in this rule the following abbreviations and definitions apply:
- (a) "Applicant" means any person or entity applying to become a Participating Contractor.
- (b) "Contractor license" means a license that is issued by a government agency based on taking and passing a competency test and/or meeting certain experience requirements, as required by local or state authorities under applicable Florida statute or local ordinance. The phrase "contractor license" as used herein does not refer to business or occupational licenses that are obtained by paying a fee or tax. A business or occupational license is insufficient to qualify any entity as a Participating Contractor. Only contractor licenses issued by Florida state or local government authorities are acceptable for Participating Contractor status in the My Safe Florida Home program.
- (c) "CEI" means the Construction Estimating Institute, 5016 Calle Minorga, Sarasota, FL 34242, phone: 1(800)423-7058.
- (d) "Department" means the Florida Department of Financial Services.
- (e) "DBPR" means the Department of Business and Professional Regulation, operating under Chapter 455, Florida Statutes.
- (f) "FCILB" means the Florida Construction Industry Licensing Board, operating under Chapter 489, Florida Statutes.
- (g) "FLASH" refers to the Federal Alliance for Safe Homes, 1427 East Piedmont Drive, Suite 2, Tallahassee, FL 32308.
- (h) "DBPR/FCILB license" refers to a contractor license issued by DBPR pursuant to authorization by the FCILB.
- (i) "MSFH program" means the My Safe Florida Home program created by Section 215.5586, Florida Statutes.
- (i) "Participating Contractor" means a contractor as contemplated by Section 215.5586(2)(c), Florida Statutes.

- (k) "Grant" refers to a grant under Section 215.5586(2). Florida Statutes.
 - (2) Participating Contractor Categories.
- (a) Persons desiring to be a Participating Contractor in the My Safe Florida Home program under Section 215.5586(2)(c), Florida Statutes, shall apply to the Department of Financial Services in one of the three categories listed below.
- 1. Category No. 1: INDIVIDUAL WITH DBPR/FCILB CONTRACTOR LICENSE. This applicant category is for an individual who will, in his or her own name, contract with homeowners, or who will contract with homeowners as a sole proprietor doing business under a fictitious name, and the work is to be performed under their certified or registered contractor license(s) issued by the DBPR/FCILB. See, Florida Statutes Section 489.119(1). (If the applicable DBPR/FCILB Contractor License has been issued to the applicant as an individual, regardless of whether it is a state-certified or state-registered license, this is the category the applicant must use, even if the applicant also has a local contractor's license.)
- 2. Category No. 2: ENTITY WITH A DBPR/FCILB CERTIFICATE OF AUTHORITY AS A CONTRACTING BUSINESS. This category is for a business entity (corporation, LLC, or partnership) which holds a Certificate of Authority to engage in contracting, issued by DBPR/FCILB. See, Florida Statutes Section 489.119(2).
- 3. Category No. 3: LOCAL CONTRACTOR LICENSE. This applicant category is for a contractor (individual person or other entity) who does not have a DBPR/FCILB license and who will perform mitigation work under a contractor's license issued by a Florida county or city contractor licensing board or other local authority.
- (b) References in this rule to "category" or "categories" means one or more of the three categories identified above, as the context requires, unless expressly indicated otherwise.
- (c) The information required to be provided to the Department by an applicant for Participating Contractor status will vary according to the category applied for by the applicant. The information required to be provided, and instructions specific to each category, are set forth in Department form DFS-I4-1808 (effective), entitled "Participating Contractor On-line Application Form." Interested persons may apply to be a Participating Contractor by filling out the form on-line, at the Contractor's section of the Department's My Safe Florida Home website at www.mysafefloridahome.com.
 - (3) General matters.
- (a) Any decision by the Department to deny or terminate a person or entity's status as a Participating Contractor is subject to hearing rights as may be provided under Section 120.569, Florida Statutes, and related provisions of Chapter 120, Florida Statutes.

- (b) To be a Participating Contractor, the applicant must hold in good standing a contractor's license issued by the FCILB, or by a Florida city or Florida county contractor licensing board or authority. Loss of such required licensing shall be grounds for termination of status as a Participating Contractor.
- (c) An applicant possessing a state contractor's license(s) issued by DBPR/FCILB, who or which has completed a Participating Contractor application in either category 1 or 2, does not need to complete an additional application under category 3, even if the applicant also holds a local contractor license that is not required to be registered with the FCILB.
- (d) An applicant cannot be approved as a Participating Contractor until the Department verifies that the applicant's contractor's license is valid and in good standing. Subsequent to application for Participating Contractor status, the Department will contact the licensing authority that issued that license to verify that said license was issued as indicated and is in good standing. An application submitted with inaccurate or incomplete information on the application may delay or prevent the applicant's approval as a Participating Contractor.
- (e) The Department will terminate its Participation Agreement with a contractor in the following circumstances:
- 1. The contractor's licensure as a contractor is revoked or suspended by the contractor's licensing authority.
- 2. It is determined that the contractor made a material misrepresentation in their application to the Department for Participating Contractor status.
- 3. Failure to comply with the applicable Florida workers' compensation laws.
- 4. Displaying incompetency or misconduct in the practice or course of contracting with homeowners.
- (f) Designation as a Participating Contractor does not eliminate, modify or expand the existing legal limitations relative to the types of work to be performed, or the geographical locations in which that work may be legally performed, under the Participating Contractor's then existing contractor's license(s).
- (g) All work to be performed and materials to be used by a Participating Contractor under a My Safe Florida Home grant must comply with the Participation Agreement. All applicants for Participating Contractor status must agree to the Participation Agreement as set forth in this rule.
- (h) The Department publicly lists all Participating Contractors on the Department's My Safe Florida Home website, at http://www.mysafefloridahome.com/participatingcontractorsListSectionasp. The Department lists only Participating Contractors on its website. The Department does not list on its website suppliers or manufacturers who are not also Participating Contractors.
- (i) The Department does not endorse or recommend individual Participating Contractors or products. Participating Contractors shall not advertise or otherwise represent that they

- or their business is endorsed or recommended by the My Safe Florida Home program, the Department, or the State of Florida. No Participating Contractor or other business may use the logo of the Department or the My Safe Florida Home program.
- (j) Upon approval, all Participating Contractors will be assigned a unique Participating Contractor number by the Department. This number can be found on the Department's website list of Participating Contractors.
- (k) This rule does not apply to competitively bid contracts between the Department and Participating Contractors for work performed under grants to low income homeowners under Section 215.5586(2)(g), Florida Statutes.
- (l) After an application is submitted by the Participating Contractor applicant through the Department's online system, the Department will review the application and verify contractor licensure data. The Department will then mail the applicant a letter, at the address of record shown in the applicable licensing authority's records, which summarizes the information the applicant supplied, and indicates approval or denial of the application. Any approval is subject to successful completion of training required by this rule. Participating Contractor applicants approved subject to completion of required training, are not published as Participating Contractors on the Department's list of Participating Contractors until they have successfully completed the training required by this rule.
- (m) Applicants or Participating Contractors who have questions about the Participating Contractor program, or want to change or delete their listing, should promptly email the Department to that effect at the following email address: ContractorInfo@fldfs.com. The full name and phone number, and Participating Contractor file number if one has been assigned, must be provided.
- (4) Information Published on the Department's Online Participating Contractor List.
- (a) Upon approval as a Participating Contractor and satisfaction of applicable training requirements specified in this rule, the Participating Contractor applicant will be included in the Department's online list of Participating Contractors. Information submitted in association with the Participating Contractor's application will be included in that online list, and potential customers will be able to view the following information:
- 1. The business name of the Participating Contractor (it is the Participating Contractor's responsibility to assure that the business name complies with any applicable licensing and fictitious name laws).
 - 2. The Participating Contractor's website address, if any.
 - 3. The Participating Contractor's telephone number(s).
 - 4. The Participating Contractor's street address(es).
 - (5) Training.

- (a) Prior to being accepted as a Participating Contractor. the contractor must complete the specialized training described in this subsection. The training must be successfully completed by the natural person holding the contractor 's license shown on the Participating Contractor application form. Completion of the training by another natural person in the company does not satisfy the training requirement. There are two options, 1. and 2., below, for successfully completing the required training:
- 1. A. Free online courses offered by the "Construction Estimating Institute" (CEI). To proceed by this route, the Participating Contractor must go to the CEI website at http://www.estimating.org/mysafefloridahome/ and enter the Participating Contractor's business name and contractor license number. The Participating Contractor must successfully complete the course entitled "How Hurricanes Damage Homes," which includes an overview of the My Safe Florida Home program. The Participating Contractor must also complete at least one other free CEI course from among the following three courses. The choice of course should be selected in accordance with the type of improvements the Participating Contractor plans to perform for participating homeowners.
 - (I) Strengthening Roofs.
- (II) Protecting Openings (Windows, Doors and Garage Doors).
 - (III) Bracing Gable Ends.
- b. At the end of each CEI online training course, the Participating Contractor must successfully complete a short, online test. The Participating Contractor must receive at least a 90% grade on the test in order to successfully complete the course. If the Participating Contractor receives less than a 90% grade, the Participating Contractor may immediately retake the test, or review the training material and take it at a later time.
- c. Upon successful completion of the online CEI training, an email notification will be sent by CEI to the My Safe Florida Home program confirming the Participating Contractor's successful completion of the training.
- 2. If the Participating Contractor has completed the Blueprint for Safety Retrofit – an Introduction, DBPR/FCILB Course Number 0005849 provided by the Federal Alliance for Safe Homes (FLASH), at any time since Jan. 1. 2000, the Participating Contractor will be deemed to have satisfied the training requirement.
- (b) The applicant must indicate on its application form whether the applicant has already obtained the required training from one of the two approved sources.
- (c) If the applicant has not completed the required training, the applicant may nevertheless submit its application, but will not be approved as a Participating Contractor until:

- 1. The Construction Estimating Institute (CEI) emails the Department confirmation that the applicant has completed the CEI training (the CEI will automatically email confirmation to the Department as soon as the applicant takes and passes the required tests with a score of at least 90% correct); or
- 2. The applicant submits to the Department proof of having successfully completed the FLASH Blueprint for Safety course by providing the certificate of completion issued by the course provider, or records provided by the DBPR/FCILB) to: My Safe Florida Home Program, Attention: Participating Contractor Coordinator, Larson Building 5th Floor, 200 East Gaines St., Tallahassee, FL 32399.
- (6) Background Questions. An affirmative answer to any question in the "Background Questions" section of the Participating Contractor online application (form DFS-I4-1808) (effective)), does not mean that the applicant is automatically barred from serving as a Participating Contractor, but an affirmative answer will require further inquiry by the Department before the applicant can be approved as a Participating Contractor. Any initial decision by the Department denying an application to the Participating Contractor program is subject to the provisions of Chapter 120, Florida Statutes.
- (7) Participation Agreement. As a condition of being a Participating Contractor, all Participating Contractor applicants must agree to the terms and conditions of the "Participation Agreement" that is part of form DFS-I4-1808 (effective
- (8) There is hereby adopted and incorporated by reference Department form DFS-I4-1808 (effective), entitled "Participating Contractor On-line Application Form." Said form shall be used by interested persons to apply for Participating Contractor status, and sets forth the information required to be provided and instructions specific to each category of Participating Contractor applicant.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586(2)(g) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Assistant General Counsel, Division of Legal Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:

69J-7.005 My Safe Florida Home Program,

Forms For Use Regarding Grants

PURPOSE AND EFFECT: This rule adopts two forms for use by the My Safe Florida Home program in awarding grants to homeowners. Section 215.5586(2), Florida Statutes provides that homeowners meeting certain criteria may be awarded grants by the Department to upgrade their home against hurricane wind damage. Both low income and non-low income persons may receive grants, but low-income applicants are in part subject to different requirements. This rule adopts two forms by which grants are awarded by the Department to grant applicants. One form is for low-income homeowners, and the other form is for non-low-income homeowners). Each form is a set of three standard documents that are sent together as a package to each homeowner awarded a grant. The three documents that make up each form are: 1) Cover letter awarding the grant; 2) document stating the terms and conditions of the grant; and 3) reimbursement request documents to be used by the homeowner to obtain disbursement of grant funds when the improvements are

SUMMARY: The rule adopts forms for use in awarding grants to homeowners for the My Safe Florida Home Program.

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

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

SPECIFIC AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, March 18, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ellen Simon, (850)413-4270 or Ellen.Simon@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Assistant General Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4270

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-7.005 My Safe Florida Home Program, Forms For Use Regarding Grants.

- (1) The following forms are hereby adopted and incorporated by reference, for use in the My Safe Florida Home program under Section 215.5586, Florida Statutes:
- (a) DFS-14-1807, "LMI Grant Award Packet (low income)," (effective:).
- (b) DFS-I4-1806, "Matching Grant Award Packet (non-low income)," (effective:).
- (2) These forms may be obtained from the Department of Financial Services by request directed to the following address: My Safe Florida Home Program, Larson Building, 5th Floor, 200 East Gaines Street, Tallahassee, FL 32399-0333.

Specific Authority 215.5586(6) FS. Law implemented 215.5586 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Assistant General Counsel, Division of Legal Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE NOS: RULE TITLES:

5G-6.007 Annual Food Permit Requirements of

Tomato Packers and Repackers

5G-6.009 Tomato Best Practices Manual

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 50, December 14, 2007 issue of the Florida Administrative Weekly.