

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 10-19-89, Amended 10-1-90, 9-1-91, 11-16-93, 3-3-97, 11-16-98, Formerly 46-39.005, Amended 7-1-03,\_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.:                      RULE TITLE:  
6D-4.002                      President

PURPOSE AND EFFECT: The purpose of this Rule is to indicate that President is Chief Administrative officer of the school and lists requirements necessary for the position.

SUMMARY: This rule establishes requirements needed to hold the position of President of the Florida School for the Deaf and the Blind.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

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

DATE AND TIME: Friday, June 6, 2008, 9:00 a.m.

PLACE: Center for Leadership and Development, Moore Hall, FSSD Campus, St. Augustine, FL 32084

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: Elainer Ocuto, (904)827-2212. 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: Elainer Ocuto, 207 N. San Marco Avenue, St. Augustine, FL 32084, phone (904)827-2212

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6D-4.002, F.A.C. See Florida Administrative Code for present text.)

6D-4.002 President.

(1) The President is the Chief Administrative officer serving as secretary to the Board of Trustees, and is responsible for the organization and management of the School, its programs and operations.

(2) Requirements.

(a) Master’s or higher degree.

(b) Current certification in Hearing Impaired/Deaf Education or Visually Impaired and current Certification in Educational Leadership/Administration and Supervision. If certifications noted above are not from Florida, upon appointment, shall obtain State of Florida Certification in Hearing Impaired/Deaf Education or Visually Impaired Certification and Certification in Educational Leadership/Administration and Supervision within a reasonable period of time.

(c) Ten years experience in an educational setting, five of which must be working with Hearing Impaired or Visually Impaired students.

(d) Five years supervisory experience.

(3) Duties and responsibilities for this position are outlined in the position description located in the Human Resources Management and Development Office.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 12-19-74, Amended 10-29-84, 9-8-85, Formerly 6D-4.02, Amended 12-6-92, 5-14-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: L. Daniel Hutto, President

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 13 – March 28, 2008

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-86.001	Purpose
14-86.002	Definitions
14-86.003	Exceptions, Permit, and Assurance Requirements
14-86.004	Permit Application Procedure
14-86.005	General Conditions for a Drainage Permit
14-86.006	Permit and Exception, Suspension or Revocation
14-86.007	Forms
14-86.008	Recovery of Fines, Penalties, and Costs

PURPOSE AND EFFECT: This is a substantial amendment to Rule Chapter 14-86, F.A.C. It amends existing rules, adopts a new rule, repeals the Forms rule, and incorporates by reference a Drainage Manual and a revised form to replace two obsolete forms.

SUMMARY: Rule Chapter 14-86, F.A.C., is being amended. A rule development workshop was held on October 16, 2007. Additional comments were submitted in response to the rule development workshop.

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), (15) FS.

LAW IMPLEMENTED: 334.044(15) 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: May 27, 2008, 2:00 p.m.

PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 RULES IS:

DRAINAGE CONNECTIONS PERMIT

14-86.001 Purpose.

The purpose of this rule chapter is to regulate and prescribe ensure safe conditions for the transfer of stormwater to and the integrity of the Department of Transportation's right of way as a result of manmade changes to adjacent properties, through a permitting process designed to ensure the safety and integrity of Department of Transportation's facilities and to prevent an unreasonable burden on lower properties transportation facilities and to prevent an unreasonable burden on lower properties by providing standards and procedures for drainage connections from the properties adjacent to the Department's right of way. All Department actions taken pursuant to this rule chapter shall be in accordance with Section 120, F.S.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.044(15) 334.03 (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History—New 11-12-86, Amended \_\_\_\_\_.

14-86.002 Definitions.

As used in this rule chapter the following terms shall have the following meanings:

(1) “Adjacent Property” means.

(a) Any real property or easement with a shared boundary to the Department's facility or.

(b) Any real property or easement with a hydraulic link via a drainage connection across other properties or easements to the Department's right of way.

(2) “Applicant” means the owner of adjacent property or the owner's authorized representative.

(3)(1) “Applicable Standards” or “Applicable Wwater Quality Standards or minimum design and performance standards” means rules and regulations of a governmental entity pertaining to stormwater discharges from those discharge standards of the appropriate regulatory entity which apply to the Department's facilities to which the drainage connection is made facility being connected to.

(4)(2) “Approved Stormwater Management Plan” or “Master Drainage Plan” means a regional plan adopted or approved by a city, county, water management district, or other agency with specific drainage or stormwater management authority responsibility; provided that:

(a) Such plan is actively being implemented;

(b) Any required construction is substantially complete;

(c) Appropriate Downstream mitigation mitigative measures have been provided for in the plan; and

(d) That The use of any Department facilities either existing or planned, which are part of such plan, have been approved eordinated with and agreed to by the Department.

(5) “Closed Basin” means a basin without any positive outlet.

(6)(3) “Critical Duration” means the length of time duration of a specific storm frequency event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-improvement development runoff less pre-improvement development runoff) for typical durations up through and including the 10-day duration for closed basins and up through the 3-day duration for basins with positive outlets event. The critical duration for a given storm frequency is determined by calculating comparing various durations of the specified storm and calculating the peak rate and volume of stormwater runoff for various storm durations and then comparing the pre-improvement and post-improvement conditions for each of the storm durations. The duration resulting in the highest peak rate or largest net total stormwater volume is the “critical duration” storm (volume is not applicable for basins with positive outlets).

(7) “Department” means the Florida Department of Transportation.

(8) “Discharge” means the event or result of stormwater draining or otherwise transferring from one property to another or into surface waters.

(9)(4) “Drainage Connection” means any structure, pipe, culvert, device, paved or unpaved area, swale, ditch, canal, or other appurtenance or feature, whether naturally occurring or created, which is used or functions as a link to convey or otherwise conveys stormwater runoff or other surface water discharge from the adjacent property to the Department’s facility.

(5) “Engineer” means a Professional Engineer registered in Florida pursuant to the provisions of Chapter 471, F.S., who as appropriate is competent in the fields of hydraulics, hydrology, stormwater management or stormwater pollution control.

(10)(6) “Facility” or “Facilities” means anything built, installed, or maintained by the Department ~~all man-made or~~ natural features within the Department’s right-of-way or easement including, but not limited to curbs, gutters, swales, ditches, canals, channels, culverts, pipes, retention and detention areas.

(11)(7) “Impervious Area” means surfaces which do not allow, or minimally allow, the penetration of water. Examples of impervious areas are building roofs, all concrete and asphalt pavements, compacted limerock areas, lakes, ponds and other standing water areas, including some retention/detention areas.

(12)(8) “Improvement” means any man-made change(s) to adjacent property adjacent to the Department’s right-of-way made after the effective date of this rule chapter.

(13) “Licensed Professional” means an individual licensed by a Florida professional licensing board, authorized by law to design and certify the stormwater management system under review.

(14) “Man-made Change” means any intentional physical change to or upon adjacent property, or foreseeable change resultant from an intentional physical change, which establishes or alters the rate, volume, or quality of stormwater.

(15) “Permit” or “Drainage Connection Permit” means an authorization to establish or alter a drainage connection to the Department’s right of way issued pursuant to this rule chapter.

(16) “Permittee” means the entity to which a Drainage Connection Permit is issued.

(17)(9) “Positive Outlet” means a point of stormwater runoff discharge into surface waters which under normal conditions would drain by gravity through surface waters ultimately to the Gulf of Mexico, or the Atlantic Ocean, or into sinks, or closed lakes, or recharge wells provided the receiving waterbody has been identified by the appropriate Water Management District as functioning as if it recovered from runoff by means other than transpiration, evaporation, percolation, or infiltration.

(18) “Post-improvement” means the condition of property after the improvement is made which requires a Drainage Connection Permit.

(19)(40) “Pre-improvement” means is the condition of property before November 12, 1986, and includes any drainage connections previously permitted under this rule chapter or permitted by another governmental entity based on stormwater management requirements equal to or more stringent than those in the effective date of this rule chapter.

(20) “Right of Way” means land in which the Department owns the fee or less than the fee, or for which the Department has an easement, devoted to or required for use as a transportation or stormwater management facility.

(21)(41) “Stormwater” or “Stormwater Runoff” means the flow of water which results from and occurs immediately following a rainfall event.

(22) “Stormwater Management System” means a system which is designed and constructed or implemented to control stormwater, incorporating methods to collect, convey, store, infiltrate, treat, use, or reuse stormwater to prevent or reduce flooding, overdrainage, environmental degradation, pollution, and otherwise affect the quantity or quality of stormwater in the system.

(23)(42) “Surface Water” means water upon the surface of the earth whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits onto the earth’s surface.

(24)(43) “Watershed” means the region draining or contributing water to a common outlet, such as a stream, lake, or other receiving area.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.044(15) 334.03(17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History—New 11-12-86, Amended \_\_\_\_\_.

14-86.003 ~~Exceptions Exemption~~, Permit, and Assurance Requirements.

(1) ~~Exceptions Exemption~~. Any of the following exceptions shall be revoked by the Department if any drainage connection from the adjacent property threatens the safety and integrity of the Department’s facilities or creates an unreasonable burden on lower properties, including violations of applicable water quality standards:

(a) ~~All~~ Single-family residential improvements which are not part of a larger common plan of improvement or sale are exempt from the provisions of this Rule Chapter.

(b) ~~All~~ improvements related to Agriculture and silviculture improvements which are regulated by the Department of Environmental Protection Regulation or regional ~~W~~water ~~M~~management ~~D~~districts or which meet

generally accepted engineering practice for drainage and water management are exempt from the provisions of this Rule Chapter.

(c) Any other improvement, other plan of improvement is exempt from the provisions of this Rule Chapter provided that all of the following apply are complied with:

1. The total impervious area, after improvement, must be less than 5,000 square feet of cumulative impervious area and is less than 40% of, with a maximum of 5,000 square feet of buildings and paved surfaces for that portion of the adjacent property that naturally drained to the Department's right-of-way, provided it is not part of a larger common plan of improvement or sale;

2. The improvement does not create or alter includes no work to be done on the Department's right of way which creates or alters a drainage connection;

3. The improvement does not change flow patterns of stormwater to the Department's right of way, and does not increase the surface area draining to the Department's right of way.

~~4.3.~~ The property is located in a watershed which has a positive outlet.

5. The site or improvement is not part of a larger common plan of improvement or sale.

(2) Permit. All improvements that are not excepted exempted in subsection Rule 14-86.003(1), F.A.C., require a Drainage Connection Permit, Form 850-040 (05/08), whether or not the work is done in conjunction with a driveway connection and whether or not the improvement retains stormwater runoff on the adjacent property up to and including the 100 year event of critical duration vehicular connection.

(3) Assurance Requirements.

(a) The applicant for a drainage connection permit shall provide ~~reasonable~~ assurances that:

1. The peak discharge rates and ~~or~~ total volumes of stormwater discharging from the adjacent property to the Department's right of way are those provided for in an approved stormwater management plan or master drainage plan; otherwise the post-improvement stormwater runoff discharging discharge from the adjacent property to the Department's right of way under control of the applicant shall not exceed the more stringent of the following:

a. The peak discharge rates and ~~or~~ total volumes allowed by applicable local regulation; or

b. The improvement pre-improvement peak stormwater runoff discharge rates shall not increase stormwater discharge be increased, and in addition in watersheds which do not have a positive outlet, the post-improvement stormwater runoff total volumes shall not be increased above the pre-improvement condition, and in watersheds which do not have a positive outlet, the post-improvement total volume of stormwater

runoff shall not be increased considering worst case storms for up to the frequencies and durations contained in paragraph 14-86.003(3)(c), F.A.C.

2. Any discharge pipe establishing or constituting a drainage connection to the Department's right of way shall be limited in size based on the pre-improvement discharge rate, downstream conveyance limitations, and downstream tailwater influences. The applicant's stormwater runoff discharge coming to the Department's facility through the created features of the drainage connection may not exceed its prorata share allowed by either the design capacity of the Department's facility or by other governmental entities.

3. If the improvement changes the inflow pattern of stormwater or method of drainage connection to the Department's right of way, the applicant shall demonstrate that post-improvement discharge will not exceed the pre-improvement discharge to the Department's right of way, that any new drainage connection does not threaten the safety or integrity of the Department's right of way, and does not increase maintenance costs to the Department. This demonstration shall at a minimum include analyzing pavement hydraulics, ditch hydraulics, storm drain hydraulics, cross drain hydraulics, and stormwater management facilities. The analysis must follow the methodology used in the design of the Department's facilities receiving the discharge and meet the criteria in the Department's *Drainage Manual*, Topic Number 625-040-002-c, May 2008, incorporated herein by reference. The *Drainage Manual* is available from the Department at: <http://www.dot.state.fl.us/rddesign/dr/Manualsandhandbooks.htm>.

~~4.3.~~ The quality of water conveyed by the connection meets all applicable water quality standards or minimum design and performance standards, and such assurance shall be certified in writing. In the event the discharge is identified causing or contributing to a violation of applicable water quality standards, the permittee will be required to incorporate such abatement as necessary to bring the permittee's discharge into compliance with applicable standards.

(b) If the requirements set forth in paragraph Rule 14-86.003(3)(a), F.A.C., cannot reasonably be fully complied with, the applicant may submit alternative drainage connection designs which will require the approval of the District Secretary. The analysis supporting the proposed alternative connection must follow the methodology used in the design of the Department's facilities receiving the proposed alternative drainage connection and meet the criteria of the Department's *Drainage Manual*. Acceptance of any alternative designs must serve shall be based upon maximum achievement of the purpose of this rule chapter and shall be based upon consideration of the following:

1. The type of stormwater management practice proposed;
2. The ~~probable~~ efficacy and costs of alternative controls;
3. The impact upon the operation and maintenance of the Department's facilities facility; and

4. The public interest served by the drainage connection.

(c) In providing reasonable assurances, the applicant shall:

1. Use a methodology which is compatible with the methodology ~~employed used~~ in the design of the Department's facilities receiving the stormwater facility; and

2. Determine the peak stormwater runoff discharge rates considering various rainfall event frequencies up to and including a 100 year event of critical duration of up to three days; and

3. In watersheds without a positive outlet, determine the stormwater runoff total volumes considering various rainfall amounts up to a 100 year rainfall frequency of critical durations of up to ten days. The retention volume required to comply with this rule must meet the pond recovery criteria in the Department's Drainage Manual.

Specific Authority 334.044(2), ~~(15)~~ FS. Law Implemented ~~334.044(15)~~ ~~334.03(17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f)~~ FS. History—New 11-12-86, Amended \_\_\_\_\_.

14-86.004 Permit Application Procedure.

(1) An applicant shall submit a Drainage Connection Permit, ~~apply for a drainage connection permit on~~ Form 850-040-06 (05/08), incorporated herein by reference ~~592-42~~. ~~This~~ ~~These~~ forms may be obtained from any of the Department's local area Maintenance Offices, District Offices, or on the internet at the Department's website: <http://www2.dot.state.fl.us/proceduraldocuments/forms/forms.asp>, regional maintenance offices.

(2) The applicant shall submit four completed Drainage Connection Permits application forms. Each completed Drainage Connection Permit form shall include all required attachments. All required plans and supporting documentation shall be submitted on no larger than 11" x 17" multipurpose paper and included in PDF format on a compact disk.

~~(3) When the improvement is for agricultural or silvicultural use and is not exempt under 14-86.003(1)(b) or the improvement is a residential duplex, triplex, or quadraplex structure which is not part of a larger common plan of improvement, and when the improvement will have less than 10,000 square feet of buildings and paved surfaces of which no more than 5,000 square feet is located within 250 feet of the Department's right-of-way line; in lieu of providing the information required in Rule 14-86.004(4) below, the activity description required on the permit form may be expanded to contain sufficient information to provide the reasonable assurances required in 14-86.003(3). However, the applicant shall certify full knowledge of and intent to comply with the conditions for issuance of the permit.~~

(3)(4) The Drainage Connection Permit shall be accompanied by: For improvements other than those specified in Rule 14-86.004 (3), the permit application shall be accompanied by:

(a) A location map, included in the construction plans, sufficient to show the location of the improvement and any drainage connection to the Department's right of way, and shall include the state highway number, county, city, and section, range, and township. An affidavit of ownership or control of the property, a legal description of the property, and a statement that the total contiguous property owned or controlled by the applicant is that shown and described.

~~(b) A map sufficient to show the location of the improvement and the drainage connection, and as applicable shall include the state highway number, county, city, and section, range, and township.~~

~~(b)(e) A grading plan drawn to scale showing pre-improvement and post-improvement site conditions including all pervious and impervious surfaces, land contours, spot elevations, and all drainage facilities both of the Department and of the adjacent property improvement. Existing conditions will be accepted only if pre improvement conditions cannot be established. The bench mark datum for the plans (whether NGVD 29 or NAVD 88) shall be noted on the plans. Elevations shall be based upon National Geodetic Vertical Datum (NGVD). Contour information shall extend 50 feet beyond the property boundaries or be sufficient to clearly define the portion of the watershed which drains through the property to the Department's right of way facilities.~~

~~(c)(d) Sufficient photographs which to accurately depict pre-improvement and present conditions. Photographs to accurately depict pre-improvement and present conditions.~~

~~(d)(e) Sufficient soil borings and water table data and, where percolation or infiltration is utilized in the design, appropriate percolation test methodology and results.~~

~~(e)(f) Computations as required by subsection 14-86.003(3), F.A.C.~~

~~(f)(g) The Drainage Connection Certification, Part 3 of the permit application must be certified by a Licensed Professional by an Engineer that the complete set of plans and computations comply with either one of the following Rules: paragraph 14-86.003(3)(a) or 14-86.003(3)(b), F.A.C.~~

(4) Improvements which otherwise meet the criteria of subparagraphs 14-86.003(1)(c)1. and 14-86.003(1)(c)4., F.A.C., but which create or alter a drainage connection to the Department's right of way, will not require submittal of the information required by paragraphs 14-86.004(3)(d) through (f), F.A.C., but will otherwise require the submittal of all other required information.

~~(5) Permits requested pursuant to Rule 14-86.003(2) which meet the criteria of Rule 14-86.003(1)(e)1. and Rule 14-86.003(1)(e)3., but which require work to be done on the Department's right-of-way contrary to Rule 14-86.003(1)(e)2., will not require submittal of the information required by Rule 14-86.004(4)(e) through (g).~~

~~(5)(6)~~ The Department recognizes that regulatory and permitting programs exist or may be developed in the future by local units of government, and state or federal agencies which may overlap with some or all of the requirements of this rule ~~Chapter~~. In order to avoid duplication the Department will:

(a) In lieu of the requirements in Rules 14-86.003 and subsection 14-86.004(4), F.A.C., accept a permit that accomplishes the purposes of this rule chapter so long as the permit is issued by a governmental entity with specific stormwater management authority and Surface Water Management Permit issued by a Water Management District, a Surface Water Management Permit issued by a delegated local government or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided, issuance is based on requirements equal to or more stringent than those in Rule 14-86.003, F.A.C.; or

(b) Accept any form, plans, specifications, drawings, calculations, or other data developed to support an application for a permit required by a governmental entity the appropriate agency, pursuant to any rule which establishes requirements equal to or more stringent than Rules 14-86.003, F.A.C. ~~in lieu of any such submittals required by Rule 14-86.004.~~

Specific Authority 334.044(2), (15) FS. Law Implemented 334.044(15) 334.03(17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History–New 11-12-86, Amended \_\_\_\_\_.

14-86.005 General Conditions for a Drainage Permit.

(1) A ~~Department~~ Drainage Connection Permit does not exempt the permittee from meeting all other applicable regulations and ordinances governing ~~for~~ stormwater management.

(2) All work done in conjunction with the drainage connection permit shall meet and adhere to all general and specific conditions and requirements contained on the Permit.

(3) Within 15 days after completion of the work authorized by an approved Drainage Connection Permit, the permittee applicant shall notify the Department in writing of the completion; and for all design work that originally required certification by a Licensed Professional an Engineer, this notification shall contain the As Built Certification, Part 8 of the Permit. The certification shall state that work has been completed in substantial compliance with the Drainage Connection Permit.

(4) This rule does not address or authorize the discharge of groundwater, treated or untreated, to the Department’s right of way.

~~(5)(4)~~ The permittee or property owner, will be required to reimburse the Department for any expenses (fees, fines, penalties, abatement costs, clean up, etc.) incurred by the Department in the event the permittee’s discharge fails to meet

the applicable water quality standards or minimum design and performance standards contrary to the permittee’s assurances provided in subsection ~~Rule~~ 14-86.003(3), F.A.C.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.044(15) 334.03(17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History–New 11-12-86, Amended \_\_\_\_\_.

14-86.006 Permit and Exception, Suspension, or Revocation.

A permit will ~~may~~ be suspended or revoked if:

(1) The permitted drainage connection is not constructed, operated, or maintained in accordance with the permit;

(2) Emergency conditions or hazards exist;

(3) False or misleading information is submitted to the Department in the Drainage Connection Permit form;

(4) The As-built Certificate required for the Drainage Connection Permit form is not submitted in accordance with subsection required in Rule 14-86.005(3), F.A.C. is not timely submitted.

(5) Any unpermitted discharge from the adjacent property occurs.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.044(15) 334.03 (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History–New 11-12-86, Amended \_\_\_\_\_.

14-86.007 Forms.

Specific Authority 334.044(2) FS. Law Implemented 120.53(1)(b), 120.60, 334.03(17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History–New 11-12-86, Repealed \_\_\_\_\_.

14-86.008 Recovery of Fines, Penalties, and Costs.

The Department is authorized to recover fines, penalties, and costs incurred by the Department due to actions or omissions of a permittee or adjacent property owner resulting in any discharge that threatens the safety and integrity of Department facilities or unreasonably burdens lower properties, including violations of applicable water quality standards, and including discharges from otherwise excepted adjacent properties. The permittee or adjacent property owner shall each be responsible to reimburse the Department for any fines, penalties, and costs (e.g., expenses, abatement costs, mitigation costs, remediation costs) incurred by the Department resultant from a discharge from the adjacent property to the Department’s right of way which threatens the safety or integrity of Department facilities, unreasonably burdens lower properties, or violates applicable water quality standards.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.044(1), (10)(a), (15) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael A. Sheppard, P.E., Roadway Design Office – Drainage  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Kevin Thibault, Assistant Secretary  
for Finance and Administration, for Stephanie C. Kopelousos,  
Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 23, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 17, 2007

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES**

**Division of Motor Vehicles**

RULE NOS.:	RULE TITLES:
15C-16.001	Scope and Authority
15C-16.002	Data Security
15C-16.003	Exemptions
15C-16.004	Record Retention

PURPOSE AND EFFECT: Create a new rule to reflect the addition of Section 320.96, F.S. The new statute requires the Department of Highway Safety and Motor Vehicles to implement a secure electronic process for the issuance of temporary license plates.

SUMMARY: Per Section 320.96, Florida Statutes, the Department of Highway Safety and Motor Vehicles shall implement a secure print-on-demand electronic temporary license plate registration, record retention, and issue system for use by every department-authorized issuer of temporary license plates. Secure print-on-demand for this purpose means validating state registration data using higher levels of commercially accepted data encryption methods from the point of department connectivity to the license plate printer. The department may adopt rules as necessary to implement this program. The department may provide such exemptions as may be feasibly required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The implementation of administrative Rule 15C-16, F.A.C., will have no appreciable effect on state, county, or local governments. The approximately 12,300 licensed motor vehicle dealers currently issuing temporary license plates will continue to pay the state mandated \$2.00 per plate fee as they have done in the past. In addition, motor vehicle dealers who opt to use a department approved third party vendor to implement electronic temporary registration will have the additional costs associated with that option.

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: 320.131, 320.96 FS.

LAW IMPLEMENTED: 320.131, 320.96 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: Palmer Brand, Assistant Chief, Bureau of Titles and Registration Services, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Room A334, MS 68, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-3001

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-16.001 Scope and Authority.

(1) This chapter governs the administration of electronic temporary registrations (ETR) and related requirements for motor vehicles under Chapter 320, F.S. It is promulgated and will be administered by the Department of Highway Safety and Motor Vehicles (“the Department”).

(2) The department shall implement a secure print-on-demand electronic temporary license plate registration, record retention, and issue system for use by every department-authorized issuer of temporary license plates. The department may provide exemptions as may be feasibly required.

(3) If a licensed dealer fails to comply with the department’s requirements for issuing temporary license plates using the electronic system, the department may deny, suspend, or revoke a license under Sections 320.27(9)(b)16., F.S., upon proof that the licensee has failed to comply with the department’s requirements.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History–New \_\_\_\_\_.

15C-16.002 Data Security.

All information communicated via ETR providers and the department must, at a minimum, be encrypted using a secure sockets layer (SSL) protocol with 128-bit encryption.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History–New \_\_\_\_\_.

15C-16.003 Exemptions.

(1) Trailers less than 2,000 lbs. net weight do not require the seller to be licensed for commercial sale and are therefore exempt from electronic temporary registration requirements.

(2) To ensure the continuation of operations with the least negative impact to temporary plate issuers when the Department is unable to authorize, or third party providers are unable to assign print on demand temporary license plates, a backup issuance method using pre-assigned stock will be authorized by the department. The issuance of a plate using this method must be reported to the department within one business day, not including weekends or state holidays, of the issuance of the plate. Every issuer shall keep a record of any temporary tag issued in a form specified by the Department.

The record will include, but is not limited to: date of issuance, tag number issued, the name and address of the motor vehicle purchase, vehicle identification number, vehicle description, and reason for off-line issuance.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History--New \_\_\_\_\_.

15C-16.004 Record Retention.

Any person or entity authorized to issue electronic temporary registrations shall maintain all records relating to their issuance for a period of 5 years, and such records shall be open to inspection by the department or its agents during reasonable business hours.

Specific Authority 320.96 FS. Law Implemented 320.131, 320.96 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Palmer Brand, Assistant Chief, Bureau of Titles and Registration Services, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Room A334, MS 68, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-3001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carl Ford, Director, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.008 RULE TITLE: Public Liability and Workers' Compensation Insurance

PURPOSE AND EFFECT: The purpose and effect is to revise and clarify the existing language pertaining to requirements for obtaining public liability, property damage and workers' compensation insurance.

SUMMARY: The existing language pertaining to requirements for obtaining public liability, property damage and workers' compensation insurance is revised and clarified.

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: 489.507(2), 489.510, 489.511(4), 489.515 FS.

LAW IMPLEMENTED: 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 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: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.008 Public Liability and Workers' Compensation Insurance.

(1) As a prerequisite to the initial issuance, or a change in the status of an active certificate or registration, the applicant shall attest that the applicant will obtain ~~submit evidence the applicant has obtained~~ public liability and property damage insurance, in the amounts stated herein ~~in the form of a Certificate of Insurance~~. It shall be a violation of this rule for any licensee to fail to continually maintain liability and property damage insurance in amounts set forth herein. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information:

(a) through (1) No change.

(2) As a prerequisite to the initial issuance, or a change in the status of an active certificate or registration, the applicant shall attest the applicant will obtain workers' compensation insurance or an appropriate exemption pursuant to Chapter 440, F.S. ~~submit evidence the applicant has obtained workers' compensation insurance in the form of a Certificate of Insurance or an appropriate exemption pursuant to Chapter 440, F.S.~~ It shall be a violation of this rule for any licensee to fail to continually maintain workers' compensation coverage or an appropriate exemption as required.

(3) through (5) No change.

Specific Authority 489.507(2), 489.510, 489.511(4), 489.515 FS. Law Implemented 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 FS. History--New 1-2-80, Formerly 21GG-5.08, Amended 5-20-92, Formerly 21GG-5.008, Amended 9-22-97, 3-29-99, 3-19-02, 12-27-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Electrical Contractors' Licensing  
Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 14, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 11, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.:                   RULE TITLE:  
61G6-10.0015               Standards of Practice

PURPOSE AND EFFECT: The purpose and effect is to  
establish standards of practice for electrical contractors.

SUMMARY: Standards of practice for electrical contractors  
are established.

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: 489.507(3), 489.516(2),  
489.531(1)(a), (e), 489.533(1)(f), (j), 455.227(1)(j), (p) FS.

LAW IMPLEMENTED: 489.503, 489.533(2), 455.227(2) 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: Anthony B. Spivey, Executive  
Director, Electrical Contractors' Licensing Board, Northwood  
Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.0015 Standards of Practice.

(1) The Board establishes the following as standards of  
practice in electrical and alarm system contracting:

(a) An electrical or alarm system contractor shall, prior to  
engaging or contracting with another entity and or person for  
the performance of electrical or alarm system contracting as  
defined by Section 489.505(9), F.S., verify that the entity and  
or person is certified or registered with the State of Florida.

(b) An electrical or alarm system contractor shall maintain  
documentation of his or her verification of licensure of all  
entities or persons that he or she engages or contracts for the  
performance of electrical or alarm system contracting as

defined by Section 489.505(9), F.S. At a minimum,  
documentation shall include proof of the entities' or persons'  
current Florida certification or registration.

(c) An electrical or alarm system contractor shall obtain  
applicable local building department permits prior to  
performing any electrical or alarm system contracting, unless  
otherwise exempted pursuant to Section 489.503, F.S.

(2) It shall constitute negligence, incompetence, and/or  
misconduct in the practice of electrical or alarm system  
contracting, as set forth in Section 489.533(1)(f), F.S., for an  
electrical or alarm system contractor to fail to comply with the  
standards of practice set forth above.

Specific Authority 489.507(3), 489.516(2), 489.531(1)(a),(e),  
489.533(1)(f),(j), 455.227(1)(j),(p) FS. Law Implemented 489.503,  
489.533(2), 455.227(2) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Electrical Contractors' Licensing  
Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 26, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 12, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Board of Employee Leasing Companies**

RULE NO.:                   RULE TITLE:  
61G7-10.0014               Requirements for Evidence of  
Workers' Compensation Coverage

PURPOSE AND EFFECT: The proposed rule amendment is  
intended to incorporate a new form for reporting workers'  
compensation coverage into the current version of the rule.

SUMMARY: The proposed rule amendment incorporates a  
new form for reporting workers' compensation coverage into  
the current version of 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: 468.522, 468.529 FS.

LAW IMPLEMENTED: 468.529 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.0014 Requirements for Evidence of Workers' Compensation Coverage.

(1) through (2) No change.

(3) Evidence which meets the requirements of subsection (2) above shall consist of:

(a) A statement, initially filed with the application and thereafter filed quarterly with annually at the same time that the statements provided for in Rule 61G7-10.001 ~~61G7-10.0011~~, F.A.C., ~~are submitted~~, which is signed by all of the controlling persons of the applicant or licensee and which attests that all leased employees in the State are covered by methods paragraph (2)(a) or (b) above; or

(b) If the employee leasing company performs its duties regarding workers' compensation coverage utilizing method paragraph (2)(c) either alone or in combination with methods paragraph (2)(a) or (b), then the employee leasing company shall by submitting a written statement to the Department, initially ~~filed~~ with the application and thereafter quarterly with filed annually at the same time that the statements provided for in Rule 61G7-10.001 ~~61G7-10.0011~~, F.A.C., ~~are submitted~~, which has been executed by all of the controlling persons, the CEO, the CFO, and the Chairman of the Board of the employee leasing company. The statement shall include an attestation by the signing parties that the statement was executed after due inquiry of the employee leasing company's books and records and that, after making such an inquiry, the signing persons have taken reasonable steps to ascertain that all leased employees have workers' compensation coverage under methods paragraphs (2)(a)-(c) above. This statement shall be made on Form DBPR EL-4522 "Quarterly Compliance Form" (3-08) effective on \_\_\_\_\_, copies of which may be obtained from the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its website at <http://www.myflorida.com/dbpr/pro/emplo/forms.html>. The term "Reasonable Steps" as used herein is defined as requiring those persons making the above attestation, at a minimum:;

1. To receive and review a workers' compensation certificate from all clients who are maintaining their own workers' compensation policy, which certification on its face provides workers' compensation coverage to such clients' leased employees, and

2. To confirm that the client has reported that it has obtained such workers' compensation coverage to the Florida Department of Insurance.

3. ~~Moreover, if the client of the employee leasing company changes or cancels the policy issued to it by the client's insurance carrier or if the client ceases providing~~

~~workers' compensation coverage under a lawful plan of self insurance, the employee leasing company shall file an additional statement with the Department which shall be in the same form as that provided for in subparagraph (3)(b)1. herein within 30 days of the change or cancellation of the policy or cessation of coverage under the lawful plan of self insurance.~~

(c) In addition to the foregoing, the statement shall set out the percentage of leased employees in the State which are covered by each of the methods set out in paragraphs (2)(a)-(c) above as of the date of the statement.

(d) The information and assertions contained in the statement shall be subject to audit and verification by the Department as per Section 468.535, F.S.

Specific Authority 468.522, ~~468.525~~, 468.529 FS. Law Implemented ~~468.525~~, 468.529 FS. History—New 11-25-02, Amended 3-26-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2008

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

**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 Nursing**

RULE NO.:	RULE TITLE:
64B9-15.009	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The purpose and effect is to set forth the disciplinary guidelines for unprofessional conduct by certified nursing assistants.

SUMMARY: The disciplinary guidelines for unprofessional conduct by certified nursing assistants are set forth.

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: 464.204 FS.

LAW IMPLEMENTED: 464.204, 456.072 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon registrants for violation of the noted statutes and rules:

(a) through (hh) No change.

(ii) Intentionally engaging in unprofessional conduct, as defined in Rule 64B9-8.005, F.A.C. (Section 464.018(1)(h)).

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$50.00 fine, reprimand and probation, continuing education</u>	<u>\$150.00 fine, reprimand, suspension followed by probation</u>
<u>SECOND OFFENSE</u>	<u>\$150.00 fine, reprimand, suspension followed by probation</u>	<u>\$150.00 fine and revocation</u>

If the unprofessional conduct involves hitting a patient or intentionally causing harm to a patient, the MINIMUM penalty for a FIRST OFFENSE is REVOCATION of the license.

(4) through (6) No change.

Specific Authority 464.204 FS. Law Implemented 456.072, 464.204 FS. History--New 10-28-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-11.011  
 RULE TITLE: Provisional License

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide the form name and number of the application for provisional licenses and the website address where the form can be obtained from the Board of Nursing Home Administrators.

SUMMARY: The rule amendment will provide the form name and number of the application for provisional licenses and the website address where the form can be obtained from the Board of Nursing Home Administrators.

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: 468.1685(1), 468.1735 FS.

LAW IMPLEMENTED: 468.1735 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 Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.011 Provisional License.

(1) An application for a provisional license must fully explain the circumstances surrounding the unexpected vacancy, include proof of the applicant's designation as next in command, and be accompanied by the appropriate fees. The application shall be made on the Application for Provisional License form DH-MQA-NHA015 (revised 2/2008 hereby adopted and incorporated by reference) and can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

(2) A provisional license shall be valid for a single six (6) month period.

(3) Service as a provisional licensee shall not count as part of the requirements of an Administrator-in-Training program.

(4) An application for a provisional license shall not be granted unless the applicant can demonstrate that he or she possesses a minimum of six (6) months management experience within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of sixty (60) licensed beds, or a geriatric residential treatment program.

(5) A provisional license shall not be granted to any applicant whose Nursing Home Administrator license has been suspended or revoked in any jurisdiction.

Specific Authority 468.1685(1), 468.1735 FS. Law Implemented 468.1735 FS. History–New 12-6-79, Amended 8-17-81, Formerly 21Z-11.11, Amended 4-22-87, Formerly 21Z-11.011, 61G12-11.011, Amended 7-21-97, Formerly 59T-11.011, Amended 10-30-00, 8-30-05, 11-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-18.002  
RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose of the amendment is to add medications to the Formulary of Topical Ocular Pharmaceutical Agents at the request of the Florida Optometric Association as approved by the TOPA Committee Members.

SUMMARY: Medications are added to the Formulary of Topical Ocular Pharmaceutical Agents at the request of the Florida Optometric Association as approved by the TOPA Committee 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: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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 Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (3) No change.
- (4) ANTIBACTERIAL
  - (a) through (l) No change.
  - (m) Moxifloxacin – 0.5%; ~~and~~
  - (n) Sodium sulfacetamide – 10.0% (alone and in combination); ~~and-~~
  - (o) Azasite.
- (5) through (8) No change.
- (9) MISCELLANEOUS
  - (a) through (c) No change.
  - (d) Polyvinyl pyrrolidone – drops 2.0%.

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History–New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2008

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

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NOS.:	RULE TITLES:
64B14-4.001	Approved Examinations
64B14-4.100	Requirements for Prosthetic or Orthotic Residency or Internship
64B14-4.110	Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthist

PURPOSE AND EFFECT: The purpose and effect for Rule 64B14-4.001, F.A.C., is to delete inapplicable examinations required and to add a new required examination; for Rule 64B14-4.100, F.A.C., it is to delete a non-applicable requirement for Prosthetic or Orthotic Residency or Internship; for Rule 64B14-4.110, F.A.C., it is to amend the rule title and update the existing language.

**SUMMARY:** In Rule 64B14-4.001, F.A.C., inapplicable examinations required are deleted and a new required examination is added; in Rule 64B14-4.100, F.A.C., a non-applicable requirement for Prosthetic or Orthotic Residency or Internship is deleted; in Rule 64B14-4.110, F.A.C., the rule title is amended and the existing language is 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:** 456.017(1)(c), 468.802, 468.803 FS.

**LAW IMPLEMENTED:** 456.017(1)(c), 468.803 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:** Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

**THE FULL TEXT OF THE PROPOSED RULES IS:**

64B14-4.001 Approved Examinations.

(1) The board accepts the examination results of the following nations standards organization in lieu of administering a state examination:

(a) No change.

(b) Pedorthist – the ABC certified pedorthic ~~BCP~~ examination.

(c) No change.

(2) The board approves the following examinations for licensure pursuant to Section 468.805, F.S.:

(a) Orthotist prosthetist, prosthetist/orthotist – the written and written simulation modules of the ABC examination.

(b) Pedorthist – the BCP examination

Specific Authority 456.017(1)(c), 468.802, 468.803(2) FS. Law Implemented 456.017(1)(c), 468.803(2) FS. History–New 11-1-99, Amended 9-21-06,\_\_\_\_\_.

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

(8) Prior to commencing a residency or internship, the resident/intern must submit a completed Registration Form, Form number DH-MQA 1114, 11/07.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History–New 11-1-99, Amended 7-2-07,\_\_\_\_\_.

64B14-4.110 Requirements for Orthotic Fitter, Orthotic Fitter Assistant and ~~Pedorthist~~ Pedorthic.

(1) through (2) No change.

(3) Requirements for Licensure as a Pedorthist.

(a) The minimum 120 hours of training must meet the following requirements:

1. The training must take place in a program approved by ABC ~~BCP~~.

2. No change.

(b) The internship must consist of 80 hours of pedorthic work experience under the direct supervision of a licensed orthotist, licensed pedorthist, an orthotist certified by ABC, or a pedorthist certified by ABC ~~BCP~~.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History–New 11-1-99, Amended 1-16-06, 9-21-06,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Board of Orthotists and Prosthetists

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Orthotists and Prosthetists

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** November 9, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 14, 2007

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

**RULE NO.:** **RULE TITLE:**

64B16-28.850 Special Pharmacy – ESRD

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to add additional drugs to the rule.

**SUMMARY:** Additional drugs will be listed in 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:** 465.005, 465.0125 FS.

**LAW IMPLEMENTED:** 465.0196, 465.022 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:** Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B16-28.850 Special Pharmacy – ESRD.

(1) through (2) No change.

- (3) Schedule of legend drugs:
  - (a) Saline Solutions.
  - (b) Porcine Heparin.
  - (c) Beef Heparin.
  - (d) Dextrose Solutions.
  - (e) Doxercalciferol.
  - (f) Epoetin Alfa.
  - (g)(e) NACL INJ 50 MEQ/20 ML.
  - (h) Levocarnitine.
  - (i)(f) Lidocaine.
  - (j)(g) Vitamin Preparations (dialysate use only).
  - (k) Paricalcitol.
  - (l)(h) Peritoneal Dialysate Solutions.
  - (m)(i) Protamine Sulfate.
  - (n)(j) Potassium 20 MEQ/10ML (dialysate use only).
  - (o) Sodium Ferric Gluconate Complex or equivalent.
  - (p)(k) Sterile Water for Irrigation.
- (4) through (17) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0196, 465.022 FS. History—New 10-2-94, Formerly 59X-28.850, Amended 9-20-99, 7-17-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-4.002  
RULE TITLE: Reactivation of Retired Status License

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify course requirements for reactivation of retired status licenses.

SUMMARY: The rule amendment will clarify course requirements for reactivation of retired status licenses.

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: 456.036(7),(9), 468.353 FS.  
LAW IMPLEMENTED: 456.036(7),(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Acting Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-4.002 Reactivation of Retired Status License.

(1) A retired status licensee for less than five years may change to active status provided:

(a) through (c) No change.

(d) A licensee must ~~take a attend HIV and~~ medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(2) A retired status licensee for five years or more may change to active status provided:

(a) through (d) No change.

(e) A licensee must ~~take a attend HIV and~~ medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(3) Board-approved comprehensive review course means any course or courses which includes, at a minimum, fourteen (14) ~~direct contact education~~ hours in the topics and number of hours as follows: ~~For the purpose of this section, home study courses are not permitted.~~

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

Specific Authority 456.036(7), (9), 468.353(1) FS. Law Implemented 456.036(7), (9) FS. History—New 4-19-07, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2008

**DEPARTMENT OF HEALTH****Division of Disease Control**

RULE NO.: 64D-3.046  
 RULE TITLE: Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

PURPOSE AND EFFECT: The Bureau of Immunization proposes an amendment to update forms and guidelines that are incorporated by reference.

SUMMARY: This rule amendment updates forms DH-680 Florida Certification of Immunization, and DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes.

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: 381.0011(13), 381.003(1), (2), 381.005(2), 1003.22 FS.

LAW IMPLEMENTED: 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 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: May 26, 2008, 10:00 a.m. (EDT)

PLACE: 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

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: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, 2585 Merchants Row Blvd., Room 210N, Tallahassee FL 32399-1719. 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: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, 2585 Merchants Row Blvd., Room 210N, Tallahassee, FL 32399-1719

THE FULL TEXT OF THE PROPOSED RULE IS:

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

(1)(a) Immunization and Documentation Requirements –

(b) A student may attend a public or non-public school, grades preschool through 12 or an adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680, Florida Certification of Immunization (July 2008), (~~January 2007~~), incorporated by reference, available from Department of Health (DOH) county health departments (CHDs) or physicians' offices.

2. Documentation of receipt of or exemption from must be noted for the following immunizations: diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), rubella, mumps, varicella and hepatitis B. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice.

(2) Specific immunization requirements by grade, in addition to those in paragraph (1)(a), which must be documented prior to admittance, attendance or transfer:

(a) Preschool – Completion of Haemophilus influenzae type b vaccination.

(b) Preschool or kindergarten effective with the 2001/2002 school year – completion of varicella vaccination. Each subsequent year thereafter the next highest grade will be included in the requirement so that students transferring into Florida schools are added to the varicella immunized cohort.

1. 7th Grade – Completion of a tetanus-diphtheria booster.

2. Additional Documentation Requirements for Exemptions.

3. For exemption from the rubeola immunization the practitioner must include with DH Form 680, Florida Certification of Immunization, incorporated by reference in subsection 64D-3.046(1), F.A.C., documentation on their own stationery of the physician's request for exemption, asserting that the student had an illness comprised of a generalized rash lasting three or more days, a fever of 101 degrees Fahrenheit or greater, a cough, and/or coryza, and/or conjunctivitis and, in the physician's opinion, has had the ten-day measles (rubeola) or serologic evidence of immunity to measles.

(c) Forms are to be fully executed by a practitioner licensed under Chapters 458, 459, 460, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year as provided in DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes (July 2008), (~~March 2007~~), incorporated by reference, available online at: [www.doh.state.fl.us/disease\\_ctrl/immune/schoolguide.pdf](http://www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf).

(d) Florida SHOTS (State Health Online Tracking System) Electronically Certified DH Form 680 produced by a CHD or a physician's office, as provided in subsection (7), may be utilized.

(e) DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be issued and signed by the local county health department medical director or designee.

(f) Otherwise, required immunizations not performed must be accounted for under the Temporary or Permanent Medical Exemptions, DH Form 680, Florida Certification of Immunization, Parts B and C, incorporated by reference in subsection 64D-3.046(1), F.A.C.

(3) Documentation Requirements for Schools:

(a) The original of the form(s) required under paragraph (1)(a) shall remain in the student's cumulative health record.

(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).

(c) Compliance Reporting:

1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (January 2007), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (November 2006), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the Department of Health shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the CHD director/administrator within a specified period, as determined by the DOH.

(4) Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection (2) above not to exceed 30 days may be issued by an authorized school official for any of the following, consistent with the definitions in Section 1003.01, F.S.:

- (a) A homeless child.
- (b) A transfer student.

(c) A student who enters a juvenile justice education program or school.

(5) Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous, according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school officials until such time as, in the DOH's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

(6) Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English) or DH Form 1478S (Spanish) or DH Form 1478H (Haitian-Creole), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin # A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the child's immunization record via authorized access to Florida SHOTS.

(7) Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapter 458, 459 or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin # A-11, Tallahassee, FL 32399-1719. The DH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

(8) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin # A-11, Tallahassee, FL 32399-1719. The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be

