

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE NO.: 9G-2.002
RULE TITLE: State Comprehensive Emergency Management Plan Adopted

PURPOSE AND EFFECT: To adopt the 2010 revised version of the State CEMP as required by Chapter 252, Florida Statutes. This action would replace the 2004 version.

SUBJECT AREA TO BE ADDRESSED: Emergency Management.

RULEMAKING AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

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

DATE AND TIME: February 16, 2010, 10:00 a.m. – 12:00 noon

PLACE: Room 305, Kelly Training Center, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

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: Brian Richardson, Planning Manager, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-9872. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Brian Richardson, Planning Manager, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-9872

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9G-2.002 Statement Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporated by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2010 ~~February 1, 2004~~ Edition).

(2) The State Comprehensive Emergency Management Plan shall be the master operations document for the State of Florida in responding to all emergencies, and all catastrophic, major, and minor disasters.

Rulemaking Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History–New 1-4-01, Amended 7-8-02, 8-4-04, _____.

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.”

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-1.901
RULE TITLE: General

PURPOSE AND EFFECT: The purpose of the proposed rule development is to unincorporate the forms in subsections 40B-1.901(1) through (9) and (11) through (12), F.A.C. In accordance with subparagraph 120.55(1)(a)4., Florida Statutes, the forms will be incorporated by reference into the appropriate corresponding rules.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will unincorporate these forms from this rule.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Linda Welch, Rules Coordinator, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.160
RULE TITLE: Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 59G-4.160, F.A.C., is to incorporate by reference the revised Florida Medicaid Hospital Services Coverage and Limitations Handbook, January 2010. The handbook has been revised to provide updated information on Appendix B with information on ITB device and the addition of dialysis revenue codes.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

DATE AND TIME: Wednesday, February 24, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

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: Princilla Jefferson at the Bureau of Medicaid Services, (850)922-7724. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Princilla Jefferson, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)922-7724, e-mail: jeffersp@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) No change.

(2) All hospital providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospital Services Coverage and Limitations Handbook, January 2010 ~~June 2005~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-04 incorporated by reference in Rule 59G-4.003, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, 11-28-04, 8-18-05, 1-10-06, 4-16-06, 2-25-09,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:

61-5.005 License Renewal Fee Waivers

PURPOSE AND EFFECT: The purpose of the rule amendment is to alter the list of professions subject to a renewal fee waiver for the next renewal licensure cycle.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will address renewal fee waivers.

RULEMAKING AUTHORITY: 455.219 FS.

LAW IMPLEMENTED: 455.219 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: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-0336

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Coastal Systems

RULE NOS.: RULE TITLES:

62B-33.002 Definitions

62B-33.004 Exemptions from Permit

Requirements

62B-33.005 General Criteria

62B-33.007 Structural and Other Requirements

Necessary for Permit Approval

62B-33.008 Permit Application Requirements

and Procedures

62B-33.0081 Survey Requirements

62B-33.0085 Permit Fees

62B-33.013 Permit Modifications, Time

Extensions, and Renewals

62B-33.0155 General Permit Conditions

62B-33.024 Thirty-Year Erosion Projection

Procedures

PURPOSE AND EFFECT: The proposed amendment will clarify and update existing rule language to current procedures for exemptions, siting policies, sea turtle lighting criteria, survey requirements, permit time limits and extensions,

general permit conditions, definitions, forms, and fee language. This amendment will also revise language for consistency with recent modifications to the Florida Building Code or repeal section for structural design requirements.

SUBJECT AREA TO BE ADDRESSED: Rules and procedures for coastal construction and excavation seaward of the coastal construction control line.

RULEMAKING AUTHORITY: 161.052, 161.053, 161.0535, 161.085 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 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: Stephanie Gudeman, Department of Environmental Protection, Bureau of Beaches Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7708, or by email at: stephanie.gudeman@dep.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-13.030
RULE TITLE: Standards for Licensed Out-of-Home Caregivers

PURPOSE AND EFFECT: The new rule provides standards for the measurement of food holding temperatures, vermin control, water supply, sewage.

SUBJECT AREA TO BE ADDRESSED: Standards for Licensed Out-of-Home Caregivers.

RULEMAKING AUTHORITY: 409.175 FS.

LAW IMPLEMENTED: 409.175 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: Stacey Cleveland, Statewide Licensing Specialist, 1317 Winewood Boulevard, Tallahassee, Florida 32399, (850)921-8833, Stacey_Cleveland@dcf.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-215.080
RULE TITLE: Immigration Bonds

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify that a general lines (2-20) agent license is required to transact surety bond business, including immigration bonds, and that a general lines agent license does not qualify the licensee to transact bail bond business.

SUBJECT AREA TO BE ADDRESSED: Immigration Bonds.

RULEMAKING AUTHORITY: 624.308(1), 648.26(1) FS.

LAW IMPLEMENTED: 626.015(5), 626.112, 626.311, 648.24, 648.30 FS.

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

DATE AND TIME: February 15, 2010, 2:00 p.m.

PLACE: Room 142, Larson Building, 200 E. 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: Richard Brinkley (850)413-5654 or Richard.Brinkley@myfloridacfo.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Brinkley, Bureau of Investigations, Division of Agent and Agency Services, Room 412, Larson Building, Tallahassee, Florida 32399, (850)413-5654 or the Department's website at <http://www.myfloridacfo.com/LegalServices/RuleHearing/>
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-221.006
RULE TITLE: Immigration Bonds Exclusion

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify that a limited surety (bail bond) (2-34) agent license does not authorize the licensee to transact immigration bond business unless the licensee also has a general lines agent license.

SUBJECT AREA TO BE ADDRESSED: Immigration Bonds.
RULEMAKING AUTHORITY: 624.308(1), 648.26(1) FS.
LAW IMPLEMENTED: 648.24, 648.25(5), 648.279, 648.30 FS.

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

DATE AND TIME: February 15, 2010, 2:00 p.m.
PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

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Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.0081
RULE TITLE: Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing changes in the Toll Facilities Description and Toll Rate Schedule. Video toll rates on the Florida Turnpike System will be established and cash toll will be discontinued. Cash payments will no longer be accepted at the tolling facilities on the Homestead Extension of Florida’s Turnpike (H.E.F.T.), including Miramar Toll Plaza, N.W. 27th Avenue, and County Line Road.

SUMMARY: Pursuant to Section 338.2216, F.S., Florida’s Turnpike Enterprise is implementing video tolling as an additional payment method in its toll collection operations. Video tolling customers, as defined in Rule 14-100.005, F.A.C., will be subject to the video toll rate. Video tolling will be known as “Toll-by-Plate” on the Turnpike System and the

video toll rate will be known as the “Toll-by-Plate” toll rate. The Toll-by-Plate program will allow infrequent users of the Turnpike to benefit from uninterrupted travel however, SunPass toll rates will remain the lowest toll rate option for Turnpike customers because of the lower cost of collection. The facilities affected by the Toll-by-Plate toll rate will be Florida’s Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida’s Turnpike (H.E.F.T.), Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, and the Florida’s Turnpike Enterprise segment of the Western Beltway, Part C. The effective date of the Toll-by-Plate toll rate will be the first day the facility is open to video toll traffic.

Approximately six months after the implementation of video tolling on the H.E.F.T., cash toll collection on the roadway will be discontinued. As a result, the cash toll rates on the H.E.F.T. including Miramar Toll Plaza, N.W. 27th Avenue, and County Line Road will no longer be effective as of the date the cash collection toll booths are closed for removal, currently scheduled to be in February of 2011. Cash payment for tolls will still be accepted off the roadway through various payment methods, including a new cash payment option available at participating retail stores across the State of Florida.

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.

RULEMAKING AUTHORITY: 334.044(2), 338.155(1) FS.
LAW IMPLEMENTED: 338.155, 338.222, 338.2216, 338.231 FS.

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

DATE AND TIME: February 18, 2010, 6:00 p.m.
PLACE: This rulemaking hearing is being held as a statewide webinar proceeding which can be accessed by registering at the following website: www.floridasturnpike.com/allelectronicolling/publicmeeting.html

For those persons wishing to participate who do not have access to the World Wide Web can attend in person at one of several access points across the state.

Video Toll Rate 14-15.0081 Hearing Notice
SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:
PLACES:

1. Florida’s Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL 34761
2. Florida Department of Transportation, District 4 Auditorium, 3400 West Commercial Boulevard, Ft. Lauderdale, FL 33309