

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF EDUCATION**

**Commissioner of Education**

RULE TITLE: Educational Facilities  
 RULE NO.: 6-2.001

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule as it relates to life cycle cost criteria, standards for new and existing relocatable classroom buildings, to reformat and reorganize the material for future incorporation of the "new construction" standards into the Florida Building Code, and to include other updates in response to changed requirements of Florida Statute. The effect will be a rule which reflects the changes made in law. IT SHOULD BE NOTED that in 1997 the Legislature transferred rulemaking authority from the State Board of Education to the Commissioner of Education. Therefore, this rule is promulgated as a Commissioner of Education rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed will include life cycle cost criteria, standards for relocatable classrooms, prefabricated facilities, demountable, factory built or site built units, updated wind loading standards and other facility related changes made in statute.

SPECIFIC AUTHORITY: Section AXIIS9 (a), AXIIS9 (d), State Constitution; 215.61(5), 229.053(1), 230.23(9), 230.64, 235.01(2), 235.06, 235.19, 235.211, 235.26, 235.31, 235.32, 239.229, 240.327(1) FS.

LAW IMPLEMENTED: Section AXIIS9 (a), AXIIS9 (d), State Constitution; 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 215.61, 230.23(9), 230.33(12)(j), 230.64, 235.011, 235.014, 235.04(1), 235.05, 235.054, 235.055, 235.056, 235.057, 235.06, 235.15, 235.18, 235.19, 235.193, 235.195, 235.211, 235.26, 235.30, 235.31, 235.32, 235.321, 235.34, 235.41, 235.42, 235.435, 236.13, 236.25, 236.35, 236.36, 236.37, 236.49, 237.01, 237.031, 237.40, 239.229, 240.209(3)(a), 240.295, 240.299, 240.319(3)(e),(f), 240.327, 240.331, 255.0515, 255.20, 267.061, 287.055, 287.0935, 287.133, 440.02, 440.03, 440.10, 440.103, 440.38, 442.004, 442.006, 442.007, 442.0105, 422.019, 422.022, 442.101, 442.109, 442.115, 471.003, 481.229, 489.113(2), 489.125, 553.63, 553.64, 553.71, 553.79, 633.025 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.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Suzanne Marshall, Bureau Chief, Educational Facilities, Department of Education, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400, (850)487-1130

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6-2.001 Educational Facilities.

State Board of Education requirements adopted pursuant to Chapter 120, Florida Statutes, to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 235, Florida Statutes, are contained in the Department of Education publication titled "State Requirements for Educational Facilities, 1999 Volume I-Process and Rule and Volume II-Building Code 1997," which is hereby incorporated by reference and made a part of this rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with the State Uniform Building Code for Public Educational Facilities Construction (UBC). The UBC shall supersede any other code adopted by a board, or any other building code or ordinance, for the construction of educational and ancillary facilities and plants whether at the local, county, or state level rule. After January 1, 2001, the UBC will be merged into the Florida Building Code.

(1) In addition to "State Requirements for Educational Facilities, 1999 Volumes I and II 1997," all, or the specific portions cited, of the following building codes are hereby incorporated by reference and made a part of this rule. If there should be conflicting requirements between these codes and "State Requirements for Educational Facilities, 1999 Volumes I and II 1997," the more, or most stringent requirement shall apply.

(a) ACI 318-95, American Concrete Institute, "Building Code Requirements for Structural Concrete and Commentary" 1995, and ACI 530-92, Building Code Requirements for Masonry Structures.

(b) AHERA. Asbestos Hazard Emergency Response Act, 40 CFR, Part 763, as revised July 1, 1995.

(c) AISC. American Institute of Steel Construction Allowable Stress Design Ninth Edition adopted by SBC.

(d) AISI. Specification for the Design of Cold-Formed Steel Structure Members August 1986 Edition with December 1989 Addendum.

~~(e)~~ ANSI. American National Standards Institute. References to ANSI standards shall be the 1995 edition.

~~(f)~~ ASCE. American Society of Civil Engineers. References to ASCE 7-98 93 standards shall be the edition listed in the "State Requirements for Educational Facilities, 1999 1997."

~~(g)~~ ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers.

~~(h)(f)~~ ASTM. American Society for Testing Materials. References to ASTM standards shall be the edition listed in the 1997 edition of the ASTM standards.

~~(i)(g)~~ DCA. Department of Community Affairs.

1. Florida Americans With Disability Implementation Act, 1993 and the Florida Accessibility Code for Building Construction, October 1997 ~~1994~~ as adopted by the State Board of Building Codes and Standards which has become the Florida Building Commission.

2. Florida Energy Efficiency Code for Building Construction (FEEC), 1998 Revisions to the 1997 Edition ~~1993~~, as adopted by the State Board of Building Codes and Standards under Rule 9B-3.047, FAC.

~~(j)(h)~~ DOT – AASHTO, American Association of State Highway and Transportation Officials "Standard Specifications for Highway Bridges (1990 English Edition; 1994 Metric Edition) as modified by Florida DOT Structures Design Guidelines for Load and Resistance Factor Design" Revised January 1, 1999 ~~July 1998~~, as incorporated by reference in Chapter 14, FAC.

~~(k)(i)~~ FEMA. Federal Emergency Management Agency. Rules and Regulations 44 CFR, Parts 59 and 60, revised as of October 1, 1995, for flood plain criteria governing insurability of facilities constructed in flood plain.

~~(l)(j)~~ NEC. National Electrical Code, 1996 (NFPA 70).

~~(m)(k)~~ NFPA. National Fire Protection Association, 1997 ~~1994~~, NFPA 101, and other NFPA codes as applicable. Exceptions are NFPA 101 Sections 10-2.27 and 10-7.2.27 "Exit Passageways" and where NFPA codes are exceeded by these State Requirements.

~~(n)(l)~~ OSHA. Occupational Safety and Health Administration, U.S. Department of Labor, 29 CFR as Revised July 1, 1995.

~~(o)(m)~~ SBC. Standard Building Code, 1997 as adopted by the Department of Community Affairs 1994 with 1996 Revisions, except s may be superseded by these State Requirements.

~~(p)(n)~~ SGC. Standard Gas Code, 1997 ~~1994 with 1996 Revisions~~.

~~(q)(o)~~ SMC. Standard Mechanical Code, 1997 ~~1994 with 1996 Revisions~~.

~~(r)(p)~~ SPC. Standard Plumbing Code, 1994 with 1995/96 Revisions.

~~(s)(q)~~ TMS. The Masonry Society Standards, 1992; TMS 602-92, TMS 402-92.

~~(t)~~ Commercial Building Standard for Telecommunications Pathways and Spaces, EIA/TIA 569, October 1990.

~~(s)~~ Commercial Building Telecommunications Cabling Standard, TIA/EIA 568-A, October 1995.

(2) Copies of the publication "State Requirements for Educational Facilities, 1999 Volumes I and II ~~1997~~" are available from the Office of Educational Facilities, Florida Department of Education, Room 1054, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, at a cost to be determined by the Commissioner, but which shall not exceed actual cost. Copies of the codes listed in subsection (1) of this rule are available from the publisher whose location and address are available from Educational Facilities. These codes are readily available to the public upon request at the cost established by the publisher.

Specific Authority Section AXIIS9(a), AXIIS9(d), State Constitution; 215.61(5), 229.053(1), 230.23(9), 230.64, 235.01(2), 235.06, 235.19, 235.211, 235.26, 235.31, 235.32, 239.229, 240.327(1) FS. Law Implemented Section AXIIS9(a), AXIIS9(d), State Constitution; 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 215.61, 230.23(9), 230.33(12)(j), 230.64, 235.011, 235.014, 235.04(1), 235.05, 235.054, 235.055, 235.056, 235.057, 235.06, 235.15, 235.18, 235.19, 235.193, 235.195, 235.211, 235.26, 235.30, 235.31, 235.32, 235.321, 235.34, 235.41, 235.42, 235.435, 236.13, 236.25, 236.35, 236.36, 236.37, 236.49, 237.01, 237.031, 237.40, 239.229, 240.209(3)(a), 240.295, 240.299, 240.319(3)(e),(f), 240.327, 240.331, 255.0515, 255.20, 267.061, 287.055, 287.0935, 287.133, 440.02, 440.03, 440.10, 440.103, 440.38, 442.004, 442.006, 442.007, 442.0105, 422.019, 422.022, 442.101, 442.109, 442.115, 471.003, 481.229, 489.113(2), 489.125, 553.63, 553.64, 553.71, 553.79, ~~553.80~~, 633.025 FS. History—New 10-30-94, Amended 4-28-97.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Implementation of Florida's System of School Improvement and Accountability RULE NO.: 6A-1.09981

PURPOSE AND EFFECT: The purpose of the rule is to reflect changes in the state's system of school improvement and accountability resulting from legislation enacted by the 1999 Florida Legislature. The effect will be the revision of criteria for identifying and reporting school performance grade category designations. The rule will address timelines and procedures to be taken by the State Board of Education when one or more schools in a school district fail to make adequate progress.

SUBJECT AREA TO BE ADDRESSED: Florida's system of school improvement and accountability.

SPECIFIC AUTHORITY: 229.053, 229.0535, 229.592, 230.23 FS.

LAW IMPLEMENTED: 229.053, 229.0535, 229.591, 229.592, 230.23 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD ON THE DATES AND AT THE TIMES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 6:00 p.m., September 28, 1999

PLACE: Gulf Coast Community College, Student Union East Building, Gibson Lecture Hall, 2nd Floor, 5230 West Highway 98, Panama City, Florida 32401, (850)872-3821

TIME AND DATE: 10:00 a.m. – 6:00 p.m., September 28, 1999

PLACE: 1721/25 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-1611

TIME AND DATE: 10:00 a.m. – 6:00 p.m., September 28, 1999

PLACE: Seminole County School Board Meeting Room, 400 East Lake Mary Boulevard, Sanford, Florida 32773-7127, (407)320-0022

TIME AND DATE: 10:00 a.m. – 6:00 p.m., September 28, 1999

PLACE: Gus A. Stavros Institute, 12100 Starkey Road, Largo, Florida 33770-2942, (727)588-3746

TIME AND DATE: 10:00 a.m. – 6:00 p.m., September 28, 1999

PLACE: South Florida Fair and Palm Beach County’s Exposition, Inc., 9067 Southern Boulevard, West Palm Beach, Florida 33411, (561)790-5227

A copy of the agenda may be obtained by contacting: Paulette D. Mainwood, Florida Department of Education, Office of Policy Research and Accountability, 1014 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-1611

Persons with disabilities who need assistance in order to participate in these meetings may contact Debra D. Houston, Florida Department of Education, Bureau of Instructional Support and Community Services, Room 614, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-1106, at least five business days in advance of the meetings to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED DEVELOPMENT RULE IS: Paulette Mainwood, Department of Education, Office of Policy Research and Accountability, 1014 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-1611

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE CHAPTER TITLE: Education in Department of Juvenile Justice Programs  
RULE CHAPTER NO.: 6A-6

PURPOSE AND EFFECT: The purpose is to comply with the requirements of CS/HB 349 as it relates to the articulating expectations for high-quality effective juvenile justice education programs. The effect is to outline policies and procedures for the juvenile justice education programs as required by the legislature.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed will be policies and procedures related to educational programs for students in Department of Juvenile Justice intervention, detention, or commitment programs.

SPECIFIC AUTHORITY: 230.2316(10) FS., Chapter 99-245, Laws of Florida.

LAW IMPLEMENTED: Chapter 99-245, Laws of Florida.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY:

Requests for a rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Florida Department of Education, Room 614, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-1570

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLES: Assessment of Student Attainment of College-Level Communication and Computation Skills  
College Preparatory Testing, Placement, and Instruction  
RULE NOS.: 6A-10.0311  
6A-10.0315

PURPOSE AND EFFECT: The purposes of these rule amendments are to provide equivalent scores between versions of the American College Testing Program’s tests, to update the list of college course alternatives to the College-Level Academic Skills Test, and to update the equivalent passing scores for the College Board’s SAT-I and the American College Testing Programs enhanced ACT for use as exemptions to the Florida College Level Placement Test. The effect of the rule amendments will be the provision of equivalent scores between versions of the American College Testing Program’s tests, an updated list of college course alternatives to the College-Level Academic Skills Test, and updated equivalent passing scores for the Florida College Level Placement Test, the SAT-I and the enhanced ACT.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed will include the test scores of versions of the American College Testing Program tests, the college course alternatives to the College-Level Academic Skills Test, and equivalent passing scores for the Florida College Level Placement Test, the SAT-I and the enhanced ACT.

SPECIFIC AUTHORITY: 229.053(1)(2)(d) FS.

LAW IMPLEMENTED: 229.053(2)(d), 229.551(3)(i), 240.107(9), 240.239(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD ON THE DATE AND AT THE TIME AND PLACE SHOWN BELOW: TIME AND DATE: 9:00 a.m. – 11:45 a.m., September 29, 1999

PLACE: Room 403, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. David Mosrie, Division Director, Division of Public Schools, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-10.0311 Assessment of Student Attainment of College-Level Communication and Computation Skills.

(14) Pursuant to Section 240.107(9)(a), F.S., any student fulfilling one or more of the following requirements before completion of the associate in arts degree requirements or baccalaureate degree requirements is exempt from the testing requirements of this rule:

(b) Students may present scores from the American College Testing Program (ACT) as follows:

1. Mathematics. Students who have earned a score of twenty-one (21) or above on the Enhanced American College Testing Program in mathematics, or a score of twenty-one (21) or above on the original ACT, its equivalent on the original ACT, shall be exempt from the Computation section of the College-Level Academic Skills Test.

2. English. Students who have earned a score of twenty-two (22) or above on the Enhanced American College Testing Program in Reading, or a score of twenty (20) or above on the Composite of the original ACT its equivalent on the original ACT, shall be exempt from the Reading section of the College-Level Academic Skills Test. Students who have earned a score of twenty-one (21) or above on the American College Testing Program in English, or a score of twenty (20) or above on the original ACT its equivalent on the original ACT, shall be exempt from the English Language Skills and Essay sections of the College-Level Academic Skills Test.

(c) Students who have earned a grade point average of 2.5 or above on a 4.0 grade scale in selected postsecondary level courses shall be exempted from one or more sections of the College-Level Academic Skills Test, as specified below. Each postsecondary institution shall establish its own policies for the

evaluation of students' coursework when that student earned credits from an institution other than a Florida public community college or university.

1. To exempt the English Language Skills, Reading and Essay sections of the College-Level Academic Skills Test, the student must have earned a 2.5 grade point average in two (2) courses for a minimum of six (6) semester hours of credit from: ENC 1101, English I and ENC 1102, English II or other equivalent college-level English course.

2. To exempt the Computation section of the College-Level Academic Skills Test, the student must have earned a 2.5 grade point average in two (2) courses for a minimum of six (6) semester hours of credit from:

a. Option 1. The student shall complete any two (2) of the following: MAC\*102 College Algebra or any other MAC course with the last three digits being higher than 102; MGF\*106 Liberal Arts Mathematics I, MGF\*107 Liberal Arts Mathematics II, MGF\*202 Finite Mathematics or any other MGF courses with the last three digits being higher than 202; or STA\*014 Statistical Methods or any other STA course.

b. Option 2. The student shall complete any two (2) of the following: MGF\*106 Liberal Arts Mathematics I and MGF\*107 Liberal Arts Mathematics II; MGF\*113 Topics in College Mathematics I; MGF\*114 Topics in College Mathematics II; or MGF\*118 Mathematics CLAST Review.

c. Option 3. MGF\*106 Liberal Arts Mathematics I or MGF\*113 Topics in College Mathematics I, and MAC\*102 College Algebra or MAC\*105 College Algebra.

Specific Authority 229.053(1)(2)(d) FS. Law Implemented 229.053(2)(d), 229.551(3)(i), 240.107(9), 240.239(3) FS. History—New 9-3-81, Amended 5-25-82, 10-7-82, 12-7-82, 12-20-83, 3-28-84, Formerly 6A-10.311, Amended 4-13-88, 4-1-91, 8-19-91, 10-18-94, 11-25-97, \_\_\_\_\_.

6A-10.0315 College Preparatory Testing, Placement, and Instruction

~~(4) Community colleges and universities have the option of delaying implementation of the provisions of Subsection (2) of this rule until August 1, 1996, upon submission of a request by the president of the institution to the Commissioner.~~

~~(4)(5) Community colleges and universities shall have the option of delaying implementation of the provisions of Subsection (3) of this rule upon notification by the president of the institution to the Commissioner. No institution shall be permitted to exempt the provisions of Subsection (3) of this rule for more than one (1) academic year, and no exemptions may be in effect past June 30, 1997.~~

~~(5)(6) Community colleges and universities may identify optional placement tests to supplement those listed in Subsection (2) of this rule that may be useful. If such optional tests are identified, each institution shall be responsible for designating the scores that will be used for placement purposes and the courses into which the student will be placed.~~

(6)(7) For admissions prior to (date to be determined), students who present scores on either the College Board's SAT-I or the American College Testing Program's Enhanced ACT test that meet or exceed the scores shown below, may be exempted from taking the Florida College Entry-Level Placement Test at the option of the president of the community college or university:

	Standard Score
SAT-I, The College Board	
Verbal	420
Mathematics	440
Enhanced ACT, American College Testing Program	
Reading	16
English	16
Mathematics	16

(7) For admissions beginning (date to be determined), students who present scores on either the College Board's SAT-I or the American College Testing Program's Enhanced ACT test that meet or exceed the scores shown below, may be exempted from taking the Florida College Entry-Level Placement Test at the option of the president of the community college or university:

	<u>Standard Score</u>
<u>SAT-I, The College Board</u>	
<u>Verbal</u>	<u>440</u>
<u>Mathematics</u>	<u>440</u>
<u>Enhanced ACT, American College Testing Program</u>	
<u>Reading</u>	<u>18</u>
<u>English</u>	<u>17</u>
<u>Mathematics</u>	<u>19</u>

Specific Authority 229.053(1), 239.301(10), 240.117(1) FS. Law Implemented 239.301, 240.117 FS. History—New 7-15-84, Amended 6-6-85, Formerly 6A-10.315, Amended 5-17-88, 7-25-91, 10-18-94, 8-28-95, 6-25-96,

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Vocational Education

RULE NO.: 6A-10.0341

PURPOSE AND EFFECT: The purpose of this rule is to revise the existing rule to change the reference to "independent postsecondary education vocational, trade, and business schools" to "non-public career schools" in accordance with recent legislated name changes. It adds employer documentation to the types of follow-up data that can be used to document student placement, and it adds a section on electronic record keeping. The effect is an updated rule in accordance with legislated changes.

SUBJECT AREA TO BE ADDRESSED: The state's primary data collection tool for following up on workforce development programs including postsecondary education is the Florida Education and Training Placement Information Program established in section 229.8075, Florida Statutes. In circumstances where certain types of outcomes cannot be documented through the Placement Information Program, locally-collected data is allowed as long as the data are not co-mingled with that collected through the Placement Information Program. The rule establishes what are the acceptable means of collecting follow-up data locally, what data are to be collected and maintained, and when data should be collected. This will assure that follow-up data collected locally will be consistently collected and maintained.

SPECIFIC AUTHORITY: 239.233(1)(b), 239.245 FS. LAW IMPLEMENTED: 239.233(1)(b), 239.245(2)(b)3. 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.

Requests for a rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jay Pfeiffer, Director, Workforce Education and Outcome Information Services, Division of Technology, Room 844, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)487-0900

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Minimum Standards for Home

RULE CHAPTER NO.: 59A-25

PURPOSE AND EFFECT: The purpose of this rule is to establish basic standards that will ensure quality home medical equipment, products and services in the consumer's regular or temporary place of residence. According to section 400.935, Florida Statutes, the agency shall adopt, publish, and enforce rules to implement reasonable and fair minimum standards relating to the following: qualifications and minimum training requirements of all home medical equipment provider personnel; licensure application and renewal; license and inspection fees; financial ability to operate; the administration of the home medical equipment provider; procedures for maintaining patient records; ensuring that the home medical equipment and services provided by the home medical equipment provider are in accordance with the plan of

treatment established for each patient, when provided as part of the plan of treatment; contractual arrangements for the provision of home medical equipment and services by providers not employed by the home medical equipment provider providing for the consumer's needs; physical location and zoning requirements; and home medical equipment requiring home medical equipment services.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Home Medical Equipment Services.

SPECIFIC AUTHORITY: Part X of 400 FS.

LAW IMPLEMENTED: Part X of 400 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 noon; 1:00 p.m. – 4:00 p.m., September 30, 1999

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Monteen Spooner, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 204, Tallahassee, FL 32308, (850)414-6010. A draft rule will be available to the public on September 23, 1999, that is 7 days prior to the workshop

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Independent Laboratory Services RULE NO.: 59G-4.190

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, April 1999. The handbook update includes a section on the Family Planning Waiver expansions, the January 1999 fee schedule update, changes to the coding panels, clarification on those billing parameters that relate to duplication of tests within panels and laboratory record requirements.

SUBJECT AREA TO BE ADDRESSED: Independent Laboratory Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 12:00 p.m., September 27, 1999

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Rinaldi, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, April 1999 ~~March 1997~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up EPSDT 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905(7), 409.908, 409.9081, ~~409.913~~ FS. History—New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Portable X-ray Services RULE NO.: 59G-4.240

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, January 1999.

SUBJECT AREA TO BE ADDRESSED: Portable X-ray Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905(10), 409.908, 409.9081 FS.

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

TIME AND DATE: 11:00 a.m., September 27, 1999

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Rinaldi, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.240, Portable X-ray Services.

(1) No change.

(2) All portable x-ray providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, April 1999 ~~March 1997~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up ~~EPSDT 221~~, which is incorporated by reference in Chapter 59G.5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905(10), 409.908, 409.9081, 409.913 FS. History--New 10-11-81, Formerly 10C-7.411, Amended 7-1-92, Formerly 10C-7.0411, Amended 5-16-94, 1-9-96, 10-20-96, 8-27-97.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE:

RULE NO.:

Display and Possession of

Required Documents

61G5-20.004

PURPOSE AND EFFECT: The proposed changes to the current Rule will specify those documents which are required to be kept and displayed in a cosmetology or specialty salon.

SUBJECT AREA TO BE ADDRESSED: Display of Documents.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G5-20.004 follows. See Florida Administrative Code for present text.)

61G5-20.004 Display and Possession of Required Documents.

(1) All holders of a cosmetology or specialty salon license shall display within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon the following documents:

(a) the current salon license,

(b) a legible copy of the most recent inspection sheet for the salon.

(2) All holders of a cosmetology or specialty salon license shall maintain within their salon a copy of the laws governing the practice of cosmetology as set forth in Chapter 477, Florida Statutes, and all administrative rules as adopted by the Board and set forth in Chapter 61G5, Florida Administrative Code, which shall be no more than one year old. It shall be the personal responsibility of the holder of the cosmetology or specialty salon license to obtain a copy of the above referenced laws and rules.

(3) All holders of a cosmetology or specialty salon license shall require and ensure that all individual engaged in the practice of cosmetology, any specialty, hair braiding, hair wrapping, or body wrapping display at the individual's work station their current license or registration at all times when the individual is performing cosmetology, specialty, hair braiding, hair wrapping, or body wrapping services. A photograph of the individual whose name appears on the displayed license or registration certificate, which is approximately 2" by 2" and less than two years old, shall be permanently attached or affixed to all displayed licenses and registration certificates.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History--New 11-2-80, Amended 10-10-82, 6-28-84, 10-6-85, Formerly 21F-20.04, 21F-20.004, Amended

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE:

RULE NO.:

Hair Braiding, Hair Wrapping and Body

Wrapping Fees

61G5-24.019

PURPOSE AND EFFECT: The proposed changes to the current Rule will specify the fees to be paid by those individuals who are or desire to become registered as body wrappers.

SUBJECT AREA TO BE ADDRESSED: Hair Braiding and Hair Wrapping Fees.

SPECIFIC AUTHORITY: 477.016, 477.026(1)(f), 455.2281, 455.271(3), (4), (7), (8) FS., Chapter 98-323, Laws of Florida.

LAW IMPLEMENTED: 477.026(1)(f), 455.2281, 455.271(3), (4), (7), (8) FS., Chapter 98-323, Laws of Florida.

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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-24.019 Hair Braiding, ~~and~~ Hair Wrapping, and Body Wrapping Fees.

(1) The initial fee for registration as a hair braider, ~~or~~ hair wrapper, or body wrapper shall be twenty-five dollars (\$25.00).

(2) The fee for biennial renewal of a hair braiding, ~~or~~ hair wrapping, or body wrapping registration in an active or inactive status shall be twenty-five dollars (\$25.00).

(3) The delinquency fee to be paid by a delinquent status hair braider registrant, ~~or~~ hair wrapper registrant, or body wrapper registrant when applying for either active or inactive status shall be twenty-five dollars (\$25.00). The delinquency fee shall be paid in addition to the normal renewal fee for the status for which the registrant has applied.

(4) The fee for the reactivation of an inactive hair braider, ~~or~~ hair wrapper, or body wrapper registration to active status shall be fifty dollars (\$50.00). The reactivation fee shall be paid in addition to any difference between the normal inactive renewal fee and the active renewal fee.

(5) The fee for a change in the status of a hair braider, ~~or~~ hair wrapper, or body wrapper registration if requested at a time other than the normal renewal period shall be five dollars (\$5.00).

Specific Authority 477.016, 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS., Chapter ~~99-251 98-323~~, Laws of Florida. Law Implemented 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS., Chapter ~~99-251 98-323~~, Laws of Florida. History--New 2-1-95, Amended 11-9-98,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: Hair Braiding, Hair Wrapping and Body Wrapping Course Requirements

RULE NO.:

61G5-31.004

PURPOSE AND EFFECT: The proposed changes to the current Rule will set forth the specific course requirements for body wrapping courses which are required for registration as a body wrapper.

SUBJECT AREA TO BE ADDRESSED: Hair Braiding and Hair Wrapping Course Requirements.

SPECIFIC AUTHORITY: 477.0132, 477.016 FS.

LAW IMPLEMENTED: 477.0132 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: Ed

Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-31.004 Hair Braiding, ~~and~~ Hair Wrapping, and Body Wrapping Course Requirements.

(1) through (2) No change.

(3) All body wrapping courses taught for purposes of qualifying an individual for initial registration as a body wrapper shall be a two-day, 12-hour course; and, shall be approved by the Board prior to the course being taught for registration qualification purposes. To be considered for approval by the Board, the course shall consist of the following:

(a) Three (3) hours of instruction regarding HIV/AIDS and other communicable diseases. At the conclusion of this instruction, a student shall be able to understand:

1. the causes of HIV/AIDS, hepatitis, tuberculosis, and other communicable diseases and how these diseases are spread;

2. the dangers associated with these diseases; and,

3. how to avoid contamination from the diseases in the practice of body wrapping.

(b) Four (4) hours of instruction regarding sanitation and sterilization. At the conclusion of this instruction, a student shall be able to understand:

1. universal sanitation and sterilization precautions;

2. how to distinguish between disinfectants and antiseptics; and,

3. how to sanitize hands and disinfect tools used in the practice of body wrapping.

(c) Four (4) hour of instruction regarding disorders and diseases of the skin. At the conclusion of this instruction, a student shall be able to understand:

1. disorders and diseases of the skin and how to distinguish between them; and,

2. when skin wrapping services can be performed on a patron with disorders or diseases of the skin.

(d) One (1) hour of instruction regarding laws and rules of the Board which affecting and govern the practice of body wrapping. At the conclusion of this instruction, a student shall be able to understand:

1. the laws and rules of the Board that protect the health, safety, and welfare of the consumer;

2. the laws and rules of the Board that determine where and when an individual may legally practice body wrapping;

3. the function of the Board of Cosmetology, how its members are appointed, and their duties;



4. the laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;

5. the dates, fees, and requirements for renewal of a body wrapping registration.

(4)(3) All proposed hair braiding, ~~or~~ hair wrapping, or body wrapping courses ~~course~~ must be submitted for presentation to the Board no later than 30 days prior to the next regularly scheduled meeting of the Board at which the proposed course is to be considered for approval. No hair braiding, ~~or~~ hair wrapping, or body wrapping course may be taught for credit towards the initial hair braiding, ~~or~~ hair wrapping, or body wrapping registration requirements until it has been reviewed and approved by the Board.

(5)(4) All providers of hair braiding, ~~and~~ hair wrapping, and body wrapping courses shall provide to all individuals who successfully complete the course a certificate of completion which shall indicate the title of the course completed, the provider's name, the student name, the date of the course, and the total number of hours successfully completed.

Specific Authority 477.0132, 477.016 FS., Chapter 99-251, Laws of Florida. Law Implemented 477.0132 FS., Chapter 99-251, Laws of Florida. History--New 2-1-95, Amended 4-8-96, 11-25-98,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: Continuing Education  
RULE NO.: 61G5-32.001

PURPOSE AND EFFECT: The proposed changes to the current rule will further specify the nature of the materials and information which is required to be submitted with an application for approval of a continuing education course.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.219(3), 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.219(3), 455.2228, 477.019(7), 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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-32.001 Continuing Education.

(1) through (6) No change.

(7) COURSE APPROVAL AND REQUIREMENTS –

(a) through (b) No change.

(c) Continuing education providers seeking approval of a continuing education course shall submit a complete application for continuing education course approval to the Department, or if the Department shall contract with a private entity to administer the continuing education program then to such private entity, no later than 60 days prior to the next scheduled Board meeting at which the course is to be considered for approval. A complete application for continuing education course approval shall consist of the following:

1. through 2. No change.

3. a course outline which includes the subjects, topics, and subtopics to be presented in the course and a narrative summary of all areas to be covered in each subject, topic and subtopic, and a list of all reference and source materials;

4. through 6. No change.

(d) through (k) No change.

(8) No change.

Specific Authority 455.219(3), 455.2228, 477.016, 477.019(7) FS. Law Implemented 455.219(3), 455.2228, 477.019(7) FS. History--New 3-25-99, Amended\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 99-35R

RULE CHAPTER TITLE: Permits  
RULE CHAPTER NO.: 62-4

RULE TITLES: Definitions  
RULE NOS.: 62-4.020

Procedure to Obtain Permits; Application  
62-4.050

Consultation  
62-4.060

Standards for Issuing or Denying Permits; Issuance; Denial  
62-4.070

Modification of Permit Conditions  
62-4.080

Renewals  
62-4.090

Suspension, and Revocation, and Denial  
62-4.100

Transfer of Permits  
62-4.120

Review  
62-4.150

Permit Conditions  
62-4.160

Scope of Part III  
62-4.510

Definition  
62-4.520

Procedures  
62-4.530

General Conditions for All General Permits  
62-4.540

PURPOSE AND EFFECT: The Department is proposing to describe in more detail a permit applicant's obligation to provide reasonable assurance that the proposed project or activity will not cause pollution in contravention of

Department standards or rules. In addition, the Department is proposing to make a number of clerical and technical changes to various sections of this rule chapter.

SUBJECT AREA TO BE ADDRESSED: Reasonable assurance requirements for permit issuance or denial.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.044, 373.109, 373.113, 373.418, 403.021, 403.031, 403.061, 403.062, 403.087, 403.087(5), 403.088, 403.504, 403.704, 403.704(30), 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.026, 373.044, 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9),(11),(12)(a),(13),(14), (15),(16), 373.4145, 373.418, 373.421, 403.021, 403.031, 403.061, 403.084, 403.084(5), 403.087, 403.0877, 403.088, 403.088(5)c), 403.0885, 403.101, 403.121, 403.141, 403.161, 403.182, 403.201, 403.502, 403.702, 403.708, 403.722, 403.861(7) FS.

IF REQUESTED IN WRITING ON OR BEFORE OCTOBER 15, 1999, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN A FUTURE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, OR TO REQUEST A RULE DEVELOPMENT WORKSHOP: Betsy Hewitt, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, FL 32399-3000, Telephone (850)921-9935

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

DOCKET NO.:99-22R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback) 62B-33

RULE TITLES: RULE NOS.:
Definitions 62B-33.002
General Prohibitions 62B-33.003
Exemptions from Permit Requirements 62B-33.004
Department Policy Statement on Permits 62B-33.005
Coastal Armoring and Related Structures 62B-33.0055

Structural and Other Requirements Necessary for Permit Approval 62B-33.007

Permit Application Requirements and Procedures 62B-33.008

Permit Fees 62B-33.0085

Permit Modifications, Time Extensions, and Renewals 62B-33.013

PURPOSE AND EFFECT: To amend definitions; repeal section 62B-33.003; clarify policy regarding cumulative impacts and beach scraping; and to revise procedures regarding exempt activities, application requirements, armoring, permit renewals, and time extensions.

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

SPECIFIC AUTHORITY: 161.052, 161.053 FS.

LAW IMPLEMENTED: 161.052, 161.053 FS.

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

TIME AND DATE: 1:30 p.m., September 28, 1999

PLACE: Room 154, Marjorie and Archie Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ann Kiefert, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, extension 186.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62B-33.002 Definitions.

(1) through (4) No change.

(5) "Armoring" is a manmade structure designed to either prevent erosion of the upland property or protect upland structures from the effects of coastal wave and current action. Armoring includes certain rigid coastal structures such as geotextile bags or tubes, seawalls, revetments, bulkheads, retaining wall, or similar structures but does not include jetties, groins or other construction whose purpose is to add sand to the beach and dune system, alter the natural coastal currents or stabilize the mouths of inlets.

(6) through (7) No change.

(8) "Beach quality sand" is sand which is similar to the native beach sand in both coloration and grain size, is free of debris, rocks, clay or other foreign matter.

(9)(8) "Breakaway Wall" or "Frangible Wall" is a partition independent of supporting structural members that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during collapse under a

100 year storm event without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

~~(10)(9)~~ "Building Support Structure" is any shore-parallel structure which supports floor, wall, or column loads and transmits them to the foundation.

~~(11)(10)~~ "Office Bureau" is the Office Bureau of Beaches and Coastal Systems of the Department of Environmental Protection. The head of the Office Bureau is the Director Chief.

(11) through (53) renumbered (12) through (54) No change.

~~(55)(54)~~ "Structure" is the composite result of putting together or building related components in an ordered scheme. Enumeration of types of structures in this Subsection shall not be construed as excluding from the application of this Chapter any other structure which by usage, design, dimensions, or structural configuration meets the general definition herein provided and requires engineering considerations similar to the following:

(a) "Rigid Coastal Structures" are characterized by their solid or highly impermeable design or construction. Typically included within this category are groins, breakwaters, mound structures, jetties, weirs, seawalls, bulkheads and revetments.

~~(b) "Flexible Coastal Structures" are characterized by their frangible design or construction and ability to become freely assimilated into the beach and dune system by natural coastal processes. Typically included within this category are beach restoration and beach nourishment, dune restoration and revegetation.~~

~~(c) "Inlet Related Structures" are typically constructed within an inlet such as inlet bypassing systems, dredged channels and sand traps.~~

~~(b)(d)~~ "Minor Structures" are designed to be expendable, and to minimize resistance to forces associated with high frequency storms and to break away when subjected to such forces, and which are of such size or design as to have a minor impact on the beach and dune system.

~~(c)(e)~~ "Major Structures" which, as a result of design, location or size could cause an adverse impact to the beach and dune system. Major structures include:

1. "Nonhabitable Major Structures" which are designed primarily for uses other than human occupancy. Typically included within this category are roads, bridges, storm water outfalls, bathhouses, cabanas, swimming pools and garages.

2. "Habitable Major Structures" which are designed primarily for human occupancy and are potential locations for shelter from storms. Typically included within this category are residences, hotels, and restaurants.

(55) through (60) renumbered (56) through (61) No change.

Specific Authority 161.053, 370.021 FS. Law Implemented 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085, 370.12 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, \_\_\_\_\_.

62B-33.003 General Prohibitions.

Specific Authority 370.021(1) FS. Law Implemented 161.053(2), 161.052 FS. History—New 11-18-80, Formerly 16B-33.03, 16B-33.003, Repealed.

(Substantial reworded of Rule 62B-33.004 follows: See Florida Administrative Code for present text.)

62B-33.004 Exemptions from Permit Requirements.

(1) Any structures under construction prior to the establishment of a coastal construction control line in a particular county are exempt from the provisions of section 161.053, Florida Statutes, and this Chapter, except as noted in section 161.053(12), Florida Statutes.

(a) "Under construction" is the ongoing physical activity at the time of consideration of the exemption referenced in section 161.053(9), F.S. of placing the foundation of, or continuation of construction above the foundation of, any structure seaward of the established coastal construction control line or the setback line.

(b) A pile-supported structure shall be deemed "under construction" when the process of placing the permanent pile members for the foundation has begun. Driving of test piles and temporary placement of piles in preparation for driving shall not qualify a structure as "under construction." For concrete footer, base, slab or grade beam supported structures, a structure will be deemed "under construction" when the process of placing concrete for the foundation has begun. For roads, parking lots, driveways, walkways or similar paved structures, the structure will be considered "under construction" when placement of the base course, if used, or surface has been started.

(c) Whenever it is unclear under either paragraph (a) or (b) above, if a structure is "under construction", the applicant shall provide to the Department documents demonstrating that the structure is under construction, such as:

1. A copy of all required local government permits authorizing the structure.

2. A full set of construction plans for the structure approved by the local government in conjunction with the building permit, or

3. Documentation, including local building inspectors' construction reports, construction contracts, or other information, substantiating that a bona fide construction process, which appears will be continuous in nature, has started.

(d) Exemptions granted under this subsection shall only apply to those individual structures or parts of such structures which are determined to be under construction and are also described in both the local permit and the building plans. Only those structures which are under construction as defined in this

section may be exempted. Other proposed structures shown on site plans, building permits, planned unit developments or similar documents are not exempt. Any subsequent construction activity in addition to that so described and exempted shall require a permit, unless exempted under other provisions of this rule.

(e) Property owners may request a determination of exemption status within the period starting with the date of the first Public Hearing on reestablishing the coastal construction control line held within the respective county and ending with the establishment of the coastal construction control line. The effective date of an exemption granted under this Section shall be the date the coastal construction control line is established.

(2) Major structures and additions to major structures proposed above existing patio slabs, decks, or similar unenclosed areas are considered as new structures separate and independent of the existing slab, deck, or other unenclosed area and shall comply with regulatory requirements set forth in this chapter.

(3) In addition to the exemptions provided in paragraph 161.053(12), Florida Statutes, the following are exempt from the provisions of section 161.053, Florida Statutes, and this Chapter:

(a) Construction of offshore structures, such as, drilling platforms, gas and oil rigs, towers, or navigation aides, located beyond the effective limits of littoral sediment transport.

(b) Construction, excavation, and damage or destruction of vegetation conducted by the United States Government on lands owned and maintained by the United States Government.

(c) Pursuant to section 161.053(12)(c), Florida Statutes, minor activities which do not cause an adverse impact on the coastal system and do not cause a disturbance to any significant or primary dune. Such activities shall be conducted so as not to disturb marked marine turtle nests or known nest locations or damage existing native salt-tolerant vegetation. The activities which are exempt pursuant to this section include the following:

1. Boat moorings;
2. Maintenance of existing beach/dune vegetation;
3. The burial of seaweed, dead fish, whales, or other marine animals on the unvegetated beach;
4. The removal of piers or other derelict structures from the unvegetated beach or seaward of mean high water;
5. Temporary emergency vehicular access, provided any impacted area is immediately restored;
6. The removal of any existing structures or debris from the upland, provided there is no excavation or disturbance to the existing topography or beach/dune vegetation;
7. Construction of any new roof overhang extending no more than 4 feet beyond the confines of the existing foundation during modification, renovation, or reconstruction of a habitable structure within the confines of the existing

foundation of that structure which does not include any additions to or modification of the existing foundation of that structure;

8. Minor and temporary excavation for the purpose of repairs to existing subgrade residential service utilities (e.g., water and sewer lines, septic tanks and drainfields, electrical and telephone cables, and gas lines), provided that there is minimal disturbance and that grade is restored with fill compatible in both coloration and grain size to the onsite material and any damaged or destroyed vegetation is restored using similar vegetation;

9. Beach or deck furniture and awnings.

10. Tie-downs, or anchors to existing minor structures or trees.

11. Portable public lifeguard stands.

12. Mono-post structures including umbrellas, antennas or light posts provided there is minimal disturbance to the beach and dune system, no damage to vegetation, and the grade is restored.

13. Minor recreational diggings and other forms of art on the unvegetated beach provided no removal or filling of sand at the site.

14. The removal of windblown sand from paved roads and parking areas, beach access ramps, pools, patios, walkways or decks, not involving a change in the general grade and provided that any beach quality sand is returned to the beach and dune system seaward of the coastal construction control line.

15. The minor maintenance of bulkheads and seawalls specifically involving scraping, chipping, sandblasting, guniting, and painting.

16. Minor structures, including driveways, water wells, and irrigation wells which are either located within the landward shadow of existing habitable major structures, landward of the second general line of development, or landward of a major public roadway.

17. Temporary excavation for subgrade utilities including water, sewer, electrical, and gas lines located in existing developments.

18. Maintenance or repair of the structures listed below. The structure(s) must be located landward of the frontal dune, escarpment, or coastal armoring structure and the maintenance or repair must not expand or enlarge the existing structure(s).

a. streets and roads, parking areas, and other paved areas not draining or discharging onto the beach;

b. swimming pools, provided the activity does not involve excavation; and

19. Landscaping located landward of the frontal dune, escarpment, or coastal armoring structure which does not involve net excavation of existing grade or destruction or removal of native salt resistant vegetation.

20. Repairs to pile supported foundations which include replacing bolts, hurricane straps, secondary members, and shore-normal cross bracing.

(d) Pursuant to section 161.053(12)(c)9., Florida Statutes, other minor structures and activities determined by the Department not to have an adverse impact on the coastal system. Any person desiring to obtain an exemption determination pursuant to this section shall submit a written request or a completed exemption determination form to the Department of Environmental Protection, Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee, Florida 32399-3000. The exemption determination request form, DEP Form 73-102, is hereby incorporated by reference. In order to determine if a proposed activity will have an adverse activity on the coastal system, the Department may, as part of the exemption determination, conduct an on-site inspection. If the Department determines the proposed activity is exempt from the provisions of section 161.053, Florida Statutes, and this Chapter, the Department shall issue a notice of exemption. The exemption notice shall be posted on site for the duration of the activity. If the proposed activity is determined not to be exempt, a permit pursuant to section 161.053, Florida Statutes, and this Chapter is required.

Specific Authority 161.052, 161.053, 370.021 FS. Law Implemented 161.053, 161.052 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.04, Amended 5-12-92, 11-11-92, Formerly 16B-33.004, Amended 1-26-98.

62B-33.005 Department Policy Statement on Permits.

(1) through (2) No change.

(3) After reviewing all information required pursuant to this Chapter, the Department shall:

(a) Deny any application for an activity which either individually or cumulatively would result in a significant adverse impact including potential cumulative effects. In assessing the cumulative effects of a proposed activity, the Department shall consider the short-term and long-term impacts and the direct and indirect impacts the activity would cause in combination with existing structures in the area and any other similar activities already permitted or for which a permit application is pending proposed within the same fixed coastal cell. The impact assessment shall include the anticipated effects of the construction on the coastal system and marine turtles. Each application shall be evaluated on its own merits in making a permit decision, therefore, a decision by the Department to grant a permit shall not constitute a commitment to permit additional similar construction within the same fixed coastal cell.

(b) Require siting and design criteria that minimize adverse impacts, and mitigation of adverse or other impacts.

(4) through (11) No change.

Specific Authority 161.053, 370.021 FS. Law Implemented 161.053, 161.052, 370.12 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.05, 16B-33.005, Amended 9-12-96, 1-26-98.

62B-33.0051 Coastal Armoring and Related Structures.

(1) General Armoring Criteria. In determining the appropriate means to protect existing private structures and public infrastructure from damage from frequent coastal storms, applicants should be aware that armoring may not be the only option for providing protection. Applicants are encouraged to evaluate other protection methods such as foundation modification, structure relocation and dune restoration. If armoring is the selected option, the following siting, design and construction criteria shall apply in order to minimize potential adverse impacts to the beach and dune system:

(a) Construction of armoring shall be authorized under the following conditions:

1. The proposed armoring is for the protection of an eligible structure;

2. The structure to be protected is vulnerable. The determination of vulnerability will be made utilizing the dune erosion model contained in the report entitled "Erosion due to High Frequency Storm Events," by the University of Florida, dated November 22, 1995, which is incorporated herein by reference. Where direct application of the model shows that the structure to be protected is not vulnerable, but the construction otherwise meets the requirements of this Chapter, an applicant may further demonstrate vulnerability by taking into account the effects of shoreline change rates, natural physical features and existing manmade structures in accordance with the following circumstances:

a. If it is projected that the eligible structure will become vulnerable at some future date which falls within the authorized time limit of a permit, then the permit shall authorize the construction of armoring once the anticipated site condition changes occur and the structure becomes vulnerable. The permit shall allow additional time to allow for construction operations and appropriate timing to avoid construction during the marine turtle nesting season.

b. Where there are multiple eligible structures in close proximity to each other, but not all of the structures are vulnerable and shoreline trends indicate continued erosion stress on the shoreline, and the Department determines through the use of numerical modeling and engineering analysis that the construction of armoring for only the vulnerable structures would cause the adjacent structures to become vulnerable following installation of the armoring, then all the eligible structures are considered vulnerable.

c. Where an eligible structure is located on a dune or escarpment and the dune erosion model predicts that the erosion from a 15-year return interval storm would fall landward of the existing dune crest or escarpment and seaward of the eligible structure, and where the applicant has provided the Department appropriate geotechnical analysis by a qualified professional engineer specialized in geotechnical or foundation engineering which demonstrates that the structure

would be in danger of imminent collapse following the occurrence of erosion from a 15-year return interval storm. Imminent collapse means the structure's foundation will fail due to its own weight under normal conditions, resulting in structural damage to the supported structure.

d. Where an applicant demonstrates to the Department that another site specific circumstance exists other than a. through c. above such that the eligible structure is vulnerable.

3. The property to be protected, regardless of whether a structure is present, is vulnerable to high frequency coastal storms and lies between two existing rigid coastal armoring structures. Such installation shall lie no further seaward than the adjacent armoring structures and shall adjoin such structures at both ends and form a continuous and uniform line of armoring structures. Such installation shall be limited to gaps between existing armoring of 250 feet or less and shall be designed to comply with the following provisions:

a. The adjoining armoring must be viable and free of interruptions other than beach access points. For purposes of this section, a viable seawall or rigid coastal armoring structure is a structure that has not deteriorated, dilapidated, or been damaged to such a degree that it no longer provides adequate protection to the upland property when considering the following criteria:

i. The top must be at or above the still water level, including setup, for the design storm of 20-year return storm plus the breaking wave calculated at its highest achievable level based on the maximum eroded beach profile and highest surge level combination, and must be high enough to preclude runoff overtopping;

ii. The armoring must be stable under the design storm of 20-year return storm including maximum localized scour, with adequate penetration; and

iii. The armoring must have sufficient continuity or return walls to prevent flooding under the design storm of 20-year return storm from impacting the proposed construction.

b. Armoring approved pursuant to this section shall not exceed level of protection provided by the adjoining walls and shall comply with all other requirements of section 161.053, Florida Statutes, and its implementing rules.

~~4.3.~~ The armoring shall not result in a complete loss of public access along the beach without providing alternative public access;

~~5.4.~~ The construction will not result in a significant adverse impact.

(b) through (d) No change.

(2) through (4) No change.

(5) Emergency Protection. Upon the occurrence of a coastal storm which causes erosion of the beach and dune system such that existing structures have either become damaged or vulnerable to damage from a subsequent frequent coastal storm, the agency, political subdivision, or municipality having jurisdiction over the eligible structures may provide

emergency protection to protect public infrastructure and private structures within its jurisdiction. Alternatively, the agency, political subdivision, or municipality having jurisdiction over the structures may authorize by permit, pursuant to this Chapter and other appropriate ordinances, rules and statutes, private property owners within their jurisdiction to protect their private structures once it declares an emergency and notifies the property owners who may be affected, and the Department in accordance with section 161.085, Florida Statutes.

(a) through (c) No change.

~~(d) Other measures which may be used for temporary protection are utilized to protect upland construction~~ include temporary reinforcement of foundations, sandbags and construction of protective sand berms. Sand used to fill sand bags or construct protective berms ~~shall may be beach compatible material and be~~ obtained from ~~an upland sources or from the beach.~~ Excavation of the beach face or nearshore area shall require a permit from the Department. ~~The Department shall permit excavation of the beach face or nearshore area when there is clear evidence that sufficient material is available in the nearshore area. For purposes of this section, sufficient material is available in the nearshore area when the amount of material available post-storm exceeds the amount historically available in the same area. The Department will determine the existence of sufficient material by comparing post-storm topographic surveys of the beach face and nearshore areas to be excavated with historical surveys of the beach face and nearshore areas of the same zone. The quantity which may be excavated shall be limited to the amount which is in excess of the amount available historically.~~ ~~be in accordance with the following practices:~~

~~1. A maximum of one foot depth may be excavated from the area of the beach between the previous days wrack line and the mean low water line. This material shall be placed in a uniform manner landward of the wrack line and seaward of the dune escarpment or the old dune line. Excavated material shall not be transported laterally along the beach. This activity may be done only once. Any subsequent scraping or excavation shall require a permit from the Department pursuant to this Chapter.~~

~~2. Only sandy material may be excavated.~~

~~3. No material excavated from the beach may be moved landward of either the established first line of buildings or the post-storm dune escarpment, whichever is more seaward.~~

~~4. In areas dominated by storm overwash, excavation of the beach shall not be allowed.~~

(e) through (k) No change.

(l) Agencies, political subdivisions, or municipalities shall notify the Department's ~~Office Bureau~~ of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station #300,

Tallahassee, Florida 32399-3000, within 3 working days of installing or authorizing the installation of any armoring pursuant to this section. Notification shall include:

- 1. A description of the structure, including a sketch and location;
- 2. The name and address of the property owner; and
- 3. The date of installation.

- (m) No change.
- (6) No change.

Specific Authority 161.053, 161.085, 370.021 FS. Law Implemented 161.052, 161.053, 161.085, 370.12 FS. History—New 9-12-96, Amended 1-26-98, \_\_\_\_\_.

62B-33.007 Structural and Other Requirements Necessary for Permit Approval.

- (1) through (2) No change.
- (3) Major structures shall conform to the following requirements:

- (a) through (b) No change.
- (c) All habitable major structures shall be elevated on, and securely anchored to, an adequate pile foundation in such a manner as to locate the building support structure above the design breaking wave crests or wave approach as superimposed on the storm surge with dynamic wave setup of a one-hundred-year storm. The storm surge with dynamic wave setup of a one-hundred-year storm shall be the elevation determined by the Department in studies published as a part of the coastal construction control establishment process. The Bureau will evaluate the applicant's proposed structural elevation based upon available scientific and coastal engineering data and will advise the applicant of the specific elevation requirement for the site. The Department ~~may will~~ grant a waiver of the elevation or foundation requirements for additions, repairs or modifications to existing nonconforming habitable major structures, provided it determines, based on engineering data, site elevations, impacts to the beach and dune system, and design life of the structure, that the addition, repair or modification does not advance the seaward limits of construction at the site and does not constitute rebuilding of the existing structure. ~~Staff evaluation in such cases will be based on engineering data, site elevations, any impact on the beach and dune system, and design life of the structure.~~

- (d) through (e) No change.

(f) Unless waived pursuant to the provisions of section 62B-33.007(3)(g) below, n~~No~~ substantial walls or partitions shall be constructed below the level of the first finished floor of habitable major structures and seaward of the coastal construction control line or 50-foot setback except for. ~~This does not preclude, subject to Department permit and applicable federal, county, and municipal regulations, the construction of:~~

- 1. through 6. No change.
- 7. Small mechanical and electrical ~~equipment~~ rooms; or
- 8. Break-away or frangible walls.

The aggregate length of all non-breakaway components in the shore parallel direction shall not exceed 20% of the building length.

(g) Upon request by the applicant, the Department shall grant a waiver of the requirements specified in section 62B-33.007(3)(f), Florida Administrative Code, if it determines that the structural component of the habitable major structure is landward of the predicted erosion limits of a one-hundred year storm, that the stillwater depth at the base of the structural component is less than 1.5 feet, and that the applicant can fully comply with all other structural requirements of this Chapter.

- (g) through (n) renumbered (h) through (o) No change.
- (4) No change.

Specific Authority 161.053, 370.021(1) FS. Law Implemented 161.053, 161.052(2) FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.07, Amended 5-12-92, Formerly 16B-33.007, Amended 9-12-96, 1-26-98, \_\_\_\_\_.

62B-33.008 Permit Application Requirements and Procedures.

(1) Any person desiring to obtain a permit for construction seaward of the coastal construction control line or fifty-foot setback from the Department, except those persons applying pursuant to section 62B-33.014, Florida Administrative Code, shall submit two copies of a completed application form, only one of which is to include the required attachments, to the Bureau at the address below. The permit application form, which is entitled "Application for a Permit for Construction Seaward of the Coastal Construction Control Line or Fifty-Foot Setback" - DEP Form 73-100 (Revised 12/97), is hereby incorporated by reference. Copies of the form may be obtained from the Department of Environmental Protection, Office Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station #300, Tallahassee, Florida 32399-3000; or by telephone at (850)488-3180, extension 100. The application shall contain the following specific information:

- (a) through (e) No change.
- (f) Two copies of a topographic survey drawing of the subject property. The topographic information depicted in the drawing shall be from field survey work performed not more than six months prior to the date of application. The topographic survey drawing shall include the following specific information:

- 1. through 7. No change.
- 8. The location of the contour line corresponding to elevation 0 N.G.V.D. ~~NGVD~~, and the location of the seasonal high-water line in relationship to the coastal construction control line except in surveys associated with applications for permits to construct coastal or shore protection structures, minor structures, piers, or intake and discharge structures to be located seaward of the coastal construction control line;
- 9. through 16. No change.

(g) For major and rigid coastal structures, ~~two copies one copy~~ of a dimensioned site plan drawing to an appropriate scale, on 8 1/2-inch by 11-inch size paper showing the location of the proposed structure or structures and the location and volume of any proposed excavation or fill, and all distances and locations as referenced in section 62B-33.008(1)(f), Florida Administrative Code.

(h) For major and rigid coastal structures, ~~two copies one copy~~ of a dimensioned cross-sectional drawing to an appropriate scale, on 8 1/2-inch by 11-inch paper, showing:

1. All subgrade construction or excavation with elevations referenced to the N.G.V.D. National Geodetic Vertical Datum.

2. Typical cross-section view of the structural components above grade with elevations for the underside of the building support structure and crest elevations for any proposed coastal or shore protection structure.

3. Location of the control line or, if not established, the mean high water line and the 50-foot setback.

4. Typical profile of existing and proposed grade at the site.

5. The location of the contour line corresponding to elevation 0 N.G.V.D. NGVD.

(i) through (l) No change.

(2) If the application proposes to repair or rebuild, improve or add an addition to an existing structure, the applicant shall submit a statement from the local governmental agency having jurisdiction over the activity and all applicable supporting documentation which clearly states whether or not the proposed construction is a substantial improvement as defined in section 161.54(12), Florida Statutes. If a statement is not available, the applicant shall submit to the Department all The supporting documentation necessary for the Department to make such a determination, shall The documentation shall include the cost of the improvement or repair proposed construction, and a figure representing the cumulative total of 50 percent of the market value of the structure over a five-year period, either before the improvement or repair work is started, or if the structure has been damaged and is being restored, before the damage occurred.

(3) through (7) No change.

(8) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to paragraph 62B-33.0085(4)(o), Florida Administrative Code, and shall restart the time requirements of section 120.60, Florida Statutes. For purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to increased adverse impacts which require a detailed review. If a permit has expired and construction is incomplete, the permittee may apply in writing for a renewal. The Department shall approve the application if it demonstrates that site or other conditions have not changed

~~such that the permitted activity would no longer be consistent with the initial permitting requirements of this Chapter, and that there is no change in the nature of the work.~~

(9) The Department may issue permits for certain minor structures and activities using the field permit form. The field permit form, which is entitled "Field Permit Pursuant to Section 161.053, or 161.052, Florida Statutes", DEP Form 73-122, is hereby incorporated by reference. For information about which structures or activities may be authorized by field permit, contact the Department of Environmental Protection, Office of Beaches and Coastal Systems, at the address or telephone number provided in paragraph 62B-33.008(1), Florida Administrative Code. Applications for permits and renewals shall be accompanied by a fee, as set forth in section 62B-33.0085, Florida Administrative Code.

Specific Authority 161.053, 370.021(1) FS. Law Implemented 161.053, 161.052 FS. History--New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended 8-7-86. Formerly 16B-33.008, Amended 1-26-98, \_\_\_\_\_.

62B-33.0085 Permit Fees.

(1) through (2) No change.

(3) If an applicant has submitted a fee for an activity which is exempt from the fee provisions of this section, such fee shall be refunded to the applicant pursuant to the provisions of section 120.60(2), Florida Statutes. Any fee payment in excess of the amount required by this Section shall be refunded to the applicant. Fees submitted to the Department pursuant to this section shall not be refunded if the application is withdrawn, denied, or if separate application(s) to other governmental agencies are denied.

(4) The total permit fee shall be the sum of the fees assessed for each individual major structure plus any additional fee for minor structures or activities. The fees for each activity, experimental project, rigid coastal structure, permit modification, time extension, permit renewal, area wide permit, or structure or addition, when any portion of the foundation or any habitable portion of such structure or addition is proposed by the applicant to extend seaward of the coastal construction control line, shall be assessed in accordance with the following schedule:

(a) through (l) through No change.

(m) Time Extension: \$200 for projects that are certified by a professional engineer or architect registered in the State of Florida to be at least 75% complete, \$500 for projects that are certified by a professional engineer or architect registered in the State of Florida to be less than 75 percent at least 50% complete and above the foundation, and \$750. The fee for projects in which the foundation is incomplete that are certified by a professional engineer or architect registered in the state of Florida to be less than 50% complete is \$750 or 10% of the original permit fee, whichever is greater. In order to be eligible for a time extension, a request, pursuant to 62B-33.013(3)(c),



Florida Administrative Code, must be filed in writing with the Office Bureau of Beaches and Coastal Systems prior to the permit expiration date.

(n) through (q) No change.

Specific Authority 161.053, 161.0535, 370.021(1) FS. Law Implemented 161.053, 161.0535 FS. History--New 8-7-86, Formerly 16B-33.0085, Amended 6-16-97, 4-30-98.

(Substantial rewording of Rule 62B-33.013 follows: See Florida Administrative Code for present text.)

62B-33.013 Permit Revisions or Modifications, Time Extensions, and Renewals of Approved Permits.

(1) Requests for major changes or modifications including additions, revisions, or structural modifications of permitted projects or activities shall be reviewed in the same manner as the initial application. Changes considered major are those changes that will affect compliance with structural standards of this rule or which increase the potential for adverse impacts.

(2) A determination that minor changes or modifications including minor additions, revisions or structural modifications of permitted projects or activities that are within the scope of the permit, shall be made upon request of the applicant. Minor additions, revisions or structural modifications are those changes which will not increase the risk of adverse impacts.

(3) The permittee or authorized agent may request an extension of the permit expiration date by filing a written request with the Bureau prior to the permit expiration date. If a request for a time extension is completed pursuant to paragraph (a) below and received prior to the permit expiration date, the permit will be valid until the Department acts upon the extension request. If a timely but incomplete request for a time extension is received, construction must cease upon the expiration date of the permit and may not restart until the request is complete or until the Department acts upon the request. Time extensions are not available while a permit renewal is in effect.

(a) A written request for a permit time extension shall include the following items:

- 1. the permit number;
- 2. the length of time requested;
- 3. evidence provided by the applicable county or municipality, that the authorization previously provided under section 62B-33.008(1)(d), Florida Administrative Code, will remain in effect throughout the duration of the requested time extension;
- 4. reasonable assurance that the activity can be completed within the time extension requested based on a schedule for completion included with the request; that no significant change in shoreline conditions has occurred since the original permit was issued; and that the nature of the work has not changed; and
- 5. a fee pursuant to section 62B-33.0085, Florida Administrative Code.

(b) The Department shall deny a request for a time extension if:

- 1. shoreline or other conditions have changed so that the project is no longer permittable under this Chapter;
- 2. application for a time extension is made after the expiration date of the permit; or
- 3. construction has not started within a two year period following the date of permit issuance for a minor structure or within a five year period following the date of permit issuance for a major structure.

(c) Time extensions for major structures may be issued for periods of up to three years. Time extensions for minor structures are not available.

(4) If a permit has expired before the work is complete, the applicant may apply in writing for a permit renewal provided the request is made within six months of the original permit expiration date. A permit renewal may be issued for periods of up to two years. Permit renewals are not available if a time extension, pursuant to section 62B-33.013(3), Florida Administrative Code, was previously issued. In order to obtain a renewal, the applicant must provide information required in sections 62B-33.013(3)(a)1. through 5., Florida Administrative Code.

(5) If construction is not complete after having been granted additional time, by means of either a time extension or a permit renewal, the permittee must submit a new application pursuant to section 62B-33.008, Florida Administrative Code.

Specific Authority 161.053, 370.021(1) FS. Law Implemented 161.053, 161.052 FS. History--New 11-18-80, Amended 3-17-85, Formerly 16B-33.13, 16B-33.013, Amended 1-26-98.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Definitions  
RULE NO.: 64B1-3.001

PURPOSE AND EFFECT: The purpose of the amendment will be to define terms used in statutory amendment to Section 457.116(1)(b).

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 457.102 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 IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN#C06, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-3.001 Definitions.

(1) through (6) No change.

(7) As used in s. 457.116, F.S., the following terms shall mean:

(a) L.Ac. – Licensed Acupuncturist.

(b) R.Ac. – Registered Acupuncturist.

(c) A.P. – Acupuncture Physician.

(d) D.O.M. – Doctor of Oriental Medicine.

Specific Authority 457.104 FS. Law Implemented 457.102, 457.116(b) FS. History–New 8-13-84, Amended 9-19-84, Formerly 21AA-3.01, Amended 12-14-87, 9-3-89, 5-30-91, 1-26-92, 2-27-92, Formerly 21AA-3.001, 61F1-3.001, 59M-3.001, Amended.

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Examination for Licensure

RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to include language which will notify applicants that beginning the year 2001, the National Clinical Mental Health Counselor Examination (Part II) will be required for licensure by applicants if the applicants have not taken the National Clinical Mental Health Counselor Examination within the last five years, and if the applicants have not earned the national passing score on the National Clinical Mental Health Counselor Examination.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure.

SPECIFIC AUTHORITY: 455.574, 491.004(5) FS.

LAW IMPLEMENTED: 455.574, 491.005 FS.

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

TIME AND DATE: 9:00 a.m., October 21, 1999

PLACE: The Naples Beach Hotel and Golf Club, 851 Gulf Shore Boulevard, North, Naples, Florida 34102

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME:

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Colonic Irrigation Application Deadline

RULE NO.: 64B7-25.0011

PURPOSE AND EFFECT: The purpose of the amendment is to increase the time for an applicant to have his or her application in the Board office from “thirty days” to “forty-five days” prior to colonic irrigation examination and reexamination, as requested by Department of Health testing services.

SUBJECT AREA TO BE ADDRESSED: Licensure of Massage Establishments.

SPECIFIC AUTHORITY: 480.035(7), 480.043(2), (9) FS.

LAW IMPLEMENTED: 480.043(7), 480.043(1), (2), 480.043 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: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin # C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-25.0011 Colonic Irrigation Application Deadline.

An applicant for the colonic irrigation examination or for re-examination must file in the Board office a complete application, including proof of completion of an approved course of study or an apprenticeship, at least 45 ~~thirty~~ days prior to the examination date. The examination or re-examination fee must accompany the application.

Specific Authority 480.041(3)(b) FS. Law Implemented 480.041(3)(b) FS. History–New 11-25-80, Amended 7-12-82, Formerly 21L-25.011, Amended 3-12-90, Formerly 21L-25.0011, Amended 9-30-93, 9-15-94, 7-2-96, Formerly 61G11-25.0011, Amended.

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: HIV/AIDS Course Required for Initial Licensure

RULE NO.: 64B7-25.0012

PURPOSE AND EFFECT: The purpose of the amendments to Rule 64B7-25.0012 is to delete “Cosmetology and Barbers’ Board” which are not within the Department of Health.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS Course Required for Initial Licensure.

SPECIFIC AUTHORITY: 455.607(5) FS.

LAW IMPLEMENTED: 455.607(4) 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: Joe R. Baker, Jr., Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-25.0012 HIV/AIDS Course Required for Initial Licensure.

As a condition to granting an initial license, the applicant is required to complete a 3-hour educational course approved by the Board on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS). Courses that have received Board approval are sponsored by: the Department of Health, Division of Health Quality Assurance, the American Red Cross, or directly by the Board, Board approved massage schools or by the Cosmetology and Barbers' Board.

Specific Authority 455.607(5) FS. Law Implemented 455.607(4) FS. History--New 9-15-94, Formerly 61G11-25.0012, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLES: RULE NOS.:  
Licensure of Massage Establishments 64B7-26.002  
Periodic Inspections 64B7-26.005

PURPOSE AND EFFECT: The purpose of the amendments to Rule 64B7-26.002 is to delete references to the fictitious name filing requirements because licensees under the Department of Health are exempt. The purpose of the amendment to Rule 64B7-26.005 is to mandate at least yearly inspections.

SUBJECT AREA TO BE ADDRESSED: Licensure of Massage Establishments.

SPECIFIC AUTHORITY: 480.035(7), 480.043(2),(9) FS.

LAW IMPLEMENTED: 480.043(7), 480.043(1),(2), 480.043 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: William Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-26.002 Licensure of Massage Establishments.

(1) through (2) No change.

(3) An owner may operate an establishment under a name other than the name of the owner, provided such name is submitted to the Board on the application for licensure, including the fictitious name registration number pursuant to Section 865.09, Florida Statutes. Any advertisement by the establishment of massage therapy must include the business name, and must comply with Rule 64B7-33.001.

(4) No change.

Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(7), 480.043(1), (2) FS. History--New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, \_\_\_\_\_.

64B7-26.005 Periodic Inspections.

The Department shall may make periodic inspections of all massage establishments licensed in this state no less than once each year. Such inspection shall include, but not be limited to, whether the establishment is in compliance with Rule 64B7-26.003 governing the establishment's operation facilities, personnel, safety, sanitary requirements, and a review of existing insurance coverage.

Specific Authority 480.043(2),(9) FS. Law Implemented 480.043 FS. History--New 11-27-79, Formerly 21L-26.05, Amended 4-30-87, Formerly 21L-26.005, 61G11-26.005, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:  
Display of Licenses 64B7-28.008

PURPOSE AND EFFECT: The purpose of the amendment to Rule 64B7-28.008 is to delete references to provisional licenses, which were deleted from §480.041, F.S.

SUBJECT AREA TO BE ADDRESSED: Provisional Licenses.  
SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.043(1) 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: Bill

Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

Specific Authority 455.627(1),(3), 480.035(7) FS. Law Implemented 455.627(1),(3), 480.046, 480.047 FS. History--New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-28.008 Display of Licenses.

(1) No change.

(2) Each apprentice ~~or provisional licensee~~ shall conspicuously display his or her apprentice certificate ~~or provisional license approval~~ issued by the Board office, in the establishment for which it has been issued.

(3) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.043(1) FS. History--New 4-21-86, Formerly 21L-28.008, 61G11-28.008, Amended

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLES:

Disciplinary Guidelines

Probable Cause Panel

RULE NOS.:

64B7-30.002

64B7-30.007

PURPOSE AND EFFECT: The Board proposes to update the rule text of Rule 64B7-30.002 by deleting reference to "provisional licensee", and to implement §455.621(4), F.S.

SUBJECT AREA TO BE ADDRESSED: Provisional Licensee; Probable Cause Panel.

SPECIFIC AUTHORITY: 455.627(1),(3), 480.035(7) FS.

LAW IMPLEMENTED: 455.627(1),(3), 480.046, 480.047 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: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-30.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant, apprentice, ~~provisional licensee~~ or licensee whom it regulates under Chapter 480, Florida Statutes, has committed any of the acts set forth in Sections 480.047 and 455.624, Florida Statutes, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) through (u) No change.

(2) through (8) No change.

64B7-30.007 Probable Cause Panel.

The determination of probable cause shall be made by the probable cause panel of the board. The probable cause panel shall consist of two members, and may include a former board member. The chair of the board shall appoint the panel members.

Specific Authority 455.621(4) FS. Law Implemented 455.621(4) FS. History--New

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE:

Colonic Irrigation

RULE NO.:

64B7-31.001

PURPOSE AND EFFECT: The Board proposed to update the existing rule text by deleting provisional licensee, which was deleted from §480.041, F.S.

SUBJECT AREA TO BE ADDRESSED: Provisional Licensure.

SPECIFIC AUTHORITY: 480.035(7), 480.041(5) FS.

LAW IMPLEMENTED: 480.032, 480.041(5) 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: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-31.001 Colonic Irrigation.

(1) No change.

(2) Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice ~~or provisional licensee~~ shall be required to present certification to the Board of successful completion of examination by a Board approved massage school after completion of a supervised classroom course of study in colonic irrigation or in the case of a duly authorized apprenticeship training program, evidence of having completed 100 hours of colonic irrigation training, including a minimum of 45 hours of clinical practicum with a minimum of 20 treatments given.

(3) Prior to the practice of colonic irrigation, any licensed massage therapist, ~~or apprentice or provisional licensee~~ shall be required to successfully complete and pass the colonic irrigation examination administered by the Department of Health.

Specific Authority 480.035(7), 480.041(5) FS. Law Implemented 480.032, 480.041(5) FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Use of Prescription Devices  
RULE NO.: 64B11-4.001

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Use of prescription devices.

SPECIFIC AUTHORITY: 468.203(4), 468.204 FS.

LAW IMPLEMENTED: 468.203(4) FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter on October 11, 1999

PLACE: The Department of Business and Professional Regulation, The Board Room, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME:

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

RULE TITLE: Hardship Exemptions to Assistance  
RULE NO.: 65A-4.201

PURPOSE AND EFFECT: This rule amendment will change the time frame for requesting a hardship exemption to the time limitation requirements of temporary cash assistance.

SUBJECT AREA TO BE ADDRESSED: Currently, rule 65A-4.201 provides that a request for hardship exemption to the time limitation requirements of temporary cash assistance must be made prior to the imposition of the temporary cash assistance time limitations, i.e., while the participant is receiving temporary cash assistance. This rule development concerns allowing a hardship exemption to time limitation

requirements after the imposition of the temporary cash assistance time limitations. The extension in this circumstance will be allowed when the participant is no longer receiving temporary cash assistance, but continues to receive some form of WAGES services. Criteria for evaluating significant barriers and diligent participation must be determined when the individual making the request is receiving WAGES services, but not through a WAGES coalition. Additionally, multiple requests for hardship exemptions and form revisions will be addressed

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.105 FS.

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

TIME AND DATE: 11:00 a.m., September 27, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER TITLE: State Housing Tax Credit Program  
RULE CHAPTER NO.: 67-51

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-51 is to establish the procedures by which the Florida Housing Finance Corporation shall administer and implement the provisions of the State Housing Tax Credit Program authorized by Section 220.185, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the State Housing Tax Credit Program 2000 Application and program requirements and (2) the annual allocation plan to be submitted to the Governor.

The State Housing Tax Credit Program is a new program and was signed into law on June 18, 1999. The Program provides for a State corporate tax credit to those that develop affordable housing in urban areas.

All interested parties are invited to submit written comments and/or to present oral comments at the workshop. Written comments must be received by the Corporation no later than 5:00 p.m. (Tallahassee time) on October 5, 1999. Comments may be delivered by facsimile and should be addressed to Chris Buswell. Any person desiring to present oral comments should appear at the workshop.

SPECIFIC AUTHORITY: 220.185 FS.

LAW IMPLEMENTED: 220.185 FS.

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

TIME AND DATE: 9:30 a.m., September 30, 1999

PLACE: Florida Housing Finance Corporation, Sixth Floor, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

COST: There is no charge for this workshop. However, because of space limitations, pre-registration of participants is requested by 5:00 p.m. on September 23, 1999. For reservations contact: Roshandra Jones, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, telephone (850)488-4197, facsimile (850)921-6060.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Chris Buswell, Housing Credit Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requesting special accommodation at this hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

RULE TITLES:	RULE NOS.:
Addition of Ketamine to Schedule III, Subsection 893.03(3), F.S.	2-40.003
Addition of Gamma-Hydroxybutyric Acid (GHB) to Schedule II, Subsection 893.03(2)(a), F.S.	2-40.004

PURPOSE AND EFFECT: The proposed rules are being repealed since Section 1, Chapter 99-186, Laws of Florida, addresses the scheduling of these substances.

SUMMARY: Section 1, Chapter 99-186, Laws of Florida, addresses the substances of gamma-hydroxybutyric acid (GHB) and Ketamine. As a result these rules are unnecessary and are being repealed.

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

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

SPECIFIC AUTHORITY: 893.035 FS.

LAW IMPLEMENTED: 893.035 FS.

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

TIME AND DATE: 4:00 p.m., October 8, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Marty Moore, Deputy General Counsel, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULES IS:

2-40.003 Addition of Ketamine to Schedule III, Subsection 893.03(3), F.S.

Specific Authority 893.035 FS. Law Implemented 893.035 FS. History—New 2-2-98, Repealed.

2-40.004 Addition of Gamma-Hydroxybutyric Acid (GHB) to Schedule II, Subsection 893.03(2)(a), F.S.

Specific Authority 893.035 FS. Law Implemented 893.035 FS. History—New 2-11-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marty Moore, Deputy General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Doran, Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 1999

### DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Risk Rates	4-149, Part X
RULE TITLES:	RULE NOS.:
Purpose	4-149.200
Scope	4-149.201
Standard Risk Rate	4-149.202
Group Conversion Premium	4-149.203
Outline of Coverage	4-149.204
Indemnity Standard Risk Rates	4-149.205
Preferred Provider/Exclusive Provider	
Standard Risk Rates	4-149.206
Health Maintenance Organization	
Standard Risk Rates	4-149.207

PURPOSE AND EFFECT: Proposed Rule 4-149, Part X establishes procedures for the annual determination of standard risk rates by the Department of Insurance. These rates are used in determining the maximum rate permitted to be charged for group conversion coverage and the maximum FCHA rate to be charged.