

TIME AND DATES: 8:30 a.m., each day, May 24-26, 2000
 PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: The preliminary text of the proposed rule development will be available and can be obtained from James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 5 calendar days before the workshop by contacting Andrena Knicely, (850)487-1764. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Florida Wild Turkey Stamp Design Contest
 RULE NO.: 68A-28.003

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal the rule. The result should cause no adverse effect to the participants since the language contained in the rule will be provided in the packets mailed to the participants each year.

SUBJECT AREA TO BE ADDRESSED: Repeal of the existing rule.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, May 24-26, 2000

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

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Subsidiaries Holding Institution-
 Authorized Assets
 RULE NO.: 3C-100.067

PURPOSE AND EFFECT: This rule is being formulated to permit Florida-chartered banks, associations, savings banks and international agencies to place assets they may acquire or invest in directly in subsidiary corporations without regard to subsidiary investment limits of Section 658.67(6), Florida Statutes. Any such assets placed in subsidiaries shall remain subject to the investment or lending limits of other provisions of the Florida Financial Institutions Codes.

SUMMARY: This rule will allow Florida-chartered banks, associations, savings banks, and international agencies to place into wholly owned subsidiary assets they may lawfully acquire directly without regard to the subsidiary investment limitation of Section 658.67(6), Florida Statutes. In so doing, institutions may not evade the individual loan and investment limits provided for elsewhere in the Financial Institutions Codes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 655.012(3), 658.67(11) FS.

LAW IMPLEMENTED: 658.67(11) FS.

IF REQUESTED WITHIN 21 DAYS OF THIS DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., May 22, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking, 614 Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-100.067 Subsidiaries Holding Institution-Authorized Assets. Investments by a state-chartered bank, association, savings bank or international agency in subsidiary corporations that do not conduct active operations directly with the public and that only hold assets the institution may acquire or invest in

directly, except for other subsidiary organizations, shall not be limited. However, individual investments, loans or assets owned by such a subsidiary corporation, when combined with other investments, loans and assets of the same issuer, obligor, entity, person or source owned by the institution and its other subsidiary corporations, shall not exceed the applicable limitations of law on investments in or loans to the same issuer, obligor, entity, person or asset. To be eligible for the exemption of this rule, any such subsidiary corporation must be wholly owned by the state financial institution, except in the case of a subsidiary that qualifies as a real estate investment trust under the Internal Revenue Code of the United States of America, in which case the subsidiary may have such additional shareholders as are needed to qualify for such status, provided none of the additional shareholders has control of the subsidiary.

Specific Authority 655.012(3), 658.67(11) FS. Law Implemented 658.67(11) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donald M. Kelly, Financial Control Analyst, Division of Banking

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda B. Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES:	RULE NOS.:
Definitions	4A-51.005
Codes Adopted	4A-51.010
Fees	4A-51.030
Examinations	4A-51.035
Inspection Requirements	4A-51.050
Requirements for New Installations	4A-51.060
Operation	4A-51.070

PURPOSE AND EFFECT: The purpose of this rule chapter is to revise definitions and update references used in the operation of the Boiler Safety Act, and repeal definitions and provisions and that do not have statutory authority or are defined elsewhere.

SUMMARY: This amendment adds language to revise the definitions under the Boiler Safety Act. Further, the changes include technical matters such as updating code reference numbers, names, addresses, telephone numbers and form revision dates. Many of the definitions within Rule 4A-51.005, F.A.C., have been relocated within the rule for the sake of clarity. The repealed sections are being repealed pursuant to

the rule review project. Specifically, the sections and subsections involved are addressed by statute or are not permitted due to a lack of specific authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 554.103, 554.111, 624.307, 624.308(1) FS.

LAW IMPLEMENTED: 554.1011, 554.1021, 554.103, 554.104, 554.105, 554.106, 554.107, 554.108, 554.109, 554.1101, 554.111, 554.112, 554.114, 554.115, 624.307, 624.308(1) FS.

IF REQUESTED IN WRITING 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: 10:00 a.m., May 25, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mohammad Malek, Boiler Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3614

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mohammad Malek at (850)413-3614.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-51.005 Definitions.

As used in this rule chapter:

(1) "The Act" means Chapter 554, Florida Statutes, the "Boiler Safety Act." ~~shall refer to CS for SB 160, Chapter 87-361, Laws of Florida, as codified in Chapter 554, Florida Statutes.~~

(2) "Alteration" shall mean any change in the item described on the original Manufacturer's Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered alteration. ~~"Alteration" does not include the installation of new nozzles or openings of such size that reinforcement is not a consideration.~~

(3) No change.

(4) "Antique Boiler" means any closed vessel used solely for display and demonstration purposes, in which water is heated, steam is superheated, or any combination thereof, under pressure or in a vacuum, for use externally to itself, by direct application of heat from the combustion of fuels, or from electricity. The term shall include fired vessels, used solely for display and demonstration purposes, for heating or vaporizing liquids other than water where these vessels are separate from processing systems and are complete within themselves.

(5) "Approved" means permitted by the Boiler Safety Program of the Department of Insurance.

~~(6) "A.S.M.E." means The American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017.~~

~~(6)(7) "A.S.M.E. Code" means The American Society of Mechanical Engineers International Boiler and Pressure Vessel Code published by that Society, including addenda and interpretations existing at the time this rule is adopted code cases, as approved by its council.~~

~~(7)(8) "Authorized Inspection Agency" means:~~

~~(a) a jurisdiction which has adopted and which administers one or more sections of the A.S.M.E. Boiler and Pressure Vessel Code as a legal requirement, one which shall be Section I, and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors, or in accordance with Section 554.112, Florida Statutes; or has a representative serving as a member of the A.S.M.E. Conference Committee; or~~

~~(b) an insurance company which has been licensed or registered by the appropriate authority of a state State of the United States or a province Province of Canada to write and does write boiler and pressure vessel insurance, and to provide inspection service of boilers and pressure vessels in such state or province and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors, or in accordance with Section 554.112, Florida Statutes in such State or Province.~~

~~(8)(9) "Authorized Inspector" means the Chief Inspector, a Deputy Inspector or a Special Inspector.~~

~~(10) "Boiler" means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam is superheated, or any combination of these functions is accomplished, under pressure or in a vacuum, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy. The term includes a fire unit for heating and vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The term also includes the following:~~

~~(a) "Power Boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.~~

~~(b) "High Pressure/High Temperature Water Boiler" means a water boiler intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 2500 F.~~

~~(c) "Heating Boiler" means a steam or vapor boiler operating at pressures not exceeding 15 psig, or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 2500 F.~~

~~(d) "Hot Water Supply Boiler" means a boiler or lined storage water heater completely filled with water which furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or at a temperature not exceeding 2500 F. at or near the boiler outlet.~~

~~(9) Definitions of Boilers (additional Boiler definitions may be found at Section 554.1021, Florida Statutes):~~

~~(a)(e) "Electric Boiler" means a power boiler or heating boiler in which the source of heat is electricity.~~

~~(f) "Second Hand Boiler" means a boiler which has changed ownership and location subsequent to its original installation and use.~~

~~(b)(g) "Miniature Boiler" means a power boiler or high-temperature boiler any boiler which does not exceed any of the following limits:~~

~~1. 16" inside diameter of shell;~~

~~2. 20 sq. ft. of heating surface (not applicable to electric boilers);~~

~~3. 5 cu. ft. gross volume, exclusive of casing and insulation; and~~

~~4. 100 psig maximum allowable working pressure.~~

~~(c)(h) "Portable Boiler" means a an internally fired boiler which is primarily intended for temporary locations; and by the construction and usage permits it to be readily moved from one location to another of which is obviously portable.~~

~~(11) "Certificate Inspection" means an inspection or report which is used by the Chief Inspector to determine whether or not a certificate of compliance may be issued.~~

~~(12) "Certificate of Compliance" means a document issued to the owner of a boiler which authorizes the owner to operate the boiler, subject to any restrictions endorsed thereon.~~

~~(13) "Certificate of Competency" means a document issued to a person who has satisfied the minimum competency requirements for boiler inspectors under Sections 554.1011—554.115, F.S.~~

~~(d)(14) "Coil Type Hot Water Boiler" means a boiler without any steam space where water flashes into steam when released through a manually operated nozzle.~~

~~(e) "Lined Storage Water Heater" means a water heater which consists of a coil or closed tank heated either by direct flame, electrical heating elements or solar energy and which exceeds any of the following limits:~~

~~1. Maximum heat input of 400,000 BTUH or 117.2 KW;~~

~~2. Water temperature of 210 degrees F; and~~

3. Nominal water containing capacity of 120 U.S. gallons. Such water heaters shall be equipped with safety devices in accordance with the requirements of Section IV, Article 8, HLW-800, "Installation Requirements," A.S.M.E. Code, as adopted herein.

(f) "Standard Boiler" means a boiler which has been designed, constructed, inspected and stamped as per A.S.M.E. Code and registered with the National Board.

(g) "Non-standard Boiler" means a boiler that does not bear a stamp, or does not comply with the Act or these rules.

(h) "Reinstalled Boiler" means a boiler removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

(i) "Condemned Boiler" means a boiler which has been inspected and declared unsafe by the Chief Boiler Inspector.

~~(10)(15)~~ "Commission" means:

(a) A written credential issued by the Boiler Safety Program to a Deputy Inspector or Special Inspector stating the inspection agency by whom he is employed and the category or categories of inspection he is authorized to make; or

(b) A written credential issued by the National Board of Boiler and Pressure Vessel Inspectors to the holder of a Certificate of Competency who desires to make shop inspections and field inspections in accordance with the National Board Code adopted herein.

~~(16) "Condemned Boiler" means a boiler which has been inspected and declared unsafe, or disqualified by legal requirements by an inspector qualified to take such action.~~

~~(11)(17)~~ "Chief Inspector" means the Chief Boiler Inspector appointed by the Act.

~~(12)(18)~~ "Deputy Inspector" means any Deputy Inspector appointed by the Chief Inspector of the Boiler Safety Program of the Department of Insurance.

~~(19) "Department" means the Department of Insurance.~~

~~(13)(20)~~ "Existing Installation" means any boiler installed in this state before October 1, 1987.

~~(14)(21)~~ "External Inspection" means an inspection made when a boiler is in operation, if possible or when examination of the interior surfaces of the pressure parts cannot be made.

~~(15)(22)~~ "Fusion Welding" means a process of welding metals in a molten and vaporous state, without the application of mechanical pressure or blows.

~~(16)(23)~~ "Horsepower" means a unit of measurement in which one boiler horsepower = 34.5 lbs. steam per hour or 33,479 BTUH (British Thermal Units per Hour).

~~(24) "Inspector" means the Chief Inspector, any Deputy Inspector, or a Special Inspector.~~

~~(17)(25)~~ "Internal Inspection" means an inspection made when a boiler is shut down and the handholes, manholes, or other inspection openings are opened for inspection of the interior.

~~(18)(26)~~ "Jurisdiction" means a state, commonwealth or municipality of the United States or a Province of Canada, which has adopted one or more sections of the A.S.M.E. Boiler and Pressure Vessel Code, one of which is Section I, and which maintains a duly constituted governmental unit for the purpose of enforcement of the code.

~~(27) "Jurisdiction or Jurisdictional Requirements" means the lawful requirements of a jurisdiction regarding boilers or pressure vessels.~~

~~(19)(28)~~ "Major Repair" means a repair affecting the strength of the boiler.

~~(20)(29)~~ "National Board" means the National Board of Boiler and Pressure Vessel Inspectors ~~(NB)~~, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of Chief Inspectors of jurisdictions who, or other officials who hold a National Board Commission and are charged with the enforcement of the provisions of the Boiler and Pressure Vessel Safety Act boiler and pressure vessel inspection regulations of any political subdivision of the United States or Canada which has adopted one or more sections of the A.S.M.E. Boiler and Pressure Vessel Code.

~~(21)(30)~~ "National Board Inspection Code" means the code for jurisdictional authorities, inspectors, users, and organizations performing repairs and alterations to pressure-retaining parts. It is published by the National Board and is developed under procedures accredited as meeting the criteria for American National Standards manual of Boiler and Pressure Vessel Inspectors adopted by the National Board. Copies may be obtained from the National Board, 1055 Crupper Avenue, Columbus, Ohio 43229.

~~(22)(31)~~ "New Boiler Installation" means all boilers constructed, installed and placed in operation after October 1, 1987.

~~(32) "Non-standard Boiler" means a boiler that does not bear the stampings and numbers listed in subsection (41); below.~~

~~(23)(33)~~ "Owner or User" means any person, firm or corporation legally responsible for the safe installation, operation, and maintenance of any boiler within this state.

~~(24)~~ "Other locations open to the general public," as used in the definition of "public assembly locations" in Section 554.1021(2), Florida Statutes, means a building, facility, occupancy, or portion thereof, or an area open to the public for educational purposes or for trade or commerce including, but not limited to, public and private schools, universities, child care centers, city, county and state government buildings, commerce facilities, shopping malls, departmental stores, grocery stores, motels, hotels, resorts, vacation clubs, fitness centers, and restaurants; meeting rooms, game rooms, and similar places where the public is invited or permitted to gather, as well as boiler rooms, located in apartment complexes, condominiums, cooperatives, or similar multi-family dwellings; dry cleaners, laundries or laundromats;

retirement homes; religious schools; bus or train stations; colleges and other institutions of higher learning; fraternal organizations; any club open to guests and the public; and any building or area in which persons may assemble for civic, educational, religious, recreational, entertainment or other purposes, or in which passengers may await public transportation. The term "public assembly locations" also means "places of public assembly" as used in this rule chapter.

(34) "Place of Public Assembly" means a building, facility, occupancy, or portion thereof, or an area open to the public for educational purposes or for trade or commerce including, but not limited to, public and private schools, child care centers, community centers, hospitals, nursing and convalescent homes, churches, theaters, stadiums, amusement parks, colleges and other institutions of higher learning, and any building or area in which persons may assemble for civic, educational, religious or recreational purposes, or in which passengers may await transportation.

(25) "Pressure retaining item" (PRI) means a boiler, pressure vessel, piping or material used for the containment of pressure, either internal or external. The pressure may be obtained from an external source, or by the application of heat from the direct source, or any combination thereof.

(26) "Pressure Vessel" means containers for the containment of pressure, either internal or external. This pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

(27)(35) "PSIG" means pounds per square inch gauge.

(28)(36) "Repair" means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

(29)(37) "Repair Organizations" shall mean:

(a) An entity which holds a valid National Board Certificate authorizing the use of the "R", "VR", or "NR" stamps; or

(b) An entity which holds a valid A.S.M.E. Certificate of Authorization for use of the appropriate code symbol stamp; or

(c) An entity which is otherwise authorized by the jurisdiction.

(30)(38) "Rules" means this rule chapter unless otherwise specified.

(31)(39) "Rerating" means the increase of the maximum allowable working pressure or temperature of a boiler regardless of whether or not physical work is carried out on the boiler. Rerating shall be considered an alteration.

(40) "Reinstalled Boiler" means a boiler removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

(41) "Standard Boiler" means a boiler which bears the stamp of the State; the A.S.M.E. Stamp; both the A.S.M.E. and National Board Stamps; or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by this state.

(32)(42) "Special Inspector" means an inspector who holds a Florida Certificate of Competency and who is regularly employed by an insurance company authorized to insure against loss from explosion of boiler and pressure vessels in this state or by any county, city, town, or other governmental subdivision which has adopted into law the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and the National Board Inspection Code for the construction, installation, inspection, maintenance, and repair of boilers.

(43) "Water Heaters and Lined Storage Water Heaters" mean water heaters which consist of a coil or closed tank heated either by direct flame, electrical heating elements or solar energy and which do not exceed any of the following limits:

(a) Maximum heat input of 200,000 BTUH or 58.6 KW;

(b) Water temperature of 2100 F.; and

(c) Nominal water containing capacity of 120 U.S. gallons. Such water heaters shall be equipped with safety devices in accordance with the requirements of Section IV, Article 8, HLW-800, "Installation Requirements," A.S.M.E. Code, as adopted herein. Those having electrically heated elements shall also bear the Underwriters Laboratory listing mark.

Specific Authority 554.103 FS. Law Implemented 554.1011-.115 FS. History—New 2-27-89, Amended _____.

4A-51.010 Codes Adopted.

The Department of Insurance hereby adopts and incorporates by reference the following national codes as the State Boiler Code for the safe construction, installation, inspection, maintenance and repair of boilers.

(1) The A.S.M.E. Boiler and Pressure Vessel Code, Sections I; II, Parts A, B, and C and D; IV; V; VI; VII; IX, and the ANSI/ASME CSD-1, 1998 edition and all 1999 amendments, addenda and interpretations thereto to these documents in effect on the effective date of this rule, are hereby adopted and incorporated by reference. Copies may be obtained from the American Society of Mechanical Engineers International, 22 Law Drive, Box 2300, Fairfield, New Jersey 07007-2300; Phone: 1-800-THE-ASME, United Engineering Center, 345 East 47th Street, New York, NY 10017. The Code may be consulted at the offices of the Boiler Safety Program, Bureau of Fire Prevention Explosives and Fire Equipment, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, Third Floor, Atrium Building, Tallahassee, Florida 32303, Phone: (850)413-3722/3723 Larson Building, Tallahassee, Florida 32399-0300; (904)488-7260; during regular business hours, Monday through Friday.

(2) ~~The National Board Inspection Code (NBIC) – 1998 1987 edition of the National Board of Boiler and Pressure Vessel Inspectors, and all 1999 amendments, addenda, and interpretations thereto in effect on the effective date of this rule, is hereby adopted and incorporated by reference. Copies may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229; Phone: (614)888-8320. The Code may be consulted at the offices of the Boiler Safety Program, Bureau of Fire Prevention Explosives and Fire Equipment, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, Third Floor, Atrium Building, Tallahassee, Florida 32303; Phone: (850)413-3722/3723 Larson Building, Tallahassee, Florida 32399-0300; (904)488-7260; during regular business hours, Monday through Friday.~~

(3) ~~ASME ANSI B31.1-1986, "Power Piping," – 1998 edition and all 1999 amendments, addenda, and interpretations thereto is hereby adopted and incorporated by reference. Copies may be obtained from the American Society of Mechanical Engineers International, 22 Law Drive, Box 2300, Fairfield, New Jersey 07007-2300; Phone: 1-800-THE-ASME National Standards Institute, Inc., 1450 Broadway, New York, NY 10018.~~

~~(4) The requirements of the Codes adopted in subsections (1), (2), and (3), above, shall become effective on February 27, 1989, except that the provisions applying to new construction shall not become mandatory until 6 months after the effective date of adoption.~~

Specific Authority 554.103 FS. Law Implemented 554.103 FS. History—New 2-27-89, Amended _____.

4A-51.030 Fees.

Specific Authority 554.103, 554.111 FS. Law Implemented 554.111 FS. History—New 2-27-89, Amended 7-15-98, Repealed _____.

4A-51.035 Examinations.

(1) through (2) No change.

~~(3) For an applicant for a certificate of competency, the initial application fee shall be fifty (\$50.00) dollars and the annual renewal fee shall be thirty (\$30.00) dollars. An examination fee of fifty (\$50.00) dollars will be charged for each applicant taking the examination for a certificate of competency.~~

Specific Authority 624.307, 624.308(1) FS. Law Implemented 554.103, 554.111, 554.112 FS. History—New 2-27-89, Amended 1-27-99, _____.

4A-51.050 Inspection Requirements.

(1) through (7) No change.

(8) Inspection Reports. Each Authorized Inspection Agency employing certified Special Inspectors and each certified Deputy Inspector shall, within fifteen (15) days following each certificate inspection made by such inspectors, file a report of the inspection with the Chief Inspector of the Boiler Safety Program using the following forms, which are

hereby adopted and incorporated by reference: Form DI4-380, 4/20/88, "Boiler or Pressure Vessel Data Report – First Internal Inspection" "First Inspection Report — All Boilers," and Form DI4-379, 4/20/88, "Boiler – Fired Pressure Vessel – Report of Inspection" "Reinspection Report — All Boilers." Authorized Inspection Agencies may reproduce these forms for their own use. Copies may be obtained from the Boiler Safety Program, Bureau of Fire Prevention Explosives and Fire Equipment, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, Florida 32399-0342 Larson Building, Tallahassee, Florida 32399-0300. The filing of reports of external inspections other than certificate inspections shall not be required except when such inspections disclose that the boiler is not in compliance with this rule chapter.

(9) through (12) No change.

(13) Inspection Numbers.

(a) through (e) No change.

(f) Stamping of Florida State serial numbers on non-corrosive tags shall be as follows:

~~FL000000 FL000000FL88~~

1. Note: On the Florida State serial number facsimile above, the letters and numbers FL88 indicate the year the boiler was stamped.

2. Florida State serial numbers shall be stamped with numbers and letters not less than 5/16 inch in height.

(14) through (17) No change.

(18) Notice of Internal Inspections of Boilers. The owner or use of a boiler not exempted by Chapter 554, F.S., or by these rules shall be given fourteen (14) days notice of an impending internal inspection, by the responsible Inspector. No such notice shall be required for external inspections. ~~No inspections shall be made on Saturday, Sunday or on any Legal Holiday by an Inspector employed by the Boiler Safety program, Department of Insurance, except in case of an accident or other emergency.~~

(19) through (23) No change.

Specific Authority 554.103 FS. Law Implemented 554.103, 554.108, 554.109, 554.1101 FS. History—New 2-27-89, Amended _____.

4A-51.060 Requirements for New Installations.

(1) through (2) No change.

(3)(a) through (o) No change.

~~(p) Fuel burning apparatus and systems (Flame safeguard). Fuel burning apparatus and systems should be equipped with regulatory and protective controls in accordance with applicable standards of the National Fire Protection Association, American Gas Association, and Underwriter's Laboratories. Safety inspections for compliance with the aforementioned codes and standards for fuel burning apparatus do not fall within the jurisdiction of the Boiler Safety Program or within the scope of the Boiler Safety Act.~~

(4) No change.

Specific Authority 554.103 FS. Law Implemented 554.103, 554.104, 554.105, 554.106, 554.107 FS. History—New 2-27-89, Amended.

4A-51.070 Operation.

Specific Authority 554.103 FS. Law Implemented 554.103, 554.114 FS. History—New 2-27-89, Amended 7-15-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mohammed Malek, Chief Boiler Inspector, Fire Prevention, State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Division Director, State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

PUBLIC SERVICE COMMISSION

DOCKET NO. 000393-WS

RULE TITLE: Exemption for Resale of Utility Service, Annual Report
RULE NO.: 25-30.111

PURPOSE AND EFFECT: To repeal Rule 25-30.111.

SUMMARY: Rule 25-30.111 requires exempt water and wastewater resellers to file an annual report with the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None was prepared.

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

SPECIFIC AUTHORITY: 367.121(1) FS.

LAW IMPLEMENTED: 367.022(8) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.111 Exemption for Resale of Utility Service, Annual Report.

~~Any person who has been granted an exemption from regulation as a reseller of water or wastewater service provided for in subsection 367.022(8), F.S., shall file a report by March 31 of each year following the year for which the exemption is claimed. The report shall contain the following:~~

~~(1) A schedule, listing by month, the rates charged for and total revenue received from the water or wastewater service sold.~~

~~(2) A schedule, listing by month, the rates charged and total expense incurred for the purchase of the water or wastewater service.~~

~~(3) A statement listing the source from which the water or wastewater service was purchased.~~

Specific Authority 367.121(1) FS. Law Implemented 367.022(8) FS. History—New 3-26-81, Formerly 25-10.09, 25-10.009, Amended 11-9-86, 11-30-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Williams, Division of Water and Wastewater

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 9, March 3, 2000

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-11R

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

New Water Well Permitting in

Delineated Areas **62-524**

RULE TITLE: **RULE NO.:**

Maps Containing Delineated Areas **62-524.430**

PURPOSE AND EFFECT: To reduce the extent of the delineated area near the former Silvex site in St. Johns County, Picolata Quadrangle, based on new ground water monitoring data to define the ground water contaminant plume.

SUMMARY: The mapped area around the former Silvex site in St. Johns County, Picolata Quadrangle, will be reconfigured, and a new map will be prepared depicting the delineated area. Also, additional ground water contaminants will be added for well testing purposes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 373.309, 403.061 FS.

LAW IMPLEMENTED: 373.309 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., May 25, 2000

PLACE: Twin Towers Office Building, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

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)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David James, Department of Environmental Protection, Bureau of Watershed Management, MS #3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)921-9911

THE FULL TEXT OF THE PROPOSED RULE IS:

62-524.430 Maps Containing Delineated Areas.

The following maps, which are incorporated herein by reference, show surface areas, delineated pursuant to Rule 62-524.420, F.A.C. Each map listed contains a month and year which corresponds to the date the Department prepared the most recent map showing any portion of a delineated area. Copies of these maps may be examined at the Department of Environmental Protection Bureau of Information Systems Information Center, or copies may be obtained, upon receipt of

reproduction and other appropriate costs, from the Department of Environmental Protection Bureau of Information Systems, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) through (33) No change.

(34) **ST. JOHNS COUNTY:**

Picolata **5/00 ~~1/94~~**

Specific Authority 373.309, 403.061 FS. Law Implemented 373.309 FS. History—New 3-25-90, 10-4-90, 7-4-91, Formerly 17-524.430, Amended 2-7-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: **RULE NOS.:**

Examination and Reexamination Fees 64B3-9.003

Delinquency Fee 64B3-9.011

Unlicensed Activity Fee 64B3-9.012

PURPOSE AND EFFECT: Rule 64B3-9.003 proposes an amendment to address the change of each examination taken including reexamination fee. In Rule 64B3-9.011, the rule will specify the fee for a delinquent status licensee applying for active or inactive status. Rule 64B3-9.012 address the unlicensed activity fee.

SUMMARY: The Board proposes to amend the existing rules to define “Examination and Reexamination Fees”; “Delinquency Fee”; “Unlicensed Activity Fee”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 483.807(1), 455.587, 455.711, 483.807(1), 483.805(4) FS.

LAW IMPLEMENTED: 483.807(1), 455.587, 455.711, 483.807 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-9.003 Examination and Reexamination Fees.

(1) The fee for each examination taken including reexamination is \$150 ~~\$35~~ except for the generalist technician examination.

(2) No change.

Specific Authority 483.807(1) FS. Law Implemented 483.807(1) FS. History–New 12-7-93, Formerly 61F3-9.003, 59O-9.003, Amended 5-26-98, 1-28-99, 7-15-99,_____.

64B3-9.011 Delinquency Fee.

The fee for a delinquent status licensee applying for active or inactive status shall be \$100 ~~\$50~~.

Specific Authority 455.587, 455.711, 483.807(1) FS. Law Implemented 455.587, 455.711, 483.807 FS. History–New 12-26-94, Formerly 59O-9.011, Amended 5-26-98,_____.

64B3-9.012 Unlicensed Activity Fee.

An unlicensed activity fee of \$5 shall be in addition to ~~earmarked from~~ the current licensure and renewal fees.

Specific Authority 483.805(4) FS. Law Implemented 455.641 FS. History–New 5-26-98, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

January 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

March 26, 2000

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE:

Temporary Permit to Practice

Occupational Therapy

RULE NO.:

64B11-2.005

PURPOSE AND EFFECT: The Board proposes to amend the existing rule by updating the rule text.

SUMMARY: The rule amendments are for the purpose of updating the requirements for a temporary permit to practice as an Occupational Therapy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 468.204, 468.209(3), 468.209(4) FS.

LAW IMPLEMENTED: 468.209(1), 468.209(3), 468.209(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 S. E. Capital Circle, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.005 Temporary Permit to Practice Occupational Therapy.

(1) through (2) No change.

(3) An applicant who has been issued a temporary permit based on apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. The deadline to apply for a temporary permit based upon eligibility for the next scheduled examination shall be the same as the application deadline to take the examination with the examination agency approved by the Board. An individual who has passed the examination may practice occupational therapy without supervision under his temporary permit until the next meeting of the Board. The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

Specific Authority 468.204, 468.209(3), 468.209(4) FS. Law Implemented 468.209(3),(4) FS. History–New 9-9-85, Formerly 21M-13.13, Amended 3-12-90, Formerly 21M-13.013, 61F6-13.013, 59R-61.013, Amended 4-8-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Occupational Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

April 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

March 3, 2000

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE:

Temporary Permit to Practice as an

Occupational Therapy Assistant

RULE NO.:

64B11-3.003

PURPOSE AND EFFECT: The Board proposes to amend the existing rule by updating the rule text.

SUMMARY: The rule amendments are for the purpose of updating the requirements for a temporary permit to practice as an Occupational Therapy Assistant.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 468.204, 468.209(3),(4) FS.

LAW IMPLEMENTED: 468.209(3),(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 S. E. Capital Circle, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.003 Temporary Permit to Practice as an Occupational Therapy Assistant.

(1) through (2) No change.

(3) An applicant who has been issued a temporary permit based upon apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may continue to practice as an occupational therapy assistant with the supervision of a licensed occupational therapist under the temporary permit until the next meeting of the Board. The deadline to apply for a temporary permit based upon eligibility for the next scheduled examination shall be the same as the application deadline to take the examination with the examination agency approved by the Board. The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

Specific Authority 468.204, 468.209(3),(4) FS. Law Implemented 468.209(3),(4) FS. History—New 9-8-85, Formerly 21M-14.12, Amended 3-12-90, Formerly 21M-14.012, 61F6-14.012, 59R-62.012, Amended 4-8-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Purpose of the Home Care Program	65C-1.001
Definitions	65C-1.002
Application	65C-1.003
Eligibility	65C-1.004
Financial Determination	65C-1.005
Provider Requirements	65C-1.006
Home Study Standards	65C-1.007
Confidentiality of Information	65C-1.014

PURPOSE AND EFFECT: These rules are being amended to conform to departmental Legal Office comments of January 1998 on said rules.

SUMMARY: The Home Care for Disabled Adults program provides subsidy payments to caregivers of adults with permanently disabling conditions who are at least 18 years of age and under 60 years of age. The program provides a basic subsidy to cover food and personal needs, a medical subsidy that covers the cost of prescribed medicines and special subsidies that provide for special equipment, i.e., wheelchairs or home ramps. Subsidy payments are received monthly and may vary from individual to individual based on the financial status of the person receiving care and where their income falls on the schedule of subsidy payments developed by the department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 410.033 FS.

LAW IMPLEMENTED: 410.031-.036 FS.

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

TIME AND DATE: 10:30 a.m. – 1:30 p.m., Friday, May 12, 2000

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 340, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Twila Sisk, Adult Services Office, 1317 Winewood Boulevard, Building 6, Room 371, Tallahassee, Florida 32399-0700. Ms. Sisk can be reached by phone at (850)922-2758 or SunCom 292-2758, by Fax at (850)933-4193 or SunCom 292-4193

SPECIAL ASSISTANCE: Any person who plans to attend this hearing and requires any type of assistive auxiliary aides to participate, please contact Twila Sisk, Adult Services Office, 1317 Winewood Boulevard, Building 6, Room 371, Tallahassee, Florida 32399-0700, at least three days prior to the scheduled hearing. Ms. Sisk can be reached by phone at (850)922-2758 or SunCom 292-2758, by Fax at (850)933-4193 or SunCom 292-4193, TDD users may call via the Florida Relay System by dialing 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-1.001 Purpose of the Home Care Program.

The Home Care for Disabled Adults ~~and the Elderly~~ Act and Rules encourage the provision of care for disabled adults ~~and the elderly~~ in family-type living arrangements in private homes as an alternative to institutional or nursing home care for such persons. These rules establish the minimum standards and procedures for the provision of home care, for the approval of persons wishing to provide home care, and for subsidy payments authorized for such care. Priority shall be given to disabled adults ~~and the elderly~~ who are not eligible for comparable services and programs of and funded by the department.

Specific Authority 410.033 FS. Law Implemented 410.031, 410.033 FS. History—New 5-3-81, Amended 10-17-84, Formerly 10A-9.01, Amended 6-11-91, Formerly 10A-9.001, Amended.

65C-1.002 Definitions.

In addition to the definitions used in 410.031-.036, F.S., the following definitions shall apply to this rule:

(1) “Activities of Daily Living (ADL)”- means ~~f~~Functions and tasks for self care, which shall include ambulation, bathing, dressing, eating, grooming, and other personal hygiene activities.

(2) “Basic Subsidy”- means a ~~A~~ support and maintenance element, to include costs of housing, food, clothing, and incidentals, in an amount determined by the financial status of the home care client.

(3) “Case Management” means the planning, arrangement for and coordination of appropriate community based services for an eligible home care client. Case management includes assessment of needs, the development of a service plan, arrangement for services, and on-going monitoring of the client’s situation to ensure that needed services are received.

(4) “Disabled Adult” means any person at least 18 years of age, but under 60 years of age, who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently or with relatives or friends without the provision of community based services. Disabled adult also means a person who is currently a resident of this state and has an intent to remain in this state.

~~(5) “Elderly person” means any person 60 years of age or over who is currently a resident of this state and has an intent to remain in this state.~~

~~(6) “Home Care” means a full-time family-type living arrangement, in a private home, under which a person or a group of persons provides, on a non-profit basis, basic services of maintenance and supervision, and any necessary specialized services as may be needed, for three or fewer elderly or disabled adult relatives or non-relatives.~~

~~(5)(7)~~ “Home Care Client” means an individual who meets all eligibility requirements for this program, and who without home care supportive services could require placement in an institution or nursing home.

~~(6)(8)~~ “Medical Subsidy” means an individually determined amount of subsidy payment for medical, pharmaceutical and dental services which is not covered by Medicare, Medicaid or any form of insurance and which is regarded as essential to the maintenance of the health of the home care client.

~~(7)(9)~~ “Provider” means an adult person(s) who applies and is approved to provide care to disabled adult(s) ~~or elderly~~ client(s) on a non-profit basis.

~~(8)(10)~~ “Special Supplement” means a reimbursement ~~payment~~ for any specialized medical or health care services, supplies or equipment, pre-authorized by the department, and required to maintain the health and well-being of the disabled adult ~~or elderly person~~. This supplement is separate from and may be utilized in addition to the basic medical subsidy. Reimbursement may be ~~Payment is~~ authorized for regularly purchased services and supplies or special, non-recurring services or equipment.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.02, Amended 6-11-91, Formerly 10A-9.002, Amended.

65C-1.003 Application.

(1) Requests to make application for the Home Care for Disabled Adults ~~and the Elderly~~ Program may be initiated by the potential home care client or others, on behalf of the client, through District Adult Services Units.

(2) The Department shall not arrange for recruitment and matching of potential providers and recipients to facilitate application between two unrelated or unfamiliar parties.

(3) The application process shall include:

(a) Client assessment and determination of program and financial eligibility;

(b) Provider assessment and determination of provider eligibility;

(c) Home assessment and approval; and

(d) Applicant and provider notification of eligibility status.

(4) The application process must be completed before subsidy approval is granted.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Formerly 10A-9.03, Amended 6-11-91, Formerly 10A-9.003, Amended _____.

65C-1.004 Eligibility.

To be eligible for the Home Care for Disabled Adults ~~and the Elderly~~ Program an applicant must:

(1) Be a disabled adult age 60 or older, if applying as an elderly individual or between 18 and 59 years of age, if applying as a disabled adult;

(2) Complete, or have completed on his or her behalf, an application for Home Care for Disabled Adults ~~and the Elderly~~ services;

(3) Meet the same criteria used to determine eligibility assistance under Title XVI of the Social Security Act; or meet the same financial criteria used to determine eligibility for nursing home care as defined in ~~Section 409.266, F.S., and Chapter 65A-1 10C-8,~~ Florida Administrative Code, Florida Medicaid Eligibility;

(4) Have an approved provider who will provide the Home Care for Disabled Adults ~~and the Elderly~~ services;

(5) Have a statement from a physician or licensed registered nurse which states that the applicant could require institutional or nursing home placement should home care services not be provided, and that the assistance provided by the Home Care for Disabled Adults ~~and the Elderly~~ Program is considered to be appropriate for the well-being of the applicant/client;

(6) Have a priority need for home care services as determined through the administration and evaluation of a departmentally specified comprehensive client assessment. A copy of the client assessment form shall be available, without cost, upon request from the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. The comprehensive client assessment shall be administered by departmental staff, unless otherwise authorized by the department, and shall address the following areas:

(a) Functional Status – a level of functional impairment as measured by individual ability to independently perform the tasks and activities of daily living;

(b) Caregiver Status – an appraisal of caregiver issues; ~~Intellectual Functioning and Behavior~~ – a measure of cognitive and psychological functioning as demonstrated by individual psychological adjustment to daily living;

(c) Client Social Support – a measure of the availability of service and social support relative to the needs of the individual;

(d) Health Medical Status – a measure of the presence and degree of chronic disease and physical disability experienced relative to need for medical, ~~and health~~ and nutritional related services.

(e) Environmental Status – an evaluation of the client's physical environment for safety and accessibility.

Specific Authority 410.033 FS. Law Implemented 410.036 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.04, Amended 6-11-91, Formerly 10A-9.004, Amended _____.

65C-1.005 Financial Determination.

(1) An application as specified in ~~65A-1 10C-8.015,~~ F.A.C., for determination of financial eligibility for the Home Care for Disabled Adults ~~and the Elderly~~ Program shall be completed in its entirety and shall be submitted to the Department of Children and Families ~~Family Services;~~

(2) ~~Financial eligibility of the applicant/client shall be determined by the same criteria as that used to determine eligibility for assistance under Title XVI if the Social Security Act, Supplemental Security Income (SSI) or shall be the same financial criteria used to determine eligibility for nursing home care as defined in 409.266, F.S., and Florida Administrative Code, Chapter 10C-8, Florida Medicaid Eligibility, Institutional Care Program (ICP);~~

(2)(3) Financial eligibility shall be determined as meeting Institutional Care Program (ICP) standards or MEDS-AD standards by designated Departmental staff or verified to meet Social Security Income (SSI) standards by the Social Security Office or verified (SSI) by designated Departmental staff; applicants whose income and asset levels appear to be close to SSI eligibility standards and who do not receive SSI benefits shall be referred to the Social Security Administration for SSI eligibility determination;

(3)(4) Upon satisfaction of all criteria for program and financial eligibility the provider and client will be advised of client acceptance into the Home Care for Disabled Adults ~~and the Elderly~~ Program. Payment shall be based on the financial status of the person receiving care. A Provider Agreement shall be presented to the provider for signature and shall, specifying the amount of monthly basic maintenance subsidy, maximum allowable basic medical subsidy and maximum allowable special supplemental monthly subsidy payment for which the client has been determined eligible, ~~will be presented to the provider for signature.~~ The provider and client will be advised of the need to obtain prior approval from the Home Care Counselor for any expenditures which fall into the categories of medical or special supplemental subsidy. Paid receipts must be submitted to the Home Care Counselor, by the provider, in accordance with Home Care for Disabled Adults ~~and the Elderly~~ standards set forth in rule, manual and policy directive.

(4)(2) The Provider Agreement shall be regarded as a binding agreement between the provider and the Department. The Home Care for Disabled Adults ~~and the Elderly~~ Counselor will advise the provider of policy guidelines relating to the approval and receipt of all subsidy payments and will process all requests received from the provider in keeping with Departmental guidelines established by the state office and implemented at the district office.

~~(5)(3)~~ Applicants/clients shall be advised in writing upon completion of application review of the right to and the process of obtaining a hearing. Under the provisions of Chapter 120, F.S., applicant/client challenges may be initiated and presented to the Department, provider agency, or Department of Administrative Hearings hearing officer giving written or oral evidence in opposition to the action of the Department or of its refusal to act, or a written statement challenging the grounds upon which the Department has chosen to justify its action or inaction.

Specific Authority 410.033 FS. Law Implemented 410.035 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.05, Amended 6-11-91, Formerly 10A-9.005, Amended _____.

65C-1.006 Provider Requirements.

A provider in the Home Care for Disabled Adults ~~and the Elderly~~ Program shall meet, at minimum, the eligibility criteria outlined herein. Each provider shall be:

(1) A mature, responsible adult willing to and capable of accepting responsibility for the social, physical and emotional needs of the home care client in a family-type living arrangement:

(2) An individual, relative or non-relative, who has a positive personal relationship with the client and who is accepted by the client as surrogate family; or a responsible adult, who maintains a positive personal relationship with the client and is an individual with whom the client has made a financial arrangement for the provision of home care services;

(3) Physically present in the home to provide services, supervision, and assistance with the arrangement of services for the client and shall be responsible, when temporarily absent from the home, for making alternative arrangements for care to be assumed by another responsible adult, in keeping with the standards set forth for the Home Care for Disabled Adults ~~and the Elderly~~ Program;

(4) Responsible for maintaining of the residential dwelling free of conditions that pose an immediate threat to the life, safety, health or well-being of the home care client;

(5) Without record of criminal conviction of abuse, neglect or exploitation of an older person, adult or child; shall not have been the perpetrator in a confirmed report of abuse, neglect or exploitation investigated by the Department of Children and Families and maintained in the Florida Abuse Hotline Information System of another person by the Abuse Registry or other investigative process; and shall grant written authorization for a background check through the Florida Abuse Hotline Information Protective Service System of the Department of Children and Families Florida Abuse Registry. The Department shall grant an exemption from this disqualification if the Department has clear and convincing evidence to support a reasonable belief that the individual is of good moral character as to justify the exemption; and

(6) Without evidence of holding themselves out to the public as a home or home-type facility, group living home, half-way house, adult ~~congregate~~ living facility or other similar facility offering room, board and personal services but not including adult family care foster homes.

Specific Authority 410.033 FS. Law Implemented 410.033, 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.06, Amended 6-11-91, Formerly 10A-9.006, Amended _____.

65C-1.007 Home Study Standards.

(1) The Home Care Counselor shall conduct a home study, an assessment of the home environment and physical surroundings in which the applicant currently resides or intends to reside, to determine the fitness of the private residential home of the home care service provider, in keeping with the assessed needs of the applicant/client and the standards as established for this Program. The Home Care Counselor shall formulate a written recommendation as to case approval or denial and shall submit this recommendation with accompanying documentation to designated District authority for final review and decision.

(2) Home study standards shall include:

(a) General

1. The home shall be a family-type dwelling occupied as the primary residence of the home care provider or the primary residence of the home care client.

2. Floors and furnishings shall be free of unsanitary conditions that would attract rodents and insects.

3. The yard and area surrounding the residence shall be free of litter and refuse that could serve as breeding areas for insects and rodents.

4. Windows shall be covered or screened to secure the residence from flies and insects.

(b) Bedroom

1. Bedding and linens shall be provided and shall be clean and changed as dictated by the physical condition of the client.

2. There shall be two means of egress from the bedroom occupied by the client.

(c) Bathroom

1. Bathrooms shall include a commode and lavatory. For areas without city sewage service, the individual sewage disposal system shall comply with Chapter 64E-6, Florida Administrative Code, Individual Sewage Disposal. Where septic tanks are not in use, privies shall be located 75 feet or more from a private water supply and a minimum of 30 feet from the residence.

2. Portable toilets may be utilized provided waste is disposed of by a sanitary method.

3. There shall be bathing facilities with hot and cold running water available for the client.

4. Soap, clean towels, and washcloths shall be provided.

(d) Food Preparation and Dining Areas.

1. Food preparation and food storage areas shall be clean, free of odors, and dampness.

2. Homes shall have the facilities necessary for perishable food storage and meal preparation. ~~In those rural areas not served with electricity where adequate provisions cannot be made for food storage of perishable items, meal preparation which includes perishable items shall be accomplished immediately prior to each meal.~~

(e) Fire Protection.

1. A smoke detector shall be present in each dwelling

2. Flammable materials such as gasoline, paint, and cleaning fluids shall be stored outside and away from the main residence.

3. Frayed, cracked, or broken electrical wiring and extension cords shall be removed and replaced.

4. Fuel burning space units shall be hooded or vented in accordance with 4A-38.023, F.A.C. fire safety codes or shall be so constructed as to not require this.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History--New 5-3-81, Amended 2-11-82, Formerly 10A-9.07, Amended 6-11-91, Formerly 10A-9.007, Amended.

65C-1.014 Confidentiality of Information.

Specific Authority 410.033 FS. Law Implemented 410.037 FS. History--New 6-11-91, Formerly 10A-9.014, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Twila Sisk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nancy Fulton, Director of Adult Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-37.0527 RULE TITLE: Retention of Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 12, March 24, 2000, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The first sentence of subsection (2) of 4A-37.0527 is changed to read:

(2) To be eligible to participate in the examination, an individual shall submit to the Bureau of Fire Standards and Training Form DI4-1308, Application for Practical Examination for Retention of Firefighter Certification, which is hereby adopted and incorporated by reference, and may be obtained from the Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, FL 34482-1486, which shall include a medical examination evidencing good physical condition.

The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-37.084 RULE TITLE: Definitions

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 34, August 27, 1999, of the Florida Administrative Weekly. A notice of change was published in Vol. 25, No. 46, November 19, 1999. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

In subparagraph 2. and subparagraph 3. of paragraph (b) of subsection (5), the word "may" is changed to "shall".

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-7.0225 RULE TITLE: Computation of Phosphate Rock Tax Rate

NOTICE OF CORRECTION

Notice is hereby given that the following information was inadvertently omitted from the Notice of Proposed Rule, published in Vol. 26, No. 14, April 7, 2000, issue of the Florida Administrative Weekly.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for Rule Development Workshop in the Florida Administrative Weekly on February 2, 2000 (Vol. 26, No. 5, pp. 426-427).