

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Acquisition of Controlling Stock
RULE NO.: 4-143.056

PURPOSE AND EFFECT: The proposed amendment deletes a form for which the Department lacks sufficient legislative authority.

SUMMARY: Deletion of Form DI4-414 rev. 6/1/89, Paid Representative Registration.

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: 624.308, 628.461(13) FS.

LAW IMPLEMENTED: 624.307(1),(3), 624.317, 624.321, 624.34, 624.404, 624.413, 624.424(6), 624.501, 624.5091, 628.051, 628.061, 628.461 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: 9:30 a.m., October 17, 2000

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne Johnson, Bureau of Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5232.

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 Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-143.056 Acquisition of Controlling Stock.

(1) through (3) No change.

(4) The acquiring person shall comply with the instructions contained on Form DI4-918, "Acquisition of Controlling Interest of a Domestic Insurer," rev. 8/92, and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.

(a) through (c) No change.

~~(d) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;~~

(e) through (q) renumbered (d) through (p) No change.

(5) No change.

Specific Authority 624.308, 628.461(13) FS. Law Implemented 624.307(1),(3), 624.317, 624.321, 624.34, 624.404, 624.413, 624.424(6), 624.501, 624.5091, 628.051, 628.061, 628.461 FS. History—New 6-7-90, Formerly 4-109.002, Amended 5-12-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Johnson, Bureau Chief, Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES: Intent of Rules
RULE NOS.: 4A-3.001

Application of Rules 4A-3.002

PURPOSE AND EFFECT: This rule is duplicative of the statute and should be repealed.

SUMMARY: To repeal Rule 4A-3.001 and 4A-3.002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 633.01(1), 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.081 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: 9:00 a.m., October 12, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gabe Mazzeo, Senior Attorney, State Fire Marshal, Department of Insurance, Tallahassee, FL 32399-0300, phone number (850)413-3604

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 Yvonne White at (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-3.001 Intent of Rules.

~~Title 4A, Florida Administrative Code, constitutes the rules of the State Fire Marshal which prescribe standards consistent with nationally recognized good practice, to provide a reasonable degree of safety for life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Compliance with the Rules of the State Fire Marshal and with standards of the National Fire Protection Association, or other approved nationally recognized safety standards, as referenced, adopted, and modified by the rules of the State Fire Marshal shall be deemed to be prima facie evidence of compliance with this intent.~~

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.081 FS. History—New 9-16-65, Formerly 4A-3.01, Amended 5-14-86, 4-8-90, Repealed.

4A-3.002 Application of Rules.

~~(1) In the application of these rules, the terms "Rules of the State Fire Marshal" or "these rules" shall be construed to include Title 4A, Florida Administrative Code, and all standards which are referenced and adopted therein. Title 4A shall be known as the "State Fire Prevention Code."~~

~~(2) Fire safety standards shall be applied as uniform standards as set forth herein.~~

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History—New 9-16-65, Formerly 4A-3.02, Amended 5-14-86, 2-12-87, 4-8-90, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gabe Mazzeo, Senior Attorney, State Fire Marshal, Department of Insurance

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 AGENCY HEAD: August 24, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES: License and Permit Required

RULE NOS.: 4A-21.101

Expiration and Renewal of Licenses and Permits 4A-21.111

PURPOSE AND EFFECT: This rule is duplicative of the statute and therefore should be repealed. This repeal is the result of the section 120.536(2)(b), F.S. review.

SUMMARY: To repeal 4A-21.101 and 4A-21.111.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 633.01 FS.

LAW IMPLEMENTED: 633.061, 633.161(1), 633.162, 633.163, 633.171 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: 9:00 a.m., October 12, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gabe Mazzeo, Senior Attorney, State Fire Marshal, Department of Insurance, Tallahassee, FL 32399-0300, phone number (850)413-3604

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 Yvonne White at (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-21.101 License and Permit Required.

~~It is unlawful for any organization or individual to engage in the business of installing, testing, recharging, repairing or inspecting portable fire extinguishers and pre-engineered systems in this state except in conformity with the provisions of Chapter 633, Florida Statutes. Each organization engaging in such activities must be possessed of a valid and subsisting license issued by the State Fire Marshal. In addition, each individual actually performing the work of servicing, recharging, and inspecting portable fire extinguishers or pre-engineered systems must be possessed of a valid and subsisting permit issued by the State Fire Marshal.~~

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History—New 2-7-89, Amended 10-20-93, Repealed.

4A-21.111 Expiration and Renewal of Licenses and Permits.

~~(1) A license or permit of any class shall expire on December 31 of each year regardless of the date of issue.~~

~~(2) Prior to the date of expiration of a license or permit, a renewal application for license or permit shall be forwarded to the division.~~

~~(3) Failure to renew a license or permit before December 31 will cause the license or permit to become inoperative. On December 31, the licensee or permittee holding the license or permit shall cease to perform those services authorized by the license or permit.~~

~~(4) A license which is inoperative because of a failure to renew it shall be restored upon payment of the applicable fee plus a penalty equal to the applicable fee, if the application for renewal is filed no later than the following March 31.~~

~~(5) A license or permit cannot be renewed on or after March 31. Applications must be submitted for the original license or permit and the requirements of Rules 4A-21.102 and 4A-21.103 must be met.~~

~~(6) When a license or permit has become inoperative and the person holding the license or permit continues to perform the services such documents describe, that person is subject to criminal prosecution or administrative action pursuant to the appropriate provisions of Sections 633.061, 633.161, 633.162, 633.163, 633.171, Florida Statutes.~~

Specific Authority 633.01 FS. Law Implemented 633.061, 633.161(1), 633.162, 633.163, 633.171 FS. History—New 2-7-89, Amended 10-20-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gabe Mazzeo, Senior Attorney, State Fire Marshal,
Department of Insurance
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 AGENCY
HEAD: August 24, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Definitions of Firesafety Inspectors

RULE NO.: 4A-39.001

PURPOSE AND EFFECT: This rule is duplicative of the statute and therefore should be repealed. This repeal is the result of the section 120.536(2)(b), F.S. review.

SUMMARY: To repeal 4A-39.001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 633.01 FS.

LAW IMPLEMENTED: 633.081 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: 9:00 a.m., October 12, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gabe Mazzeo, Senior Attorney, State Fire Marshal, Department of Insurance, Tallahassee, FL 32399-0300, phone number (850)413-3604.

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 Yvonne White at (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-39.001 Definitions of Firesafety Inspectors.

~~Any person who is employed as, or functions as, a firesafety inspector, must be certified by the Division prior to employment as having met the inspection training requirements specified in these rules.~~

~~(1) Firesafety Inspector. The term "Firesafety Inspector" as used in this Rule Chapter means any person officially assigned the duties of inspecting buildings and facilities on a recurring regular basis, as required by law or by the rules and regulations of the State Fire Marshal as they pertain to administering and enforcing firesafety codes. Any person employed as a Firesafety Inspector performs his/her duties individually and not as a member of a fire department company conducting firesafety inspections.~~

~~(2) Inservice Firesafety Inspector. The term "Inservice Firesafety Inspector" as used in this Rule Chapter means an individual who has met the inservice firesafety inspection training requirements, and has been certified pursuant to Section 633.35, F.S. Such individual is a member of a fire department company who conducts inservice firesafety inspections.~~

~~(3) Special State Firesafety Inspector. The term "Special State Firesafety Inspector" as used in this Rule Chapter means an individual officially assigned to the duties of conducting firesafety inspections required by law on behalf of or by an agency of the state having authority for inspections other than the Division of State Fire Marshal.~~

Specific Authority 633.01 FS. Law Implemented 633.081 FS. History—New 11-21-83, Formerly 4A-39.01, Amended 8-2-88, 3-1-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gabe Mazzeo, Senior Attorney, State Fire Marshal,
Department of Insurance

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 AGENCY
HEAD: September 5, 2000

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Definitions
RULE NO.: 4A-46.005

PURPOSE AND EFFECT: This rule is duplicative of the statute and therefore should be repealed. This repeal is the result of the section 120.536(2)(b), F.S. review.

SUMMARY: To repeal rule 4A-46.005.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 633.01(1), 633.517(1) FS.

LAW IMPLEMENTED: 633.021(5),(7),(16),(20), 633.521 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: 9:00 a.m., October 12, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gabe Mazzeo, Senior Attorney, State Fire Marshal, Department of Insurance, Tallahassee, FL 32399-0300, phone number (850)413-3604

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 Yvonne White at (850)922-3100, ext. 4214

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-46.005 Definitions.

~~For purposes of this part, the following terms shall have the following meanings:~~

~~(1) "Contractor" shall mean a "Contractor I, II, III, IV, or V" as defined in Section 633.021(5)(a)-(e), Florida Statutes.~~

~~(2) "Fire Protection System" shall mean a system as defined in Section 633.021(7), Florida Statutes.~~

~~(3) "Employed by" shall mean that point at which a person earns compensation, directly or indirectly, from a contractor.~~

~~(4) "Point of service" shall mean that point as defined in Section 633.521(16), Florida Statutes.~~

~~(5) "Sprinkler system" shall mean that system as defined in Section 633.021(20), Florida Statutes.~~

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.021(5),(7),(16),(20), 633.521 FS. History—New 10-14-86, Amended 12-21-88, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gabe Mazzeo, Senior Attorney, State Fire Marshal, Department of Insurance

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 AGENCY HEAD: August 24, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Review of Local Emergency Management Plans and Programs
RULE CHAPTER NO.: 9G-6

RULE TITLES: Definitions
RULE NOS.: 9G-6.002

County Comprehensive Emergency Management Plans 9G-6.0023

The County Radiological Emergency Plan for Nuclear Power Plants 9G-6.0025

Schedule for Development and Review of County and Municipal comprehensive Emergency Management Plans 9G-6.005

County Comprehensive Emergency Management Plans – Review by Division 9G-6.006

Municipal Comprehensive Emergency Management Plans – Review by County Emergency Management 9G-6.010

Municipal Comprehensive Emergency Management Plans 9G-6.0125

PURPOSE, EFFECT AND SUMMARY: The purpose of this revision to Rule Chapter 9G-6, is to revise steps in the local CEMP review process for additional clarity and comprehension and to incorporate sections .003, .008 and .0012 of Rule 9G-7.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 120.53, 120.57, 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(1),(2)(a),(b),(c),(d),(k),(v), 252.38(1),(2) FS.

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

TIME AND DATE: 10:00 a.m., October 11, 2000

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Room 120L, Tallahassee, FL

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Denise Imbler, Planning Manager, Division of Emergency

Management, Bureau of compliance Planning and Support, 2555 Shumard Oak Boulevard, (850)413-9916 or Suncom 293-9916, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Denise Imbler, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9916

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-6.002 Definitions.

(1) through (6) No change.

(7) “County Radiological Emergency Plan for Nuclear Power Plants” means the plan to be prepared by the Division and county governments within 50 miles of a commercial nuclear power plant.

(8) “County Emergency Management Program” means the emergency management program authorized and mandated by Section 252, F.S. to be created by each legally constituted county in the state.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v) FS. History—New 1-18-81, Amended 2-24-85, Formerly 9G-6.02, Amended 2-5-91, 5-11-95,_____.

9G-6.0023 County Comprehensive Emergency Management Plans.

(1) Each county emergency management agency established pursuant to the authority contained in Section 252.38(2), F.S., shall develop and submit to the Board of County Commissioners for adoption a County Comprehensive Emergency Management Plan in compliance with the requirements, format and standards contained in this rule chapter.

(2) County Comprehensive Emergency Management Plans will be coordinated and consistent with the provisions of the State Plan. The county emergency management plan will include an evacuation component, a shelter component (risk and host events), and a post-disaster and recovery component and will consist of provisions addressing aspects of preparedness, response, recovery and mitigation. The county plan will assign lead and support responsibilities for county agencies and personnel that coordinate with the emergency support functions outlined in the State Plan.

(3) The County Comprehensive Emergency Management Plan shall be specific and shall address responses and actions in the event of an emergency. It shall clearly identify those positions or agencies responsible for specific functions under given circumstances. Responsibilities must be assigned by position title or agency name, and specific duties for each position or agency must be listed. Checklists and other readily

accessible and easy-to-use guidelines are encouraged. Where appropriate, the county plan shall contain maps, diagrams and other visual aids. Copies of the forms the local government will use shall be available for review.

(4) The County Comprehensive Emergency Management Plan shall be divided into a minimum of two components: the Basic Plan and the Capability Demonstration. The Basic Plan shall be narrative in form and generally describe responsibilities within the emergency management framework. It shall include but not be limited to two annexes addressing the recovery and mitigation functions of the county emergency management program. The Basic Plan and the Recovery and Mitigation Annexes shall include organizational charts, maps and checklists. The Capability Demonstration shall demonstrate competencies and present information outlined in the County Comprehensive Emergency Management Plan, standard operating procedures and other supporting documents that are involved in the emergency management program, i.e., emergency response, recovery and mitigation activities.

(5) The County Comprehensive Emergency Management Plan shall cover county agencies and resources and should cover applicable municipal agencies and resources. County plans shall interface with plans of contiguous jurisdictions, regional, municipalities and the state comprehensive emergency management plans.

(6) The County Comprehensive Emergency Management Plan or supporting operating procedures referred to in the plan shall provide a detailed description of the process to be followed at the local level whenever an emergency or disaster occurs as a result of the many consequences generated by natural, technological or manmade causes. Such emergencies include, but are not limited to: tornadoes, hurricanes, flooding, freezes, extreme temperatures, disease outbreaks, wildfires, terrorism, drought, hazardous materials releases or spills and civil disturbances. The plan shall identify and describe pre-emergency warning systems, evacuation and sheltering plans, hazard mitigation and other anticipatory actions as well as post-event response and recovery actions.

(7) The Division hereby adopts and incorporates by reference “Local Comprehensive Emergency Management Plan Compliance Criteria” and the “Capabilities Assessment” (Form Numbers CEMP-001 and CEMP-002, 2000 Edition) as part of this chapter. County Comprehensive Emergency Management Plans and County Emergency Management Programs shall comply with these criteria. These criteria are available from the Division and shall be used in the development and review of County Comprehensive Emergency Management Plans and Programs. Counties shall complete the compliance criteria prior to the Division's review of their Comprehensive Emergency Management Plan and have them available to the Division thirty days after receiving notification of the Division's intent to review. Counties shall demonstrate satisfaction of the required plan criteria by noting

the page and section in their plan, or supporting documents, where each criterion is satisfied. Counties shall provide the documentation needed to satisfy the requirements of the Capabilities Demonstration.

(8) Counties are encouraged to follow the format of the State Plan in development of the County Comprehensive Emergency Management Plan. County emergency management agencies are not required to duplicate the suggested format, but should be able to demonstrate the ability to communicate with those emergency support functions and state agencies that support the State Plan.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v), 252.38(1) FS. History—New _____.

9G-6.0025 The County Radiological Emergency Plan for Nuclear Power Plants.

This county plan shall provide a detailed description of the process to be used to protect the public from the potential health effects associated with a radiological emergency at a commercial nuclear power plant. Only those counties within a 50 mile radius of a commercial nuclear power plant are required to develop this plan. This plan shall be developed with direct assistance from the Division and shall be incorporated into the appropriate site plan contained in Annex A of the State Plan. This plan shall comply with the Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (NUREG-06541 FEMA REP-1 Rev. 1). This plan or annex shall be submitted to the Federal Emergency Management Agency for review and approval.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v), 252.60 FS. History—New _____.

9G-6.005 Schedule for Development and Review of County and Municipal Comprehensive Emergency Management Plans.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a),(b),(c),(d),(k),(v) FS. History—New 1-18-81, Amended 2-24-85, Formerly 9G-6.05, Amended 2-5-91, 5-11-95, Repealed _____.

9G-6.006 County Comprehensive Emergency Management Plans – Review by Division.

(1) No change.

(2) The Division shall review each county comprehensive emergency management plan at a minimum of every four years and shall offer the affected Regional Planning Council an opportunity to participate in the review. The Division shall review the county plan in accordance with the criteria CEMP-001 and CEMP-002. The Division shall provide notice of its intent to review a County Comprehensive Emergency Management Plan at least 60 days prior to initiation of the review. Within 30 days of receipt of this notification the county shall provide to the Division three copies of the plan to be reviewed with three copies of the completed compliance criteria. The county may waive the 60 day review notification.

Upon receiving notification of the intent to review, the county and the Division shall coordinate to finalize the Capabilities Assessment prior to the date of the plan review. The Division will provide the county with the results of its review and its finding as to the compliance of the plan within 60 days of its initial review. If the Division finds the county plan meets the requirements of this chapter and Rule Chapter 9G-7, F.A.C. it shall issue a notice of compliance.

(3) ~~If When~~ the Division finds that a county plan does not meet all of the criteria established in ~~is not in compliance with the requirements of~~ this chapter and Rule Chapter 9G-7, F.A.C., ~~the Division shall~~ withhold a notice of non-compliance and issue an official notification by certified mail specifically stating the reasons the plan does not meet the criteria ~~for non-compliance~~. Upon receipt of the official notification a ~~notice of non-compliance~~, the county shall either:

(a) Within 60 days, revise its plan, notify the Division of the changes and make the changes available to the Division for review;

(b) Within 60 days develop a workplan to be approved by the Division which addresses all changes necessary for compliance and a timetable for completion or;

~~(c)(b)~~ In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(4) If the county does not submit a revised plan, a workplan or request an administrative hearing 60 days after the receipt of the official notification the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(5) If the county does not revise the plan within 30 days or request an administrative hearing, the Division shall notify the county by certified mail that it may withhold funding until the county resolves all issues of non-compliance to the satisfaction of the Division.

(6) If upon the submittal of the revised plan, either after the 60 days allotted or upon completion of the workplan ~~the~~, the Division finds that the revised plan is not in compliance the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(7) If the county does not revise the plan within 30 days or request an administrative hearing, the Division shall notify the county by certified mail that it may withhold funding until the county resolves all issues of non-compliance to the satisfaction of the Division.

(8) If the workplan is not completed in the time frame established, the Division shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance, the county shall either:

(a) Within 30 days revise the plan, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's non-compliance determination within 21 days of receipt of the determination.

(9) If the county does not revise the plan within 30 days or request an administrative hearing, the Division shall notify the county by certified mail that it may withhold funding until the county resolves all issues of non-compliance to the satisfaction of the Division.

(10) No change.

(11) If the Division is unable, for any reason, to provide notice to the county regarding the results of its initial review within 60 days, it will forward a notice to the county stating its intent to extend the review period for the specifically identified time period necessary to provide notice.

~~(12) County and Municipal Comprehensive Emergency Management Plans are intended to be dynamic contingency plans and should be continually revised to reflect such changes as population growth, industrial development, and advances in technology. Each county and municipal comprehensive emergency management plan shall be reviewed at least every four years. The Division shall provide notice of its intent to review a county comprehensive emergency management plan at least 60 days prior to initiation of the review. A county shall provide notice to the municipalities of its intent to review a municipal comprehensive emergency management plan at least 60 days prior to the initiation of the review.~~

~~(12)(13)~~ In order to ensure that County and Municipal Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

~~(13)(14)~~ After a determination that a County or Municipal Comprehensive Emergency Management Plan is in compliance with the terms of this chapter and Rule Chapter

9G-7, F.A.C., the approved plan must be adopted by resolution of the governing body of the jurisdiction within 60 days of receiving notification of compliance from the Division before it becomes the Comprehensive Emergency Management Plan for such local government. If the county is unable to adopt the plan within 60 days the county may request in writing to the Division, stating just cause, an extension of no more than an additional 90 days to adopt the plan. Adoption must occur, at a minimum, every four years. Notification of the date of adoption shall be sent to the Division. Failure to adopt, to notify the Division of an adoption date or make available for review a revised plan as specified in 9G-6.006 will constitute non-compliance. Upon adoption of the plan, the county shall submit a copy of the adopted plan to the Division.

Specific Authority 252.35(2)(u), 120.53, 120.57 FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v), 120.57 FS. History--New 1-18-81, Amended 2-24-85, Formerly 9G-6.06, Amended 2-5-91, 5-11-95.

9G-6.010 Municipal Comprehensive Emergency Management Plans – Review by County Emergency Management.

(1) The provisions of this section shall apply to either initial review by the County Emergency Management Agency, or to review of revised information as a result of a determination by the County Emergency Management Agency that a Municipal Comprehensive Emergency Management Plan is not in compliance with the terms of this chapter.

(2) If a municipality elects to prepare a Comprehensive Emergency Management Plan, the plan shall be periodically reviewed by its County Emergency Management Agency to determine compliance with the established criteria ~~established in Rule Section 9G-7.003(7).~~

(3) The County Emergency Management Agency shall provide initial notice to the chief elected official of each municipality in the county of the county's intent to establish a schedule to review municipal comprehensive emergency management plans. A county shall provide notice to the municipalities of its intent to review a Municipal Comprehensive Emergency Management Plan at least 60 days prior to the initiation of the review. This notice shall also advise the municipalities, in general terms, of the applicable plan requirements. Each municipality must respond to this notice and advise the county of the existence of a municipal comprehensive emergency plan or program. Each municipality shall also provide a copy of this response to the Division. If any municipality creates a comprehensive emergency management plan or program subsequent to this initial notice, it must advise the county emergency management director and the Division in writing, and request that the municipality be included in the county's plan review schedule.

(4) The County Emergency Management Agency shall provide the municipal emergency program with the results of its review and its finding as to the compliance of the municipal comprehensive emergency management plan within 60 days of

completion of its initial review. If the County Emergency Management Agency determines that the Municipal Comprehensive Emergency Management Plan complies with the requirements of this rule chapter ~~and Rule Chapter 9G-7, F.A.C.~~, it shall issue a notice of compliance to the Municipal Emergency Management Program and to the Division.

(5) When the County Emergency Management Agency determines that a Municipal Comprehensive Emergency Management Plan is not in compliance with the requirements of this rule chapter ~~and Rule Chapter 9G-7, F.A.C.~~, it shall issue a notice of non-compliance specifically stating the reasons for non-compliance. Upon receipt of a notice of non-compliance, the municipal emergency program shall, within 60 days, revise its plan, notify the county emergency management agency and make the revised information available for review by the county emergency management agency.

(6) No change.

(7) In order to ensure that Municipal Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

(8) After a determination that a Municipal Comprehensive Emergency Management Plan is in compliance with the terms of this chapter, the approved plan must be adopted by resolution of the governing body of the jurisdiction before it becomes the Comprehensive Emergency Management Plan for such local government.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c), (d),(k),(v), 252.38(1),(2) FS. History--New 5-11-95, Amended.

9G-6.0125 Municipal Comprehensive Emergency Management Plans.

Municipal Comprehensive Emergency Management Plans must comply with all the standards and requirements applicable to County Comprehensive Emergency Management Plans. Municipal Comprehensive Emergency Management Plans shall comply with the Local Comprehensive Emergency Plan Compliance Criteria adopted by reference in Rule 9G-6.011(7). These criteria are available from the Division and shall be used in the development and review of Municipal Comprehensive Emergency Management Plans. Municipal Comprehensive Emergency Management Plans are encouraged to follow the suggested format for County Comprehensive Emergency Management Plans. Municipal emergency management programs are not required to duplicate the suggested format, but should conform to it as closely as possible.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c), (d),(k),(u), 252.38(2) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Denise Imbler, Planning Manager, Department of Community Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph F. Myers, Director, Division of Emergency, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Local Emergency Management Plans RULE CHAPTER NO.: 9G-7

RULE TITLES: Definitions RULE NOS.: 9G-7.0012

County Comprehensive Emergency Management Plans 9G-7.003

The County Radiological Emergency Management Plan for Nuclear Power Plants 9G-7.008

Municipal Comprehensive Emergency Management Plans 9G-7.010

PURPOSE, EFFECT AND SUMMARY: The remaining sections of this rule are being repealed due to the similarities of content between this rule and Rule 9G-6.

SUMMARY OF ESTIMATE OF ESTIMATED REGULATORY COST: 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: 252.32(2)(u) FS.

LAW IMPLEMENTED: 252.35(1),(2)(a),(b),(c),(d), (k),(u),(v), 252.38(1),(2), 252.60 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:

TIME AND DATE: 10:00 a.m., November 9, 2000

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Room 120L, Tallahassee, FL

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Denise Imbler, Planning Manager, Division of Emergency Management, Bureau of compliance Planning and Support, 2555 Shumard Oak Boulevard, (850)413-9916 or Suncom 293-9916, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Denise Imbler, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149, (850)413-9916

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-7.0012 Definitions.

Specific Authority 252.32(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v) FS. History--New 2-25-85, Formerly 9G-7.012, Amended 2-5-91, 5-11-95, Repealed.

9G-7.003 County Comprehensive Emergency Management Plans.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v), 252.38(1) FS. History--New 1-18-81, Amended 2-25-85, Formerly 9G-7.03, Amended 2-5-91, 5-11-95, Repealed.

9G-7.008 The County Radiological Emergency Plan for Nuclear Power Plants.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(v) FS. History--New 2-25-85, Formerly 9G-7.08, Amended 2-5-91, 5-11-95, Repealed.

9G-7.010 Municipal Comprehensive Emergency Management Plans.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(1),(2)(a),(b),(c),(d),(k),(u), 252.38(2) FS. History--New 5-11-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Denise Imbler, Planning Manager, Department of Community Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph F. Myers, Director, Division of Emergency Management, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Hazardous Materials	9G-14
RULE TITLES:	RULE NOS.:
Definitions	9G-14.002
Section 313 Toxic Chemical Release Inventory Fee	9G-14.0045
Approved Forms	9G-14.006
Refunds	9G-14.007
Filings; Amended Filings;	
Electronic Transmission	9G-14.008
EPCRA Public Information Requests;	
Inspection and Copies	9G-14.010
Hazardous Substance and Extremely Hazardous Substance Release Reporting	9G-14.011

PURPOSE, EFFECT AND SUMMARY: The purpose of this amendment to Rule Chapter 9G-14, Hazardous Materials, is to implement changes to Chapter 252, Part II, F.S. regarding: definition for the term electronic transmission; clarification of fee requirements under s. 313; changes to certain reporting forms and addition of two reporting forms; description of format, manner of execution and method of electronic transmission for annual chemical inventory reporting; address and changes for certain Local Emergency Planning Committees; and a telephone number change for the State Warning Point.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 notice.

SPECIFIC AUTHORITY: 252.83(1)(b) FS.

LAW IMPLEMENTED: 252, Part II FS.

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

TIME AND DATE: 10:00 a.m., October 9, 2000

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Room 120L, Tallahassee, FL

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Gregg Dawkins, Community Program Administrator, Division of Emergency Management, Bureau of compliance Planning and Support, 2555 Shumard Oak Boulevard, (850)413-9927 or suncom 293-9927, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregg Dawkins, Community Program Administrator, Department of Community Affairs, Tallahassee, FL

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-14.002 Definitions.

(1) through (12) No change.

(13) “Electronic transmission” means the transmission of documents by electronic signals to or from the Department which when received can be transferred electronically into existing databases or can be transformed and stored or reproduced on paper or other electronic record keeping system.

Specific Authority 252.83(1) FS. Law Implemented 252.82 FS. History--New 11-24-88, Amended 12-31-92, _____.

9G-14.0045 Section 313 Toxic Chemical Release Inventory Form-R Fee.

(1) An owner or operator of one or more facilities who is required to submit a United States Environmental Protection Agency Toxic Chemical Release Inventory Form-R report or alternate threshold Form-A filing to the Commission under s. 313 of EPCRA shall be required to pay an annual reporting fee of \$150.00 per Toxic Chemical Release Inventory Form-R report and \$75 per chemical listed on each Form-A alternate threshold filing for those s. 313 listed EPCRA substances in effect on January 1, 1998 using Form Number HMP-08-00 ~~98~~.

(2) No change.

Specific Authority 252.83(1) FS. Law Implemented 252.84, 252.85 FS. History--New 12-31-92, Amended 2-26-97, 12-20-98,_____.

9G-14.006 Approved Forms.

The following forms are adopted by reference. Use of form HMP-02-00 ~~98~~ is required for submission of an annual registration fee. Use of Form HMP-01-98 is required for submission of a notification pursuant to EPCRA s. 302. Use of Form HMP-05-00 ~~95~~ is required for submission of an annual inventory form pursuant to EPCRA s. 312 and 324 and s. 252.88(3), F.S. Use of Form HMP-09-00 ~~95~~ is required for submission of a request for a refund for overpayment of fees or for fees paid in error pursuant to r. 9G-14.007. Use of Form HMP-10-00 is required for electronic transmission of an annual inventory report pursuant to EPCRA s. 312 and 324 and s. 252.88(3), F.S. Use of Form HMP-11-00 is required for providing certification of accuracy for electronic transmission filings.

FORM NO.	SUBJECT	EFFECTIVE DATE
HMP-01-98	Section 302 – Emergency Planning Notification	
HMP-02-0098	Annual Registration Form	_____
HMP-05-0095	Tier Two Form (with instructions)	12-31-92
HMP-06-95	Confidential Location Information Sheet	12-31-92
HMP-08-0098	Toxic Chemical Release Inventory Fee Form	_____
HMP-09-0095	Refund Application Form	02-08-95
HMP-10-00	<u>Electronic Tier Two Form (with instructions)</u>	_____
HMP-11-00	<u>Tier Two Certification Statement Form</u>	_____

Specific Authority 120.53, 252.83(1), 252.90(1) FS. Law Implemented 120.53, 252.90(1) FS. History--New 11-28-90, Amended 12-31-92, 6-1-95, 2-26-97, 12-20-98,_____.

9G-14.007 Refunds.

Any owner or operator of a facility may request a refund for overpayment of fees or for fees paid in error. In order to request a refund, the owner or operator of a facility must

complete a Refund Application Form (HMP-09-00~~95~~) and submit it to the Commission. Refunds will be processed only after the request has been verified and approved by the Department, all facility reports required pursuant to EPCRA have been filed, and completed accurately, for all required years, and with all required recipients. Applications for refunds must be filed within three (3) years of the date of payment or else the right to a refund shall be barred.

Specific Authority 120.53, 252.83(1) FS. Law Implemented 120.53, 215.26, 252.84, 252.85 FS. History--New 6-1-95, Amended_____.

9G-14.008 Filings; Amended Filings; Electronic Transmission.

(1) through (3) No change.

(4) Annual inventory reports required under EPCRA s. 312 and 324 and s. 252.88(3), F.S. may be submitted by electronic transmission to the State Emergency Response Commission. The format must be consistent with electronic transmission software provided by the SERC. While required by federal law, the manner of execution should be accomplished through the use of a certification statement using Form HMP-11-00 certifying authenticity and requiring an original signature of the facility owner/operator or an officially designated representative. The method of electronic transmission will be accomplished by the Department providing the electronic software including instructions to facility owners/operators via the Internet or, upon request, other available electronic means. Facility owners/operators must return completed electronic annual chemical inventory reports to the SERC by diskette or other available electronic means within established deadlines.

Specific Authority 120.53, 252.83(1), 252.90(1) FS. Law Implemented 120.53, 252.90(1) FS. History--New 11-28-90, Amended 12-31-92, 6-1-95, 2-26-97, 12-20-98,_____.

9G-14.010 EPCRA Public Information Requests; Inspection and Copies.

(1) Requests for information may be directed to the Local Emergency Planning Committee (LEPC) c/o the Regional Planning Council (RPC), at the following addresses:

- District One LEPC
c/o West Florida RPC
Post Office Box 486
Pensacola, Florida 32593-0486
- District Two LEPC
c/o Apalachee RPC
314 East Central Avenue, Room 119
Blountstown, Florida 32424
- District Three LEPC
c/o North Central Florida RPC
2009 Northwest 67 Place, Suite A
Gainesville, Florida 32653

District Four LEPC
 c/o Northeast Florida RPC
 9143 Phillips Highway, Suite 350
 Jacksonville, Florida 32256
 District Five LEPC
 c/o Withlacoochee RPC
 1241 Southwest Tenth Street
 Ocala, Florida 34474-2798
 District Six LEPC
 c/o East Central Florida RPC
~~631 4011~~ Wymore Road
~~Suite 105~~
Maitland ~~Winter Park~~, Florida 32789
 District Seven LEPC
 c/o Central Florida RPC
 Post Office Box 2089
 Bartow, Florida 33831
 District Eight LEPC
 c/o Tampa Bay RPC
 9455 Koger Boulevard
 Suite 219
 St. Petersburg, Florida 33702
 District Nine LEPC
 c/o Southwest Florida RPC
 Post Office Box 3455
 Fort Myers, Florida 33918-3455
 District Ten LEPC
 c/o Treasure Coast RPC
301 East Ocean Boulevard, Suite 300
Stuart, Florida 34994
~~Post Office Box 1529~~
~~Palm City, Florida 34990~~
 District Eleven LEPC
 c/o South Florida RPC
 3440 Hollywood Boulevard, Suite 140
 Hollywood, Florida 33021

Requests for inspection and copying of any EPCRA records that are open to the public may be directed to the same office or to the Commission, c/o the Department of Community Affairs at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149.

(2) through (5) No change.

Specific Authority 120.53, 252.83(1) FS. Law Implemented 119.07(1), 120.53, 252.83, 252.88 FS. History—New 6-1-95, Amended 2-26-97,_____.

9G-14.011 Hazardous Substance and Extremely Hazardous Substance Release Reporting.

(1) Any facility required by 42 USC 11004(a) to immediately report the release of a hazardous substance or extremely hazardous substance to the Commission shall provide said notification to the State Warning Point, telephone number (~~850904~~)413-9911 or (800)320-0519.

(2) No change.

Specific Authority 120.53, 252.83(1) FS. Law Implemented 252.35, 252.83 FS. History—New 6-1-95, Amended 2-26-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gregg S. Dawkins, Community Program Administrator,
 Department of Community Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph F. Myers, Director, Division of Emergency Management, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Hazardous Materials Risk Management

RULE CHAPTER NO.:

Planning Fee Schedule

9G-21

RULE TITLES:

RULE NOS.:

Annual Registration Fees

9G-21.002

Approved Forms

9G-21.004

PURPOSE, EFFECT AND SUMMARY: The purpose of this amendment to Rule Chapter 9G-21, Hazardous Materials Risk Management Planning Fee Schedule, is to clarify the basis for determining annual registration fees and to make revisions to forms RMP-001, Annual Registration Fee Form and RMP-002, Multiple Source Location Annual Registration Fee Form, that will do away with one nonessential information entry and will add two key information entries that will more clearly define required reporting information. The changes to forms RMP-001 and RMP-002 consist of the following: removal of the entry for "Florida Secretary of State ID #" and the addition of "Facility Name" and the "EPA Facility Identifier" number.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 252.937(2)(b) FS.
 LAW IMPLEMENTED: 252.939(1) 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:
 TIME AND DATE: 2:00 p.m., October 9, 2000
 PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Room 120L, Tallahassee, FL
 Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Gregg Dawkins, Community Program Administrator, Division of Emergency Management, Bureau of compliance Planning and Support, 2555 Shumard Oak Boulevard, (850)413-9927 or suncom 293-9927, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregg Dawkins, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149, (850)413-9930

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-21.002 Annual Registration Fees.

(1) The owner or operator of one or more specified stationary sources that are located within the State of Florida shall pay an annual registration fee for each stationary source based upon the source's highest program level, as determined from the source's Risk Management Plan when the fee is due, using the eligibility requirements in 40 C.F.R. Section 68.10.

(2) The owner or operator of one or more specified stationary sources located within the State of Florida, all of which are Program 1 stationary sources, shall pay fees as follows:

(a) The owner or operator of one Program 1 stationary source shall pay an annual registration fee of \$100.

(b) The owner or operator of more than one Program 1 stationary source shall pay an annual registration fee of \$100 for each Program 1 stationary source unless the owner qualifies for an alternative fee schedule under either Rule 9G-21.002(2)(c).

(c) The owner of more than one Program 1 stationary sources, all of which have the same single chemical process, may pay an annual registration fee of \$100 for the first source and an annual registration fee of \$50 for each additional source up to a maximum of \$1,000 for all Program 1 stationary sources which have the same single chemical process only if the owner of such sources submits a single payment

accompanied by a list of all source locations and an identification of the single chemical process using Form Number RMP-002.

(3) through (5) No change.

Specific Authority 252.937(2)(b) FS. Law Implemented 252.939(1) FS. History-New 10-8-98, Amended _____.

9G-21.004 Approved Forms.

Form Number	Subject	Effective Date
RMP-001	Annual Registration Fee Form	
RMP-002	Multiple Source Location Annual Registration Fee Form	

Specific Authority 252.937(2)(b) FS. Law Implemented 252.939(1) FS. History-New 11-9-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregg Dawkins, Community Program Administrator, Department of Community Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph F. Myers, Director, Division of Emergency Management, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Criminal History Records
 RULE CHAPTER NO.: 11C-6

Dissemination Policy
 RULE TITLE: Sale and Delivery of Firearms
 RULE NO.: 11C-6.009

PURPOSE AND EFFECT: The proposed amendment to Rule 11C-6.009, F.A.C., reflects the legislative intent to offset the total program costs provided by funds appropriated by the 2000 Legislature to the Florida Department of Law Enforcement (FDLE) in support of the Firearm Purchase Program (FPP). The funds and accompanying language provided by the Legislature will allow FDLE to reduce the fee by \$3.00 and still meet its statutory obligation to assure that the FPP remains financially stable through the collection of a fee to cover costs not otherwise funded by the Legislature, while not reducing the services provided.

SUMMARY: Proposed revisions to Rule 11C-6.009, F.A.C., would reduce the amount of fees charged from a potential buyer of a firearm for the processing of a criminal history record check. The fee charged for a criminal history check under the Firearm Purchase Program would be reduced from \$8.00 to \$5.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 working days of this notice.

SPECIFIC AUTHORITY: 790.065, 943.03(4) FS.

LAW IMPLEMENTED: 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178.

IF REQUESTED IN WRITING WITHIN 21 DAYS 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: 10:30 a.m., October 10, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright, Bureau Chief, Criminal Justice Information Systems, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.009 Sale and Delivery of Firearms.

(1) through (3) No change.

(4) The dealer must collect a \$5.00 ~~an \$8.00~~ non-refundable processing fee from the potential buyer or transferee before the processing of a criminal history record check of the state and national record systems will be accomplished.

(5) through (20) No change.

Specific Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History--New 6-2-91, Amended 7-7-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Wright, Bureau Chief, Criminal Justice Information Systems, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Program Director, Criminal Justice Information Systems, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2000

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.: Rules of Procedure – Decisions 14-6 Affecting Substantial Interests/ Indexing of Final Orders

RULE TITLE: RULE NO.: Final Orders 14-6.0011

PURPOSE AND EFFECT: The Department is revising its procedure for indexing Final Orders to designate an official reporter, Municipal Code Corporation, to index such records. Technical revisions to the rule also are being made. The proposed amendments have been approved by the Department of State, Bureau of Administrative Code.

SUMMARY: This is an amendment to the Department’s procedure for indexing its Final Orders.

SPECIFIC AUTHORITY: 120.533, 334.044(2) FS.

LAW IMPLEMENTED: 120.53(2) FS.

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.

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

TIME AND DATE: 9:00 a.m., October 19, 2000

PLACE: Third Floor Conference Room (Room 348), Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-6.0011 Final Orders.

(1) The Department will maintain a uniform index of final orders. Pursuant to Sections 120.53(2) and 120.533, Florida Statutes, this rule chapter establishes the minimum requirements for indexing final orders as defined in Section 120.52(7), Florida Statutes. ~~The Department may publish additional final orders as needed.~~

(2) “Final Order” means a written final agency decision which is not a rule and which has been filed with the Clerk of Agency Proceedings. It includes final agency decisions which are affirmative, negative, injunctive, or declaratory in form. It includes all material explicitly adopted in it.

(2)(3) Public Inspection and Duplication.

(a) The following shall be made available by the Department for public inspection and copying, at no more than cost:

- 1. All final orders.
- 2. A current subject-matter index.

(b) The Clerk of Agency Proceedings assigned by the Department shall assist the public in obtaining copies of final orders and maintain a current subject-matter index.

(c) The Department shall maintain and store such final orders and index with the Clerk of Agency Proceedings, Office of the General Counsel, 605 Suwannee Street, Room ~~550~~ 562, Mail Station 58, Tallahassee, Florida 32399-0458. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends.

(d) Final orders required to be indexed under Section 120.53(1)(a)2.c., Florida Statutes, which are entered on or after July 1, 1998, will also be maintained, stored, and indexed on an electronic database. Pursuant to Section 120.53(2)(a), Florida Statutes, the Department hereby designates the Municipal Code Corporation as its official reporter for creating the electronic database and indexing and preserving final orders therein. The electronic database will allow users to research and retrieve the full texts of agency final orders by using commonly used search terms and descriptive information about the orders, including major subject headings. The indexing system for the electronic database shall have fixed fields to ensure common usage of such terms by anyone who uses the system. The Department will maintain the electronic database and make it available for public use. The public may utilize the electronic database by contacting the Clerk of Agency Proceedings at the address provided in Subsection (c).

~~(3)(4)~~ Final Orders Required to be Indexed. The Department shall index all final orders.

~~(4)(5)~~ Numbering of Final Orders.

(a) All final orders shall be sequentially numbered using a two-part number separated by a dash. The first part before the dash indicates the year and the second part indicates the numerical sequence of the order issued for that year, beginning with number "00001" each new calendar year with zeros left of the case number for computer sorting purposes. For example, "00-001" is the first case for calendar year 2000. The category of the order will be added as a suffix succeeding the two part number.

~~(b) The order category shall be abbreviated as follows:~~

- ~~1. DS — Declaratory statement.~~
- ~~2. FOI — Final order informal proceeding.~~
- ~~3. FOF — Final order formal proceeding.~~
- ~~4. STIP — Stipulation.~~
- ~~5. AS — Agreed settlement.~~
- ~~6. CO — Consent order.~~
- ~~7. OD — Order of denial.~~
- ~~8. DIS — Dismissal.~~

~~9. FOO — Final order other (On unusual final orders).~~

~~(5)(6)~~ System for Indexing Final Orders.

(a) The Department shall maintain an alphabetical subject matter index for final orders. The subject matter index will go from general to specific. The initial headings shall be by subject broad enough to incorporate the subject titles from the Florida Statutes under which the order is rendered. The indentations below the subject headings or titles shall be more specific with the final indentation being the most specific. Related key words (specific words, terms, or phrases) and common and colloquial words shall be listed sequentially in an indentation immediately below the applicable text indentation.

(b) The Department shall designate the major subject headings to be used in the index. The index shall be cumulative for at least one year, and updated at least every 120 days and made accessible to the public. The index must be cumulative for at least one calendar year.

~~(c) The Clerk of Agency Proceedings shall index final orders.~~

~~(6)(7)~~ Maintenance of Records. Final orders pursuant to this rule chapter shall be maintained by the Department pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority 120.533, 334.044(2) FS. Law Implemented 120.53(2) FS. History—New 4-6-93, Amended 2-20-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Leslie, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Targeted Value-Added Promotions

RULE CHAPTER NO.:

Program for Fresh Grapefruit 20-48

RULE TITLES: Allocation; Disbursement of Funds

RULE NOS.:

Qualification of Merchandising 20-48.004

PURPOSE AND EFFECT: Would revise the Targeted Value-Added Promotions program for the 2000-2001 citrus season.

20-48.006

SUMMARY: Revises the Targeted Value-Added Promotions program for the 2000-2001 citrus season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.15 FS.

LAW IMPLEMENTED: 601.15 FS.

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

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

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-48.004 Allocation; Disbursement of Funds.

(1) Funds prorated for non-commodity programs for fresh grapefruit shall be set aside by the Department of Citrus each shipping season. Such funds shall be used to reward supermarket retailers in the U.S. only – on a per-carton basis – for promotional support of fresh Florida grapefruit.

(2) The Department of Citrus shall establish Targeted VAP participant appropriations by August 31.

(3) Targeted VAP dollars to the participant shall be allocated based on the percentage of total domestic (U.S. only) shipments of grapefruit the participant shipped during the prior year, but in no case shall it be less than \$5,000 per said participant. A participant who does not have a prior year record shall receive an allocation of \$5,000.

(4) At least 50% of each participant's allocation shall be earmarked and spent for use in Department of Citrus media markets.

(5)(4) By October 25 of each program year, the Department of Citrus shall survey program participants asking them to declare their intent to use allocated funds. Participants intending to use their allocated funds shall further indicate to the Department if they plan to use the funds in a cooperative venture with another entity, or request that the Department execute the plan on the supplier's behalf through Department of Citrus field merchandising staff directly with retailers of participants choice.

(6)(5) Prior to January 15 of each program year, the Department of Citrus shall survey program participants as to whether or not they intend to use uncommitted program funds; at that time program participants may elect to reassign uncommitted funds into generic Department of Citrus programs, effective February 1.

(7)(6) If, by June 1 of each program year, participant has utilized 80% or more of their allocated funds, they will not be adjusted the following season. If, on June 1, participant has used less than 80% of their funds, they will be capped at that level for the following season.

(8)(7) The participant shall be responsible for one-fourth the cost of each individual advertising promotion. The Florida Department of Citrus shall be responsible for the remaining three-fourths, so long as net claims for such costs are not in excess of participant's allocation. Participant contributions to the advertising programs must be forwarded to Department before payment is made to the retailer. Payment will be forwarded by the Department directly to the participant's designated retail customer.

(9)(8) Participant will not be responsible for matching funds on media promotions. Payment will be made by the Department directly to the retailer involved for demonstration promotions scheduled at participant's request. Media demo programs will be fully reimbursed (up to \$5,000). All other demo programs are eligible to be reimbursed at the rate of non-media promotions scheduled in conjunction with Department media programs in selected markets.

(10)(9) All claims must be submitted and filed with the Department no later than July 31 of each shipping season and must include FOB pricing, movement, and an explanation of the volumetric variance when movement during promotion period was significantly less than anticipated on Participant's commitment for. A-Targeted Value-Added Promotion Program Evaluation form CIT/MKTG/154/EFF. 10/20/99, incorporated herein by reference, must accompany each claim or payment to retailer cannot be processed. Claims that are incomplete or otherwise late will be rejected by the Department with written notification to the participant.

(11)(10) Implementation of this program is subject to the appropriation of funds for use in this program.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History--New 11-17-97, Amended 12-6-98, 2-3-00,_____.

20-48.006 Qualification of Merchandising.

(1) Minimum Targeted VAP advertising/merchandising activity:

(a) Line ad + expanded display (end cap or secondary table), or

(b) Feature ad + expanded display (end cap or secondary table). Feature ad must include the Florida Sunshine Tree or Florida Citrus Growers symbol and either the American Heart Association Heart Check logo or at least one of the following Department of Citrus approved value-added messages:

1. High in vitamin C
2. Rich in dietary fiber
3. Heart Healthy
4. Cholesterol free and fat free

(c) For club stores (that do no feature advertising), other comparable advertising or promotion as listed below will be deemed to meet the minimum activity requirement, if the Department of Citrus staff has lead time of at least 10 days in advance of the planned activity.

<p>“A” Activities (At least one “A” activity, a maximum of 50¢ per carton reimbursement for all “A” activities)</p> <ol style="list-style-type: none"> 1. Front Lobby Display (21 cartons or equivalent). 2. High Graphic Bin Display 3. Cut fruit sampling/ demonstration (\$5,000 cap). 	<p>“B” Activities (“B” activities equal 10¢ per carton per activity; 25¢ per carton maximum.)</p> <ol style="list-style-type: none"> 1. Multi-unit pricing on bulk fruit or bags (e.g., 6 pieces for \$2 or 2 bags for \$4). 2. Brochures or other health information on Florida citrus provided for shoppers. 3. FDOC supplied point-of-sale material posted. 4. Cut fruit displayed (visual sampling). 5. Feature ad placed in the In-Store-Flyer.
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(d) To qualify, ads must feature Florida grown citrus products only.

(2) To help build the value of a Targeted VAP, a retailer can agree to provide promotional support beyond the minimum requirement. Optional promotion elements include:

- (a) Promoting bagged grapefruit.
- (b) Graphic bins or front lobby displays.
- (c) Multi-unit pricing (beyond the \$1 mark) on bulk/loose grapefruit + Gross margin <20% – retailer’s cost versus featured price – the % difference between the shipper FOB prices and the price the retailer will feature the product.
- (3) Promotions may be established to tie-in with Department media scheduled in selected markets. Only the following types of promotions are eligible for Targeted VAP funds in these media markets:
 - (a) Demonstration/sampling programs.
 - (b) Graphic grapefruit bin use.
 - (c) Bagged grapefruit promotion.
 - (d) Multi-unit pricing (beyond the \$1 mark) on bulk loose citrus.

Specific Authority 601.15 FS. Law Implemented 601.15 FS. History–New 11-17-97, Amended 12-6-98, 2-3-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mia L. McKown, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Maturity Tests – Processed Citrus
RULE TITLE: Sampling Equipment

RULE CHAPTER NO.: 20-61
RULE NO.: 20-61.003

PURPOSE AND EFFECT: Would provide for a standard statewide mechanical sample selector; provide specifications for sampler; provide date whereby plants must have conforming sample selector installed.

SUMMARY: Provides for a standard statewide mechanical sample selector; specifications; date whereby conforming sample selector must be installed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.10(7), 601.24 FS.

LAW IMPLEMENTED: 601.10(7), 601.24, 601.27 FS.

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

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

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-61.003 Sampling Equipment.

(1) Each processing plant shall install mechanical sample selectors, as per drawings and specifications on file at the Department of Citrus office, at unloading ramps immediately after grading. Effective November 1, 2005, statewide standardized sampling equipment will be required. By that date each processing plants shall have installed a Flip-Gate style mechanical sample selector, as per specifications on file at the Department of Citrus headquarters and incorporated herein by reference. Such specifications shall be adhered to upon the installation of new Flip-Gate samplers and during the operation and maintenance of existing Flip-Gate samplers. No alterations or modifications shall be made on the sample system without the prior knowledge and consent of the Division of Fruit and Vegetables, and such system, under the supervision of the

Technical Bureau of that Division, shall be maintained by the plant to deliver, directly into the state test lab, a representative sample from each load of fruit received at the approximate rate of one fruit for each ten boxes. All troughs, chutes, conveyors, and belts used for mechanically collecting and transporting samples shall be so enclosed as to make the sample inaccessible prior to point of delivery into the state test lab.

(2) Official juice analysis tests for determining pounds solids will be made only on fruit collected by such a sampling device, except as otherwise provided in this rule, or when, in the opinion of the Division of Fruit and Vegetables, such sampling is impractical or the inspector deems further sampling and testing is necessary to prevent the utilization of immature fruit.

Specific Authority 601.10(7), 601.24 FS. Law Implemented 601.10(7), 601.24, 601.27 FS. History—Formerly 105-1.18(1), Revised 1-1-75, Formerly 20-61.03, Amended 10-15-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mia L. McKown, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Rural Health Clinic Services
RULE NO.: 59G-4.280
PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Rural Health Clinic Coverage and Limitations Handbook, June 2000. The handbook contains updated and current policy for rural health clinics including clarification of mental health policy, family planning waiver services policy, and HIV counseling. The effect will be to incorporate by reference in the rule the current Florida Medicaid Rural Health Clinic Coverage and Limitations Handbook.
SUMMARY: The rule amendment will incorporate by reference the Florida Medicaid Rural Health Clinic Coverage and Limitations Handbook, June 2000.
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: 409.919 FS.
LAW IMPLEMENTED: 409.905, 409.908, 409.9081 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: 10:00 a.m., October 10, 2000
PLACE: 2727 Ft. Knox Blvd., Building 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Aloi, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7330

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.280 Rural Health Clinic Services.

(1) through (2) No change.

(3) All rural health clinic providers enrolled in the Medicaid program must comply with the Florida Medicaid Rural Health Clinic Services Coverage and Limitations Handbook, June 2000 ~~April 1997~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and Child Health Check-Up EPSDT ~~EPSDT~~ 221, incorporated by reference in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 4-14-80, Amended 12-28-80, Formerly 10C-7.51, Amended 8-11-91, 1-19-93, Formerly 10C-7.051, Amended 6-29-94, 6-10-96, 6-24-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kay Aloi
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rubin J. King-Shaw, Jr. AHCA Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2000

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLES: Continuing Education as a Condition for Renewal
RULE NOS.: 64B6-5.001
Continuing Education Programs 64B6-5.002

PURPOSE AND EFFECT: These rules are being amended to update the language for the biennium period beginning 2001, and to specify the subject matter and the number of hours accepted for continuing education requirements.

SUMMARY: The Board of Hearing Aid Specialists proposes to set the 2001 biennium period, and elucidate the maximum number of continuing education requirements accepted.

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: 455.2124, 455.564(6),(8), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 484.047(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4050 Bald Cypress Way, Bin #C09, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B6-5.001 Continuing Education as a Condition for Renewal.

(1) As a condition of the biennial renewal of an active license, each hearing aid specialist shall attend and certify attending 20 credit hours (per biennium) of Board approved continuing education which are relevant to, and which enhance, the licensee's ability to dispense hearing aids. Board-approved means approved by a chairman-appointed committee of one, or as specified by Rule 64B6-5.002(1), F.A.C. Continuing education courses, or portions thereof, which are devoted to content areas other than those identified in Rule 64B6-2.003, or risk management, shall not be approved for continuing education credit. Effective for the biennium beginning in 2001, these ~~These~~ certified hours shall include two hours per biennium relating to hearing aid laws and rules. Not more than two hours of continuing education relating to hearing aid laws and rules shall be accepted for the 1999-2001 biennium.

(2) No change.

Specific Authority 455.564(8), 455.2124, 484.044, 484.047(1),(4) FS. Law Implemented 484.047(4) FS. History--New 4-1-85, Formerly 21JJ-15.001, Amended 8-5-87, 4-8-90, 8-21-90, 8-19-91, Formerly 21JJ-5.005, Amended 11-20-95, Formerly 61G9-5.005, Amended 9-23-99, 6-28-00,_____.

64B6-5.002 Continuing Education Programs.

(1) through (6) No change.

(7) Effective for the biennium beginning in 2001, each ~~Each~~ Hearing Aid Specialist shall attend and certify attending two hours and may take up to four (4) hours per biennium of continuing education which includes the topics of Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome, and other communicable illness to protect both the recipient and the dispenser; modes of transmission, infection control procedures, clinical management, and prevention of

any communicable illness. Such continuing education shall be accepted by the Board toward the continuing education requirement prescribed in Rule 64B6-5.001, F.A.C. Up to four hours of continuing education relating to these topics shall be accepted for the 1999-2001 biennium.

Specific Authority 455.564(6),(8), 484.044, 484.047(4) FS. Law Implemented 484.047(4) FS. History--New 4-1-85, Formerly 21JJ-15.002, Amended 8-5-87, 2-16-89, 6-21-89, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.006, Amended 11-20-95, Formerly 61G9-5.006, Amended 9-23-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education on HIV/AIDS

RULE NO.: 64B8-45.006

PURPOSE AND EFFECT: The Dietetics and Nutrition Council proposes to the Board of Medicine that a new rule be promulgated regarding HIV and AIDS continuing education.

SUMMARY: This rule establishes the criteria of education requirements on HIV/AIDS for new applicants and licensees.

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: 455.604(7) FS.

LAW IMPLEMENTED: 455.604 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.006 Continuing Education on HIV/AIDS.

(1)(a) Applicants for initial licensure, and licensees who were licensed after July 1, 1999, shall confirm completion of a three-hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS). The HIV/AIDS course must have been completed within the two

years immediately preceding the submission of the certificate. For each renewal of licensure, licensees must complete a one-hour approved HIV/AIDS course in each biennial renewal period.

(b) Applicants for initial licensure, upon showing of good cause by affidavit, shall be given six months from the date of licensure to complete the HIV/AIDS course. Good cause includes applicants for endorsement or examination who have been residing outside of Florida or who have been on active military service.

(2) All licensees who were licensed on or before July 1, 1999, must complete a one-hour HIV/AIDS course within the 24-month period prior to the expiration date of the license, and in each biennial renewal period thereafter.

(3) Persons reactivating an inactive license or seeking reinstatement of a suspended or revoked license must submit proof of completion of a three-hour HIV/AIDS course prior to licensure. The HIV/AIDS course must have been completed within the two years immediately preceding the submission of proof.

(4) To satisfy the requirements of this Rule, each course on HIV/AIDS shall consist of at least one hour of classroom instruction or an equivalent home study program and shall include the following subject areas:

- (a) Modes of transmission;
- (b) Infection control procedures;
- (c) Clinical management;
- (d) Prevention;
- (e) Current Florida law on AIDS and its impact on testing, confidentiality, treatment of patients, and any protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues.

(5) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 455.604, Florida Statutes, are recommended by the Council and approved by the Board.

Specific Authority 455.604(7) FS. Law Implemented 455.604 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON SEPTEMBER 26, 2000

The Governor and Cabinet, on September 26, 2000, sitting as head of the Department of Revenue, will consider the proposed repeal of Rules 12-21.020, F.A.C. (Certificate of Sale) and 12-21.030, F.A.C. (Application of Payments). These proposed rule repeals were not noticed for a rule development workshop, since a workshop is not required for rule repeals. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on August 11, 2000 (Vol. 26, No. 32, pp. 3683-3684) and a public hearing was conducted on September 5, 2000. No testimony was received at the public hearing, and no written comments were submitted.

DEPARTMENT OF REVENUE

Sales and Use Tax

NOTICE OF CABINET AGENDA ON SEPTEMBER 26, 2000

The Governor and Cabinet, on September 26, 2000, sitting as head of the Department of Revenue, will consider the proposed repeal of Rule 12A-1.078, F.A.C. (Tobacco Products). This proposed rule repeal was not noticed for a rule development workshop, since a workshop is not required for rule repeals. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on August 11, 2000 (Vol. 26, No. 32, p. 3684) and a public hearing was conducted on September 5, 2000. No testimony was received at the public hearing, and no written comments were submitted.

PUBLIC SERVICE COMMISSION

DOCKET NO. 990994-TP

RULE NOS.: 25-4.003 25-4.110 25-4.113	RULE TITLES: Definitions Customer Billing for Local Exchange Telecommunications Companies Refusal or Discontinuance of Service by Company
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NOTICE OF ADDITIONAL COMMENTS POST-HEARING AND ADDITIONAL PUBLIC HEARING

Pursuant to the post-hearing schedule established at the conclusion of the August 21, 2000, rule hearing in this docket, participants in the hearing may file post-hearing comments on the proposed rule amendments by September 13, 2000. Thereafter, pursuant to Section 120.54, Florida Statutes, the Florida Public Service Commission will consider the record of