

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES****Division of Standards****RULE TITLE:**

Minimum Storage as Relates to Liquefied
Petroleum Gas

RULE NO.:

5F-11.013

PURPOSE AND EFFECT: The purpose of this rule revision is to amend this section to be consist with statutory changes made during the 2000 Florida Legislative Session.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will change the reference to gallonages for minimum storage from 12,000 gallons to 18,000 gallons.

SPECIFIC AUTHORITY: 527.11 FS.

LAWS IMPLEMENTED: 527.11, 527.06 FS.

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

TIME AND DATE: 1:00 p.m., November 27, 2000

PLACE: Division of Standards, Conference Room, Suite E, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-11.013 Minimum Storage as Relates to Liquefied Petroleum Gas.

The following is explanatory of each of the two methods which may be used to comply with Section 527.11, Florida Statutes (either of the two methods may be used):

(1) (See 527.11(1)): Erect a bulk storage filling plant of not less than 18,000 ~~12,000~~ gallons (water capacity) within the state. Plans, in triplicate, and in detail showing proposed location of the bulk storage container or containers, container charging area, loading and unloading facilities, vaporizers, pumps and compressors and other pertinent facilities shall be submitted to the Bureau of Liquefied Petroleum Gas Inspection for approval prior to erection. The plans shall bear the following statement, and such shall be attested to by signature of a responsible official of the licensee or qualified consumer.

"To be constructed and maintained in accordance with the provisions of NFPA No. 58, and other appropriate regulations."

Signature

(2) (See 527.11(2)): All dealers licensed as of August 31, 2000, and who have entered into a written agreement with a wholesaler (supplier) that the wholesaler (supplier) will provide liquefied petroleum gas to said dealer for a period of twelve continuous months in order to comply with the Minimum Storage Law, specifically Section 527.11(2), Florida Statutes, shall certify such agreement in writing on forms provided by the Bureau of Liquefied Petroleum Gas Inspection providing detailed information to include, but not limited to, total bulk plant storage of wholesaler (supplier) and length of supply agreement. Such certification must be signed by responsible officials of the wholesaler (supplier). The wholesaler (supplier) shall give the Bureau of Liquefied Petroleum Gas Inspection thirty (30) days written notice of cancellation of such supply agreement.

Specific Authority 527.06 FS. Law Implemented 527.11 FS. History--New 8-7-80, Formerly 4A-1.13, Amended 7-18-85, Formerly 4B-1.10, Amended 10-8-86, 2-6-90, Formerly 4B-1.010, Amended 7-20-95, _____.

DEPARTMENT OF COMMUNITY AFFAIRS**Florida Building Commission****RULE CHAPTER TITLE:****RULE CHAPTER NO.:**

Florida Building Commission –

Operational Procedures

9B-3

RULE TITLE:**RULE NO.:**

Commission Organization and Operations

9B-3.004

PURPOSE AND EFFECT: To update rules to be consistent with statutory authority; to develop rules of procedure for submitting proposed amendments to the Florida Building Code, processing and adoption of those proposals; number and composition of Technical Advisory Committees; and appointment of vice-chairman. This rule development also fulfills one of the requirements of a settlement of an existing challenge to proposed rules.

SUBJECT AREA TO BE ADDRESSED: Rules of procedure for the Florida Building Commission; appointment of Technical Advisory Committees, and processing of proposed amendments to the Florida Building Code.

SPECIFIC AUTHORITY: 553.76(1), 553.77(1)(a) FS.

LAW IMPLEMENTED: 553.74, 553.75, 553.77(2)(b), 553.77(1)(j) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mo Madani, Planning Manager, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824, Suncom 277-1824

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

PUBLIC SERVICE COMMISSION

DOCKET NO.: 001574-EQ

RULE TITLE: Firm Capacity and Energy Contracts
 RULE NO.: 25-17.0832

PURPOSE AND EFFECT: To amend Rule 25-17.0832(1) to eliminate the subscription limit for standard offers; (2) to limit standard offer contract terms to a maximum of five years; and (3) to change the notification requirements in paragraph (1)(a) from the Division of Electric and Gas to the Division of Safety and Reliability.

SUBJECT AREA TO BE ADDRESSED: Subscription limits and contract terms for Standard Offer Contracts.

SPECIFIC AUTHORITY: 350.127, 366.04(1), 366.051, 366.05(1),(8) FS.

LAW IMPLEMENTED: 366.051, 403.503 FS.

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

TIME AND DATE: 1:30 p.m., Tuesday, December 12, 2000

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152E, Tallahassee, Florida

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Any person requiring some accommodation at this workshop 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Judy Harlow, Division of Safety and Electric Reliability, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-17.0832 Firm Capacity and Energy Contracts.

(1) No change.

(a) Within one working day of the execution of a negotiated contract or the receipt of a signed standard offer contract, the utility shall notify the Director of the Division of

Electric Safety and Reliability ~~Gas~~ and provide the amount of committed capacity and the type of generating unit, if any, which the contracted capacity is intended to avoid or defer.

(b) Within 10 working days of the execution of a negotiated contract or receipt of a signed standard offer contract for the purchase of firm capacity and energy, the purchasing utility shall file with the Commission a copy of the signed contract and a summary of its terms and conditions. At a minimum, the summary shall include report:

1. through 6. No change.

(2) Negotiated Contracts. Utilities and qualifying facilities are encouraged to negotiate contracts for the purchase of firm capacity and energy to avoid or defer the construction of all planned utility generating units which are not subject to the requirements of Rule 25-22.082. If a utility is required to issue a Request for Proposals (RFP) pursuant to Rule 25-22.082, negotiations with qualifying facilities shall be governed by the utility's RFP process. Negotiated contracts will be considered prudent for cost recovery purposes if it is demonstrated by the utility that the purchase of firm capacity and energy from the qualifying facility pursuant to the rates, terms, and other conditions of the contract can reasonably be expected to contribute towards the deferral or avoidance of additional capacity construction or other capacity-related costs by the purchasing utility at a cost to the utility's ratepayers which does not exceed full avoided costs, giving consideration to the characteristics of the capacity and energy to be delivered by the qualifying facility under the contract. ~~Negotiated contracts shall not be counted towards the subscription limit of the avoided unit in a standard offer contract, thus preserving the standard offer for small qualifying facilities as described in subsection (4).~~

(3) No change.

(4) Standard Offer Contracts.

(a) Upon petition by a utility or pursuant to a Commission action, each public utility shall submit for Commission approval a tariff or tariffs and a standard offer contract or contracts for the purchase of firm capacity and energy from small qualifying facilities. In lieu of a separately separately negotiated contract, standard offer contracts are available to the following types of qualifying facilities:

1. A small power producer or other qualifying facility using renewable or non-fossil fuel where the primary energy source in British Thermal Units (BTUs) is at least 75 percent biomass, waste, solar, or other renewable resource;

2. A qualifying facility, as defined by Rule 25-17.080(3), with a design capacity of 100 kW or less; or

3. A municipal solid waste facility as defined by Rule 25-17.091.

(b) No change.

(c) The utility shall evaluate, select, and enter into standard offer contracts with eligible qualifying facilities based on the benefits to the ratepayers. Within 60 days of receipt of a signed standard offer contract, the utility shall either:

1. Accept and sign the contract and return it within five days to the qualifying facility; or

2. Petition the Commission not to accept the contract and provide justification for the refusal. Such petitions may be based on:

~~a. A reasonable allegation by the utility that acceptance of the standard offer will exceed the subscription limit of the avoided unit or units; or~~

~~b. m~~Material evidence showing that because the qualifying facility is not financially or technically viable, it is unlikely that the committed capacity and energy would be made available to the utility by the date specified in the standard offer.

~~(d) A standard offer contract which has been accepted by a qualifying facility shall apply towards the subscription limit of the unit designated in the contract effective the date the utility receives the accepted contract. If the contract is not accepted by the utility, its effect shall be removed from the subscription limit effective the date of the Commission order granting the utility's petition.~~

~~(d)(e)~~ Minimum Specifications. Each standard offer contract shall, at minimum, specify:

1. The avoided unit or units on which the contract is based;

~~2. The total amount of committed capacity, in megawatts, needed to fully subscribe the avoided unit specified in the contract;~~

~~2.3.~~ The payment options available to the qualifying facility including all financial and economic assumptions necessary to calculate the firm capacity payments available under each payment option and an illustrative calculation of firm capacity payments for a ~~maximum five~~ minimum ten year term contract commencing with the in-service date of the avoided unit for each payment option;

~~3.4.~~ The date on which the standard contract offer expires;

~~4.5.~~ A reasonable open solicitation period during which time the utility will accept proposals for standard offer contracts. Prior to the issuance of timely notice of a Request for Proposals (RFP) pursuant to Rule 25-22.082(3), the utility shall end the open solicitation period;

~~5.6.~~ The date by which firm capacity and energy deliveries from the qualifying facility to the utility shall commence. This date shall be no later than the anticipated in-service date of the avoided unit specified in the contract;

~~6.7.~~ The period of time over which firm capacity and energy shall be delivered from the qualifying facility to the utility. The maximum time ~~f~~Firm capacity and energy may ~~shall~~ be delivered is, at a minimum, for a period of five ~~ten~~ years, commencing with the anticipated in-service date of the avoided unit specified in the contract ~~At a maximum, firm~~

~~capacity and energy shall be delivered for a period of time equal to the anticipated plant life of the avoided unit, commencing with the anticipated in-service date of the avoided unit;~~

~~7.8.~~ The minimum performance standards for the delivery of firm capacity and energy by the qualifying facility during the utility's daily seasonal peak and off-peak periods. These performance standards shall approximate the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit over the term of the contract;

~~8.9.~~ The description of the proposed facility including the location, steam host, generation technology, and fuel sources;

~~9.10.~~ Provisions to ensure repayment of payments to the extent that annual firm capacity and energy payments made to the qualifying facility in any year exceed that year's annual value of deferring the avoided unit specified in the contract in the event that the qualifying facility fails to perform pursuant to the terms and conditions of the contract. Such provisions may be in the form of a surety bond or equivalent assurance of repayment of payments exceeding the year-by-year value of deferring the avoided unit specified in the contract.

~~(e)(f)~~ The utility may include the following provisions:

1. Provisions to protect the purchasing utility's ratepayers in the event the qualifying facility fails to deliver firm capacity and energy in the amount and times specified in the contract which may be in the form of an up-front payment, surety bond, or equivalent assurance of payment. Payment or surety shall be refunded upon completion of the facility and demonstration that the facility can deliver the amount of capacity and energy specified in the contract; and

2. A listing of the parameters, including any impact on electric power transfer capability, associated with the qualifying facility as compared to the avoided unit necessary for the calculation of the avoided cost.

3. Provisions that allow for revisions to the contract based upon changes to the purchasing utility's avoided costs.

~~(f)(g)~~ Firm Capacity Payment Options. Each standard offer contract shall also contain, at a minimum, the following options for the payment of firm capacity delivered by the qualifying facility:

1. Value of deferral capacity payments. Value of deferral capacity payments shall commence on the anticipated in-service date of the avoided unit. Capacity payments under this option shall consist of monthly payments escalating annually of the avoided capital and fixed operation and maintenance expense associated with the avoided unit and shall be equal to the value of a year-by-year deferral of the avoided unit, calculated in accordance with paragraph (6)(a) of this rule.

2. Early capacity payments. Each standard offer contract shall specify the earliest date prior to the anticipated in-service date of the avoided unit when early capacity payments may commence. The early capacity payment date shall be an

approximation of the lead time required to site and construct the avoided unit. Early capacity payments shall consist of monthly payments escalating annually of the avoided capital and fixed operation and maintenance expense associated with the avoided unit, calculated in conformance with paragraph (6)(b) of the rule. At the option of the qualifying facility, early capacity payments may commence at any time after the specified early capacity payment date and before the anticipated in-service date of the avoided unit provided that the qualifying facility is delivering firm capacity and energy to the utility. Where early capacity payments are elected, the cumulative present value of the capacity payments made to the qualifying facility over the term of the contract shall not exceed the cumulative present value of the capacity payments which would have been made to the qualifying facility had such payments been made pursuant to subparagraph (4)(f)(g)1. of this rule.

3. Levelized capacity payments. Levelized capacity payments shall commence on the anticipated in-service date of the avoided unit. The capital portion of capacity payments under this option shall consist of equal monthly payments over the term of the contract, calculated in conformance with paragraph (6)(c) of this rule. The fixed operation and maintenance portion of capacity payments shall be equal to the value of the year-by-year deferral of fixed operation and maintenance expense associated with the avoided unit calculated in conformance with paragraph (6)(a) of this rule. Where levelized capacity payments are elected, the cumulative present value of the levelized capacity payments made to the qualifying facility over the term of the contract shall not exceed the cumulative present value of capacity payments which would have been made to the qualifying facility had such payments been made pursuant to subparagraph (4)(f)(g)1. of this rule, value of deferral capacity payments.

4. Early levelized capacity payments. Each standard offer contract shall specify the earliest date prior to the anticipated in-service date of the avoided unit when early levelized capacity payments may commence. The early capacity payment date shall be an approximation of the lead time required to site and construct the avoided unit. The capital portion of capacity payments under this option shall consist of equal monthly payments over the term of the contract, calculated in conformance with paragraph (6)(c) of this rule. The fixed operation and maintenance expense shall be calculated in conformance with paragraph (6)(b) of this rule. At the option of the qualifying facility, early levelized capacity payments shall commence at any time after the specified early capacity date and before the anticipated in-service date of the avoided unit provided that the qualifying facility is delivering firm capacity and energy to the utility. Where early levelized capacity payments are elected, the cumulative present value of the capacity payments made to the qualifying facility over the term of the contract shall not exceed the cumulative present

value of the capacity payments which would have been made to the qualifying facility had such payments been made pursuant to subparagraph (4)(f)(g)1. of this rule.

(5) through (8) No change.

Specific Authority 350.127, 366.04(1), 366.051, 366.05(1),(8) FS. Law Implemented 366.051, 403.503 FS. History—New 10-25-90, Amended 1-7-97.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management Districts

RULE CHAPTER TITLE: RULE CHAPTER NO.:
General and Procedural Rules 40B-1

RULE TITLES: RULE NOS.:

PART I GENERAL

Uniform Rules of Procedure and Statement of	
District Organization and Operation	40B-1.100
General	40B-1.101
The District	40B-1.103
Implementation	40B-1.1031
The Governing Board	40B-1.104
General Description of District Organization	
and Operation	40B-1.105
General Information Concerning the District	40B-1.121
Public Information and Inspection of Records	40B-1.125
District Clerk and Official Reporter	40B-1.132
Public Access	40B-1.133
Administrative Enforcement Action	40B-1.134
Delegations of Authority	40B-1.135
Final Order Index	40B-1.140

PART II MEETINGS AND WORKSHOPS

Notice of Meeting or Workshop	40B-1.201
Agenda of Meetings and Workshops	40B-1.203
Emergency Meetings	40B-1.207

PART III RULEMAKING PROCEEDINGS

Commencement of Proceedings	40B-1.301
Notice of Proceedings and the Proposed Rules	40B-1.303
Content of Notice	40B-1.307
Petitions to Initiate Rulemaking Proceedings	40B-1.311
District Action on Petitions to Initiate	
Rulemaking Proceedings	40B-1.313
Rulemaking Materials	40B-1.327
Rulemaking Proceedings – No Hearing	40B-1.330
Rulemaking Proceedings – Hearing	40B-1.331
Incorporation by Reference	40B-1.335
Emergency Rule Adoption	40B-1.337

PART IV DECLARATORY STATEMENTS

General	40B-1.401
Purpose and Use of Declaratory Statement	40B-1.405
District Disposition	40B-1.407

PART V DECISIONS DETERMINING

SUBSTANTIAL INTEREST

Subpart A General Provisions	
Scope of Part V	40B-1.501
Computation of Time	40B-1.503

Parties	40B-1.504	Procedures for Consideration of	
Appearances; Criteria for Authorized Representation	40B-1.505	Permit Applications	40B-1.703
Consolidation	40B-1.506	Denial of Permit	40B-1.708
Joinder of Parties	40B-1.507	PART VIII ACQUISITION OF PROFESSIONAL SERVICES, CONTRACTUAL SERVICES AND PROCUREMENT OF COMMODITIES	
Disqualification	40B-1.508		
Filing and Service of Papers	40B-1.509	Contract Bidding – Resolution of Protests	40B-1.813
District Investigations and Probable Cause Determinations	40B-1.510	PART IX FORMS AND INSTRUCTIONS	
Point of Entry into Proceedings	40B-1.511	General	40B-1.901
Subpart B Formal Proceedings		PURPOSE AND EFFECT: The purpose and effect of these proposed rules is to repeal the Suwannee River Water Management District's procedural rules which are to be superseded by the Uniform Rules of Procedure, and to begin the process to adopt procedural rules for which the Administrative Commission has granted the District exceptions from the Uniform Rules of Procedure.	
Amendment of Petitions	40B-1.522	SUBJECT AREA TO BE ADDRESSED: The Uniform Rules of Procedure, Chapters 28-101 through 28-110, F.A.C., apply to the District effective July 1, 1998. To avoid confusion, the District is proposing to repeal its procedural rules which will be superseded by the Uniform Rules of Procedure. The District has petitioned for, and the Administration Commission has granted, certain exceptions to the Uniform Rules of Procedure. The District is proposing to adopt the rules for these exceptions.	
Answer	40B-1.523		
Motions	40B-1.524		
Motions in Opposition to Petitions	40B-1.525		
Prehearing Conferences	40B-1.526		
Intervention	40B-1.527		
Discovery	40B-1.528		
Notice of Hearing	40B-1.529		
Continuances	40B-1.530		
Dismissal and Default	40B-1.531		
Subpoenas	40B-1.541		
Witness Fees	40B-1.542		
Witnesses	40B-1.543		
Order of Presentation	40B-1.5435		
Evidence	40B-1.544	SPECIFIC AUTHORITY: 120.53(1), 120.533, 120.54(1),(5),(10), 120.55(1)(c), 120.60, 287.055(3)(b), 373.044, 373.046, 373.083, 373.109, 373.113, 373.118, 373.139, 373.171 FS.	
Burden of Proof	40B-1.545		
Recordation	40B-1.546		
Venue	40B-1.547		
Post-hearing Memoranda	40B-1.561	LAW IMPLEMENTED: 119.07(1), 119.08, 120.52(9), 120.53, 120.533, 120.54, 120.55, 120.565, 120.57, 120.58, 120.59, 120.60, 120.61, 120.62, 120.68, 120.69, 120.71, 120.73, 120.84, 218.075, 286.011(2), 287.055, 373, 62-113.200, 62-532, 62-550 FS.	
Recommended Order	40B-1.562		
Exceptions to Recommended Order	40B-1.564		
Final Orders	40B-1.565		
Subpart C Informal Proceedings			
Submission of Evidence	40B-1.572	IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.	
Final Order	40B-1.573		
PART VI LICENSING			
General	40B-1.601		
Application for License	40B-1.605		
Denial of License	40B-1.608		
Suspension, Revocation, Annulment, or Withdrawal	40B-1.609	THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wynn A. McDonald, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (904)362-1001	
Emergency Action	40B-1.611		
PART VII PERMITS			
General	40B-1.701	THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.	
Permits Required	40B-1.702		

AGENCY FOR HEALTH CARE ADMINISTRATION**Health Facility and Agency Licensing****RULE TITLE:****RULE NO.:**

Statewide Provider and Managed Care

Organization Claim Dispute Program 59A-12.030

PURPOSE AND EFFECT: The purpose of this rule amendment workshop is to discuss the amendment to rule 59A-12.030, Statewide Provider and Managed Care Organization Claim Dispute Resolution Program.

SUBJECT AREA TO BE ADDRESSED: The agency is proposing an amendment to rule 59A-12.030, based on an agreement with the Florida Hospital Association. This amendment provides a lower claims aggregation threshold for non-contracted health care providers compared to HMO contract health care providers. This amendment is proposed to better ensure that non-contracted health care providers have access to the Statewide Provider and Managed Care Organization Dispute Resolution Program.

SPECIFIC AUTHORITY: 408.7057(2)(a) FS.

LAW IMPLEMENTED: 408.7057(2)(a) FS.

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

TIME AND DATE: 10:00 a.m., November 20, 2000

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room E, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Elfie Stamm, Senior Management Analyst, Bureau of Managed Health Care, Building 1, 2727 Mahan Drive, Mailstop 26, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-12.030 Statewide Provider and Managed Care Organization Claim Dispute Resolution Program.

(1) through (2)(a) No change.

(b) Entities filing a request for dispute resolution shall be permitted to aggregate claims. The minimum disputed claim amounts for claims submitted to the resolution organization shall be as follows:

1. Hospital inpatient services. Disputed individual claim amounts must be aggregated to a total amount of \$25,000 for HMO contracted hospitals, and \$10,000 for non-contracted hospitals.

2. Hospital outpatient services. Disputed individual claim amounts must be aggregated to a total amount of \$10,000 for HMO contracted hospitals, and \$3000 for non-contracted hospitals.

3. through (5) No change.

Specific Authority 408.7057(6) FS. Law Implemented 408.7057 FS. History—New 10-23-00, Amended.

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid****RULE TITLE:****RULE NO.:**

Home and Community-Based Services Waiver 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement the Florida Medicaid Assistive Community Care Service Waiver which was authorized by the 2000 Florida Legislature.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.912 FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., Monday, November 20, 2000

PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Keith Young, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.200 Home and Community-Based Services Waiver.

(1) through (15) No change.

(16) Assistive Community Care Service. All Assistive Community Care Service Waiver providers must comply with provisions of the Florida Medicaid Assistive Community Care Service and Assisted Living for the Elderly Coverage and Limitations Handbook, which is incorporated by reference in 59G-8.200(15), FAC and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906~~(12)~~, 409.912~~(7)~~, 409.908, 409.912 FS. History—New 4-20-82, Formerly 10C-7.527 Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97,

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid****RULE TITLE:****RULE NO.:**

Home and Community-Based Services Waiver 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Assistive Community Care and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, January 2001.

The effect will be to incorporate by reference in the rule the current Florida Medicaid Assistive Community Care and Assisted Living for the Elderly Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED 409.906, 409.912 FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., Monday, November 20, 2000

PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Keith Young, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.200 Home and Community-Based Services Waiver.

(1) through (14) No change.

(15) Assisted Living for the Elderly Waiver. All Assisted Living for the Elderly Waiver providers must comply with provisions of the Florida Medicaid Assistive Community Care Service and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, January 2001 ~~November 1996~~ which is incorporated by reference and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906~~(12)~~, 409.912~~(7)~~, 409.908 FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Percentage of Gross Pilotage Assessed

RULE NO.: 61G14-19.001

PURPOSE AND EFFECT: The purpose is to establish the percentage of gross pilotage to be paid into the Professional Regulation Trust Fund by a pilot or the entity to which the pilot belongs.

SUBJECT AREA TO BE ADDRESSED: The appropriateness of the present rate of assessment.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) Effective January 1, 2001 ~~1999~~, the Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state six tenths of one percent (0.6%) ~~(1%)~~ of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-53R

RULE CHAPTER TITLE: Water and Wastewater Treatment

RULE CHAPTER NO.:

Plant Operators

62-602

PURPOSE AND EFFECT: The rulemaking activity would allow for implementation of proposed amendments to Chapter 403, F.S., concerning distribution system operators, amending definitions and terminology, reorganizing certain rule sections for improved interpretation, and establishing specific experience requirements for out of state licensed operators to reduce time required to obtain licensure in Florida.

SUBJECT AREAS TO BE ADDRESSED: Qualifications for examinations, licensing procedures, disciplinary actions relating to water and wastewater treatment plant operators, and distribution system operators.

SPECIFIC AUTHORITY: 403.869, 403.872 FS.

LAW IMPLEMENTED: 403.865, 403.866, 403.867, 403.869, 403.871, 403.872, 403.873, 403.874, 403.875, 403.876 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

TO REQUEST A RULE DEVELOPMENT WORKSHOP OR TO RECEIVE A COPY OF A PRELIMINARY DRAFT OF THE RULES, WHEN AVAILABLE, WRITE OR CALL: Dot Teasley, Department of Environmental Protection, Operator Certification Program, 2600 Blair Stone Road, MS 3506, Tallahassee, Florida 32399-2400, telephone (850)921-4019.

DEPARTMENT OF HEALTH

Board of Medicine

RULE CHAPTER TITLE: Board of Medicine RULE CHAPTER NO.: 64B8-9

RULE TITLE: Office Surgery Inspection Fee RULE NO.: 64B8-9.0093

PURPOSE AND EFFECT: The Department of Health proposes a fee to perform office surgery inspections. The Department shall inspect a physician's office annually unless the office is accredited by a nationally recognized accrediting agency or an accredited organization subsequently approved by the Board of Medicine.

SUBJECT AREA TO BE ADDRESSED: Fee for office surgery inspection.

SPECIFIC AUTHORITY: 456.004(6) FS.

LAW IMPLEMENTED: 458.309(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tanya Williams, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B8-9.0093 Office Surgery Inspection Fee.
Beginning January 1, 2001, any physician who, pursuant to Rule 64B8-9.0091, is required to register with the Board and have his or her office inspected annually by the Department, shall pay an inspection fee of \$1,500.

Specific Authority 456.004(6) FS. Law Implemented 458.309(3) FS. History—New

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Continuing Education Program Approval RULE NO.: 64B11-6.001

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address Continuing Education Program Approval.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Program Approval.

SPECIFIC AUTHORITY: 455.587, 468.204, 468.219(2) FS.

LAW IMPLEMENTED: 468.219(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Occupational Therapy Board, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3299

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-6.001 Continuing Education Program ~~and Provider~~ Approval.

(1) Continuing education credit will be awarded only for completion of Board-approved courses, or as otherwise provided in this Rule. To receive Board approval, a continuing education program: ~~Continuing education providers seeking initial approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium.~~

~~(a) should be submitted for the Board's approval not less than 90 days prior to the date the offering is scheduled;~~

~~(b) shall be relevant to the practice of occupational therapy as defined in Section 468.203(4), Florida Statutes, must be offered for the purpose of keeping the licensee apprised of advancements and new development in occupational therapy, and shall be designed to enhance learning and skills consistent with contemporary standards for occupational therapy practice.~~

~~(c) shall have its sponsor submit to the Board at least the following:~~

~~1. a statement of the educational goals and objectives of the program;~~

~~2. a detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;~~

~~3. a current curriculum vitae of each speaker or lecturer appearing in the program;~~

~~4. the procedure to be used for recording attendance of these attendees seeking to apply for continuing education credit and the procedure for certification by the program's registrar of attendance; and~~

~~5. a sample certificate of completion.~~

~~(2) When attending an approved program, a licensee must sign in and out each day and his or her attendance must be certified by the program's registrar.~~

~~(3) The provider shall maintain records of each course offering for 4 years following each licensure biennium during which the course was offered. Course records shall include a detailed course outline which reflects its educational objectives, the instructor's name, the date and location of the course, the participants' evaluations of the course, the hours of continuing education credit awarded for each participant and a roster of participants by name and license number.~~

~~(2)(4) Programs offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA) and occupational therapy courses accredited by the Accreditation Council for Occupational Therapy shall be deemed approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.~~

~~(3)(5) Courses and programs not approved in paragraphs (1) or (4) (2) above shall be approved as appropriate continuing education if said course or program meets the following criteria:~~

~~(a) The content of the course or program is relevant to the practice of occupational therapy as defined in section (1)(b) of this rule.~~

~~(b) The course or program is presented by instructor(s) who possess appropriate education, experience and credentials relevant to the course or program's subject matter.~~

~~(c) The course or program's educational goals, objectives and teaching methods are adequately identified in promotional materials.~~

~~(d) The course or program must be presented in a time block of at least one contact hour. "One (1) contact hour" equals a minimum of fifty (50) minutes. One half (1/2 or .5) contact hours equals a minimum of twenty-five (25) minutes.~~

~~(e) The provider of the course or program must present a certificate indicating full attendance and successful completion of the course or program to each licensee.~~

~~(e)(f) The licensee must retain such receipts, vouchers, certificates, or other papers to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will randomly audit licensees to assure the continuing education requirements have been met.~~

~~(4)(6) A maximum of eight contact hours may be awarded per biennium for each of the following or a combination of the following:~~

(a) The presentation of a continuing education course or program as either the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either a lecturer or author of a continuing education course or program may receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.

1. Continuing education credit may be awarded to a lecturer or author for the initial presentation of each course or program only; repeat presentations of the same continuing education course or program shall not be granted credit.

2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or author, the format of the continuing education course or program must conform with all applicable sections of this rule chapter.

3. Continuing education credit for publications is limited to continuing education courses or programs.

4. The number of contact hours to be awarded to each licensee who participates in a continuing education course or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

(b) Attendance at Occupational Therapy Board meetings. The number of contact hours awarded for such attendance is based on the definition of a contact hour as set forth in 64B11-6.001(5)(d), F.A.C.

(c) Attendance at Florida Occupational Therapy Association Leadership meetings. The number of contact hours awarded for such attendance is based on the definition of contact hour as set forth in 64B11-6.001(5)(d), F.A.C.

~~(5)(7)~~ In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 468, Part III, the Occupational Therapy Practice Act, shall receive 3.0 hours of credit for each case reviewed. A volunteer expert witness may not accrue in excess of 6.0 hours of credit per biennium pursuant to this paragraph.

Specific Authority 455.587, 468.204, 468.219(2) FS. Law Implemented 468.219(2) FS. History--New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, _____.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE:

RULE NO.:

Disapproval of Directors or

Executive Officers

3C-100.03852

PURPOSE AND EFFECT: This rule will be revised so that more Florida-chartered financial institutions will not need to provide the Department of Banking and Finance sixty days