

**Section I**

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

**DEPARTMENT OF INSURANCE**

**State Fire Marshal**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	4A-50.013
Minimum Fireworks Safety Standards	4A-50.020

**PURPOSE AND EFFECT:** This rule is being amended to delete the duplicative language as a result of the section 120.536(2)(b), F.S. review.

**SUBJECT AREA TO BE ADDRESSED:** Deletion of duplicative language.

**SPECIFIC AUTHORITY:** 633.01(1), 791.012 FS.

**LAW IMPLEMENTED:** 633.01, 791.01, 791.02, 791.04, 791.12, 791.13 FS.

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

**TIME AND DATE:** 9:00 a.m., April 18, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gabe Mazzeo, Senior Attorney, Division of State Fire Marshal, Department of Insurance, (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, (850)413-4214.

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Special Instructional Programs for Students Who are Gifted	6A-6.03019

**PURPOSE AND EFFECT:** The purpose of this rule development is to revise the definition of giftedness and the criteria for gifted services, and to align this rule with the other rules for exceptional student education services in Florida. In addition to a revised definition of students who are gifted, the amendment will identify screening, referral, student evaluation, dismissal procedures, and requirements for instructional services, Educational Plans, and Individual Educational Plans. The effect of this amendment is to ensure consideration of students from all populations for gifted

services, and to align the rule with the rules for other exceptionalities and current research and best practices in gifted education.

**SUBJECT AREA TO BE ADDRESSED:** Gifted education.

**SPECIFIC AUTHORITY:** 229.053(1), 230.23(4)(m), 236.081(1)(c) FS.

**LAW IMPLEMENTED:** 228.041(18)(19), 229.565(2)(b)(c), 230.23(4)(m), 236.081(1)(c) FS.

THREE RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

**TIME AND DATE:** 12:00 p.m. – 4:00 p.m., April 18, 2001

**PLACES:** Florida Department of Education, 325 W. Gaines Street, Room 1703/07, Tallahassee, FL 32399, (850)488-1106  
Hilton Tampa Airport, 2225 N. Lois Avenue, Tampa, FL 33607, (813)877-6688

Embassy Suites Fort Lauderdale, 2200 Southeast 17th Street, Fort Lauderdale, FL 33316, (954)527-2700

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Financial Records and Reports	6A-14.072

**PURPOSE AND EFFECT:** The purpose is to prescribe the data and procedures to be used to maintain financial records in a consistent manner at the 28 community colleges. The effect is to ensure the financial records at the 28 community colleges and data shown on financial reports will be comparable throughout the Community College System.

**SUBJECT AREA TO BE ADDRESSED:** Financial records and reports in the community colleges.

**SPECIFIC AUTHORITY:** 229.053(1), 240.325 FS.

**LAW IMPLEMENTED:** 240.325 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, 2001 1999," incorporated herein by reference. Copies may be obtained from the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) Enrollment related financial records shall be kept for all instruction so as to facilitate verification, confirmation, and comparison.

(3) If financial reports are not received from a community college when due, the State Board of Community Colleges may withhold apportionments of state funds to the college until the reports are received.

Specific Authority 229.053(1), 240.325 FS. Law Implemented ~~240.311, 240.325, 240.347, 240.349, 240.363~~ FS. History-Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-99, 2-29-00. Cf. Accounting Manual for Florida's Public Community Colleges.

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Special Fees, Fines and Penalties
RULE NO.: 6C-7.003
PURPOSE AND EFFECT: To repeal a rule no longer authorized by law.

SUBJECT AREA TO BE ADDRESSED: Fee for financing of chartered non-profit public interest research organizations.

SPECIFIC AUTHORITY: 240.209(1),(3) FS.

LAW IMPLEMENTED: 240.209(1),(3) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1522 Florida Education Center, Tallahassee, Florida 32399-1950

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
RULE CHAPTER NO.: 14-40
RULE TITLES: Grant Process
RULE NOS.: 14-40.020

Funding, Construction, and Maintenance of Beautification Projects 14-40.021

Florida Highway Beautification Council Grant Process 14-40.022

PURPOSE AND EFFECT: Part II, Florida Highway Beautification Council, is being amended. Part I, General Provisions, and Part III, Vegetation Management at Outdoor Advertising Signs, are being amended by a separate notice.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Part II, Florida Highway Beautification Council Grants.

SPECIFIC AUTHORITY: 334.044(2), 337.2505(1), 339.2405 FS.

LAW IMPLEMENTED: 335.167, 337.405, 339.2405 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 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART II FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANTS

14-40.020 Grant Process Procedure.

(1) Definitions.

(a) "Applicant" means a local governmental entity, as defined in Section 11.45(1)(d), Florida Statutes, or a local highway beautification council.

(b) "Department" means the Florida Department of Transportation.

(2)(+) Application Process Procedure.

(a) Applications for highway beautification grants from the Florida Highway Beautification Council (FHBC) must shall be filed and processed in accordance with this Rule Chapter. The grant application procedure shall be administered by the Department District Maintenance Engineers. Applicants should contact the appropriate District Maintenance Office prior to beginning the application process to determine if the proposed Highway Beautification Project is within the limits of a proposed Department construction project in the five year work program to avoid conflicts with future proposed construction. Applicants should meet and work with the District during preparation of the application and landscape plan. The specific processing steps to be followed are:

1. Prior to submitting a grant request, applicants must prepare a landscape plan, and have it reviewed by the District Landscape Manager. Following the review, the applicant must make any plan revisions required by the District Landscape Manager prior to approval. The plan shall be prepared in accordance with the requirements of Rule 14-40.003(2)(a), F.A.C. The Department's landscape plan review, revision, and approval process may require up to 120 days.

2. After the landscape plan has been approved by the District Landscape Manager, in accordance with subsection 1. above, the applicant must submit grant requests on a completed Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. 04/00 08/97, (hereinafter "grant application") incorporated herein by reference, to the Department District Maintenance Engineer having jurisdiction over the state highway on which the beautification project is proposed. Copies of the grant application form and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, or by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450. The grant application must designate the Department fiscal year in which the grant applicant would like the application considered for FHBC action and possible funding. The grant application must be accompanied by the draft agreements and plans which were approved in accordance with subsection 1. above as described in Rule Section 14-40.003(3).

3. The grant application must be complete and must contain all of the information required in Section 339.2405(11), Florida Statutes. The specific information required shall be documented and explained on the application. The applicant may make corrections, additions, or deletions to the grant applications and resubmit the grant application them at any time prior to the due date as required in Subparagraph 4.3. below.

4. Grant Applications may be submitted at any time of the year. In order for the FHBC to consider a grant application for any Department state fiscal year, ten copies of the completed grant application must be received by the appropriate District Maintenance Engineer by February 1 of the prior Department fiscal year. When requested by the District Maintenance Engineer, additional copies will be provided. Incomplete grant applications will be returned after the due date for the requested fiscal year shall be returned to the applicant. An applicant may resubmit any returned grant application for consideration for a future fiscal year. Grant applications which are not accompanied by an approved set of plans will not be considered complete. Accordingly, it is the responsibility of the applicant to submit plans for approval

under subsection 1. in time to allow approval prior to the grant application submittal deadline for the Department fiscal year in question.

5. In accordance with Section 215.01, Florida Statutes, the Department's fiscal year begins on July 1 and ends on June 30.

~~6.(b) In order to distribute the available funds to the greatest number of applicants, each grant award shall be limited to a maximum of 10% of the total Florida Highway Beautification Council Grants budget, or \$25,000, whichever is greater. Applicants may submit an unlimited number of grant requests, for any number of project sites.~~

~~(2) Processing Applications. Upon receipt of an application, the District Maintenance Engineer, within 90 days, shall review and determine whether the application meets the requirements of this rule.~~

~~(a) The proposal must meet all federal and state regulations and all Department requirements for safety as related to the placement of plant materials within the Department's right of way as contained in Rule Section 14-40.003(3). Copies of the incorporated materials may be obtained by writing to: Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450.~~

7.(b) The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application chief executive officer of the local government to execute agreements and documents associated with the grant request, including a Highway Beautification Grant Agreement. A copy of such resolution shall be included with the application.

~~(c) Signing and sealing of landscaping plans submitted for consideration under the grant program shall be in accordance with Part II of Chapter 481, Florida Statutes, Landscape Architecture.~~

~~(d) After the District Maintenance Engineer has determined that the application is sufficient, the District Maintenance Engineer shall sign the application and forward the application to the FHBC staff coordinator. This signature will indicate to the FHBC that the application is sufficient, and that it is ready for action by the FHBC. The Department will return to the applicant any applications which are not sufficient.~~

~~(e) The FHBC staff coordinator shall maintain a file of all sufficient applications received. A report shall also be maintained identifying all applications which have been received, reviewed, and approved by the Department on which the FHBC has not taken action. This report shall be provided to the FHBC Chairman at intervals determined by the FHBC.~~

~~(3) Award of Grants.~~

(a) The FHBC must provide the Department a list of prioritized projects with recommended funding levels by the first day of the fiscal year. In order to distribute the available

funds to the greatest number of applicants, each grant award must be limited to a maximum of 10% of the total FHBC grants budget, or \$25,000, whichever is greater.

(b) Offers of grant awards ~~must shall~~ be made by the Department by certified letter to the applicant named in the grant application, detailing the grant award.

(c) An applicant ~~must shall~~ accept a grant by sending a certified letter of acceptance by certified mail to the Department's District Secretary, with copies to the Department's District Maintenance Engineer and the FHBC staff coordinator, so stating within a period of 15 days from the date of the offer of the award.

(d) ~~The responsible District will execute all necessary agreements or notify the FHBC Staff Coordinator if those agreements cannot be executed.~~ No funds will be released by the Department until the Grant Agreement, and any construction and maintenance agreements, all necessary agreements are executed.

(e) All funding of grants is contingent on legislative appropriations.

(4) Execution of Grant Agreement.

(a) It will be the responsibility of the applicant to ensure that the Grant Agreement, and any other construction and maintenance agreements all agreements associated with the grant proposal, are fully executed by the applicant within a ~~period of 90 days after the agreements are sent to the applicant by the District for execution.~~ Failure to comply with this requirement will result in the grant offer being withdrawn. The grant may be awarded to another applicant. Future Grant applications from an this applicant who fails to comply with this subsection will not shall neither be accepted nor ranked for a period of two grant years.

(b) The Grant Agreement between the applicant and the Department must state shall stipulate:

1. The intended use of the ~~What is to be accomplished using grant monies,~~ as described in the grant application.

2. The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).

3. Any ~~penalties or~~ actions which the Department will take in the event of noncompliance by the applicant local government.

4. The methods to be used by the Department to determine compliance with the terms of the grant and the agreement.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 335.167, 337.405, 339.2405 FS. History--New 1-19-99, Amended.

14-40.021 Funding, Construction, and Maintenance of Beautification Projects.

(1) Grant Agreement Required Prior to Funding Project.

(a) A Florida State Highway Beautification Grant requested under this Rule Chapter may not be funded until a Grant Agreement, and any construction and maintenance

agreements, have highway beautification grant agreement has been executed between the Department and the appropriate local government entity.

(b) If a Highway Beautification Grant is awarded for a location where a Grant Agreement, or any highway landscape construction and maintenance memorandum of agreements, or a highway landscaping maintenance memorandum of agreement already exists between the Department and a local government, that location must the area of the Highway Beautification Grant shall be removed from the Grant Agreement and any construction or maintenance agreements area compensated for by the agreement to ensure that no overlapping payments will be provided by the Department.

(2) Review of Landscape Project During and After Construction.

(a) ~~The District Secretary shall ensure that the terms of the agreements executed under this Rule Chapter are enforced.~~

(a)(b) The FHBC has reserves the right to inspect and/or review landscape projects funded by FHBC grants for completeness, ~~during construction,~~ prior to final acceptance by the Department. ~~The District Maintenance Engineer shall notify the FHBC Staff Coordinator 30 days prior to final acceptance of a project to allow for such a review by the FHBC.~~

(b)(e) The Department must FHBC staff coordinator or a designee shall review and approve construction of the landscape project's as a condition of construction prior to final acceptance.

(c)(d) The individual(s) who signed the agreements on behalf of the grant recipient, or the grant recipient's designee, shall certify that the project is implemented as specified in the Grant Agreement, and any cConstruction and mMaintenance aAgreements, and shall provide a certification of completion before the final invoice is submitted for the project.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 335.167, 337.405, 339.2405 FS. History--New 1-19-99, Amended.

14-40.022 Florida Highway Beautification Council Grant Process ~~Procedure.~~

This rule sets forth the FHBC's process Florida Highway Beautification Council's procedure for evaluating and ranking applications for grants, pursuant to Section 339.2405(7)(a)4., Florida Statutes.

(1) The FHBC Council will develop a prioritized list, ranked in numerical order, of all applications reported to be sufficient by the Department's of Transportation's District Maintenance Engineer.

(a) The FHBC Council will evaluate the applications based on the following attributes:

1. Appropriateness of the design for the location.
2. Use of desirable native, hybrid native, or naturalized plant materials.
3. Use of wildflowers.

4. Irrigation requirements matched to plant needs and water conservation requirements.
5. Emphasis on low maintenance requirements.
6. Aesthetic values.
7. Contribution to noise abatement, visual screening, ~~and/~~ or the correction of other environmental problems.
8. Evidence of local governmental and community support.
9. Use of imaginative design concepts.
10. Provisions for minimal impacts on traffic safety during maintenance operations.
11. Contribution to an area wide or regional beautification plan.
12. Cost effectiveness.
13. Feasibility of installation and maintenance.
14. Demonstration of the use of environmentally sensitive materials, such as solid yard waste compost as described in Rule 62-709.515, F.A.C., or the use of reuse water, in the construction or maintenance of the project for which a Florida Department of Environmental Protection permit is required, ~~in the construction or maintenance of the project.~~

15. Value to the community.

(b) The ~~FHBC Council~~ will assign a numerical score to each application by:

1. Establishing a range of numbers weighted for each attribute. Each attribute is assigned a value range of ten points, for a total possible score of ~~150~~ 140.
2. Reviewing each application and assigning a numerical score in the established range for each attribute.
3. Summing all the attribute scores for a total application numerical score.

(c) Applications will ~~shall~~ be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

(d) Cities and counties that have not maintained their landscape projects according to the terms of a Grant Agreement, and any construction or maintenance agreements ~~highway landscape construction and maintenance memorandum of agreement or a highway landscaping maintenance memorandum of agreement~~, and have not corrected deficiencies within the allotted time addressed by the agreement, shall not be eligible for a grant for a two-year period.

(2) The ~~FHBC Council~~ will provide the Department of ~~Transportation~~ with a list of prioritized projects, with recommended funding levels, by the first day of the fiscal year in which the funds are available.

Specific Authority 339.2405 FS. Law Implemented 339.2405(7)(a)4. FS. History—New 3-9-99, Amended.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Surface Water Management Basin and Related Criteria	40E-41
RULE TITLES:	RULE NOS.:
PART IV Additional Permitting Requirements for Projects Proposing Construction in and Adjacent to Water Preserve Areas Located in Western Palm Beach and Broward Counties	
Scope and Policy of Part IV	40E-41.320
Definitions	40E-41.321
Water Preserve Area and Water Preserve Area Basin Boundaries	40E-41.323
Application of Part IV	40E-41.343
Permit Thresholds	40E-41.360
Conditions of Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees	40E-41.363

PURPOSE AND EFFECT: The Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission entered a Final Order directing the South Florida Water Management District (SFWMD) to initiate rulemaking to develop Environmental Resource Permit (ERP) criteria specific to projects proposing construction in and adjacent to the SFWMD's Water Preserve Areas (WPAs) for the protection of wetlands and other surface waters and the water resources of the SFWMD. The subject WPAs are located in identified basins which contribute stormwater to the Everglades Protection Area. Therefore, pursuant to the Everglades Forever Act, codified at Section 373.4592, F.S., and the SFWMD's regulatory authority derived from Part IV, Chapter 373, F.S., proposed developments in and adjacent to the WPAs located in Broward and Palm Beach Counties that require an ERP will be subject to enhanced permit criteria for water quantity, water quality, and environmental impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will develop specific environmental resource permit criteria governing the construction and operation of surface water management systems of proposed projects located in, and adjacent to, the WPAs of Broward and Palm Beach Counties, provide definitions and maps identifying the geographical extent of the water preserve areas and water preserve area basins.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.4592 FS.

PREVIOUS RULE DEVELOPMENT WORKSHOPS were held on April 30, 1999; May 3, 1999; and June 19, 2000 in Palm Beach and Broward Counties in order to receive public comments. Notice of Rule Development for the April 30 and May 3, 1999 workshops was published in Vol. 25, No. 15, April 16, 1999 edition of this publication. Notice of Rule Development for the June 19, 2000 workshop was published in Vol. 26, No. 22, June 2, 2000 edition of this publication. District staff has been developing the proposed rule text in response to the comments received from the public to date.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, April 16, 2001  
 PLACE: South Broward Drainage District, S. W. 160th Avenue, Davie, Florida

PURSUANT TO THE PROVISIONS OF SUBSECTION 120.54(2)(a), F.S., THE PERSON TO CONTACT REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY TEXT OF THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MS 1410, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320 or via email at pbell@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Emergency Management Plans for Nurse Registries  
 RULE CHAPTER NO.: 59A-18

PURPOSE AND EFFECT: The purpose of this rule is to establish minimum criteria for the comprehensive emergency management plan and plan updates as required in section 400.506(15) and (16), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Emergency Management Plans for Nurse Registries

SPECIFIC AUTHORITY: 400.506 FS.

LAW IMPLEMENTED: 400.506 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 IS: Pat Guilford, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 203, Tallahassee, FL 32308, (850)414-6010. Copies of the initial draft rule and criteria can be obtained by contacting this office.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE CHAPTER TITLE: Health Care Services Pools  
 RULE CHAPTER NO.: 59A-27

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule to reflect the changes brought about by the transfer of responsibility for Health Care Services Pools from the Department of Health to the Agency for Health Care Administration, to conform to changes in the Florida Statutes, to add language on background screening, to allow official communication by e-mail and fax, and to allow verification of certain information through the internet. Rule reduction includes the elimination of language already found in statute.

SUBJECT AREA TO BE ADDRESSED: Health Care Services Pools.

SPECIFIC AUTHORITY: 400.980 FS.

LAW IMPLEMENTED: 400.980 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edward Barnes, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 203, Tallahassee, FL 32308, (850)414-6010

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Intermediate Care Facilities for the Developmentally Disabled Services, ICF/DD  
 RULE NO.: 59G-4.170

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled

(ICF/DD) Services Coverage and Limitations Handbook, as revised July 2000, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the revised, most current Florida Medicaid Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services Coverage and Limitations Handbook and to eliminate duplication.

SUBJECT AREA TO BE ADDRESSED: Intermediate Care Facility for the Developmental Disabled Services, ICF/DD.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUEST 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: 10:00 a.m. – 12:00 Noon, April 18, 2001

PLACE: AHCA, Bldg 3, Rm. E, 2727 Mahan Drive, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elsa Kellberg, Medicaid Program Development, 2727 Mahan Drive, Mail Stop #20, Tallahassee, Florida 32308-5403, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 59G-4.170 follows. See Florida Administrative Code for present text.)

59G-4.170 Intermediate Care Facilities for the Developmentally Disabled Services ~~Mentally Retarded~~, ICF/DD ~~ICF/MR~~.

(1) This rule applies to all Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services providers enrolled in the Medicaid program.

(2) All Intermediate Care Facility for the Developmentally Disabled (ICF/DD) services providers enrolled in the Medicaid program must comply with the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services Coverage and Limitations Handbook, July 2000, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, September 1996, which is incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS., 42 CFR, Part 431.10 Law Implemented 409.906(13), 409.908, 409.913(5)(e), 409.913 FS. History–New 8-31-76, Amended 1-1-77, 10-16-77, 7-7-81, 4-12-83, 1-12-84, 7-2-84, 7-1-85, Formerly 10C-7.49, Amended 7-19-88, 6-4-92, 5-11-93, Formerly 10C-7.049, Amended 11-27-95,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Physician Assistant Licensure Renewal

RULE NO.: 64B8-30.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the substitution of a course in end-of-life and palliative health care for the HIV/AIDS or domestic violence continuing education requirement in alternate bienniums.

SUBJECT AREA TO BE ADDRESSED: Continuing education for physician assistants.

SPECIFIC AUTHORITY: 456.031, 456.033, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.031, 456.033, 458.347 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.005 Physician Assistant Licensure Renewal.

(1) No change.

(2) Requirements for Renewal

(a) through (c) No change.

(d) Submission of proof of completion of the HIV/AIDS education requirement set forth in Section 456.033, F.S. ~~In lieu of completing the HIV/AIDS education requirement, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the HIV/AIDS education requirement in the immediately preceding biennium.~~

(e) Submission of proof of completion of the domestic violence education requirement set forth in Section 456.031, F.S. ~~In lieu of completing the domestic violence course, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the domestic violence requirement in the immediately preceding biennium.~~

(3) through (5) No change.

Specific Authority 456.031, 456.033, 458.309, 458.347 FS. Law Implemented 456.031, 456.033, 458.347 FS. s. 2, Ch. 91-22; s. 71, Ch. 91-297, Laws of Florida. History–New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Physician Assistant Certification Renewal 64B15-6.0035

PURPOSE AND EFFECT: The Board proposes to amend this rule to expand the requirements for renewal of certification.

SUBJECT AREA TO BE ADDRESSED: Physician assistant certification renewal.

SPECIFIC AUTHORITY: 459.005 FS.

LAW IMPLEMENTED: 456.022(7)(b), (c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE PUBLISHED 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: John Taylor, Executive Director, Board of Osteopathic Medicine /MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0035 Physician Assistant Certification Renewal.

- (1) No change.
- (2) Requirements for Renewal.
- (a) through (c) No change.

(d) Submission of proof of completion of the HIV/AIDS education requirement set forth in Section 456.033, F.S. In lieu of completing the HIV/AIDS education requirement, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the HIV/AIDS education requirement in the immediately preceding biennium.

(e) Submission of proof of completion of the domestic violence education requirement set forth in Section 456.031, F.S. In lieu of completing the domestic violence course, licensees are permitted to substitute a course in end-of-life care and palliative health care, provided the licensee has completed the domestic violence requirement in the immediately preceding biennium.

- (3) through (5) No change.

Specific Authority 456.031, 456.033, 459.005 FS. Law Implemented 456.031, 456.044, 459.022(7)(b),(c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE TITLES: RULE NOS.:

Definitions 64E-5.101

Limits on Levels of Radiation for Radiographic

Exposure Devices and Storage Containers 64E-5.401

Performance Requirements for Radiography	
Equipment	64E-5.402
Locking of Sources of Radiation	64E-5.403
Storage Precautions	64E-5.404
Radiation Survey Instruments	64E-5.405
Leak Testing, Repair, Tagging, Opening,	
Modification and Replacement of Sealed	
Sources	64E-5.406
Quarterly Inventory	64E-5.407
Utilization Logs	64E-5.408
Inspection and Maintenance	64E-5.409
Permanent Radiographic Installations	64E-5.410
Training and Testing	64E-5.411
Two-Member Radiography Crews	64E-5.412
Operating and Emergency Procedures	64E-5.413
Personnel Monitoring Control	64E-5.414
Security	64E-5.415
Posting	64E-5.416
Radiation Surveys and Survey Records	64E-5.417
Temporary Jobsites	64E-5.418
Special Requirements for Radiography	
Employing Radiation Machines	64E-5.419
Subjects to be Covered During the Instruction	
of Industrial Radiographers	64E-5.420
Use of Sealed Sources in Industrial Radiography	64E-5.421
Reporting Requirements	64E-5.422
Definitions	64E-5.423
Requirements for Industrial Radiography	
Equipment Using Sealed Sources	64E-5.424
Locking of Sources of Radiation, Storage	
Precautions, and Surveillance	64E-5.425
Radiation Survey Instruments	64E-5.426
Leak Testing, Repairing, Tagging, Opening,	
Modifying, and Replacing Sealed Sources	
and Devices	64E-5.427
Quarterly Inventory	64E-5.428
Source Movement Logs, Daily Survey Reports,	
and Individual Dosimeter Logs	64E-5.429
Inspection and Maintenance	64E-5.430
Permanent Radiographic Installations	64E-5.431
Radiation Protection Program	64E-5.432
Radiation Safety Officer	64E-5.433
Training, Testing, Certification, and Audits	64E-5.434
Conducting Industrial Radiographic Operations	64E-5.435
Operating and Emergency Procedures	64E-5.436
Personnel Monitoring	64E-5.437
Radiation Surveys	64E-5.438
Posting	64E-5.439
Records	64E-5.440
Reporting Requirements	64E-5.441
PURPOSE AND EFFECT: The purpose of the proposed rules is to establish safety measures for industrial radiography. The effect of the proposed rules is protection of the public from unnecessary radiation exposure from industrial radiography.	



SUBJECT AREA TO BE ADDRESSED: Safety requirements for industrial radiography.

SPECIFIC AUTHORITY: 404.051, 404.061, 404.071, 404.081, 404.0141 FS.

LAW IMPLEMENTED: 404.022, 404.031, 404.051(1),(4),(6), (9),(10),(11), 404.061(2), 404.071, 404.081(1), 404.141, 404.20, 404.30 FS.

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

TIME AND DATE: 9:00 a.m., April 24, 2001

PLACE: 4042 Bald Cypress Way, Room 210J, Tallahassee, FL 32311

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE TITLE: Healthy Families Florida

RULE NO.: 65C-23.002

PURPOSE AND EFFECT: This rule establishes requirements that Health Families Florida provide services designed to prevent or reduce out-of-wedlock births and to encourage the formation and maintenance of two parent families.

SUBJECT AREA TO BE ADDRESSED: Child Abuse Prevention.

SPECIFIC AUTHORITY: 414.158 FS.

LAW IMPLEMENTED: 414.158 FS.

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

TIME AND DATE: 9:00 a.m., April 20, 2001

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rae Hendlin, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399 or (850)921-1883

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**WAGES HARDSHIP EXEMPTION AND PREVENTION SERVICES**

65C-23.002 Healthy Families Florida.

Health Families Florida will provide services designed to prevent or reduce out-of-wedlock births and to encourage the formation and maintenance of two parent families.

Specific Authority 414.158 FS. Law Implemented 414.158 FS. History–New

**Section II  
Proposed Rules**

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Regulation of Overhanging Encroachments

RULE CHAPTER NO.: 14-43

RULE TITLE: Regulation of Overhanging Encroachments

RULE NO.: 14-43.001

PURPOSE AND EFFECT: The title is changed to “Regulation of Overhanging Encroachments” for Rule Chapter 14-43 and for Rule 14-43.001. The rule is reworded and restructured significantly from the August 3, 1999, amendment.

SUMMARY: Rule 14-43.001 is amended and the title of the rule is revised. This amendment also includes changes resulting from the rule development workshop, which was conducted on February 22, 2001.

SPECIFIC AUTHORITY: 334.044(2), 337.407 FS.

LAW IMPLEMENTED: 316.006, 316.0745, 316.077, 316.0775, 334.044, 335.02, 335.14, 337.29, 337.407, 338.237, 479.01, 479.107, 768.28 FS.

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.

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., May 3, 2001

PLACE: Fourth Floor Conference Room (Room 479), Near Right of Way, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida