

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	3C-560.103
Records to be Maintained by Deferred Presentment Providers	3C-560.707
Payment Method	3C-560.804
Definitions	3C-560.902
Deferred Presentment Transactions	3C-560.903
Transaction Agreement Disclosures and Requirements	3C-560.904
Database Transaction Requirements	3C-560.908

**PURPOSE AND EFFECT:** The amendments to the rule provide clarification to the definition of gross income for purposes of determining whether a person is engaged in the business of check cashing for which registration is required. The amendments further provide for additional procedures and requirements necessary for the effective operation of the deferred presentment database.

**SUBJECT AREA TO BE ADDRESSED:** Deferred Presentment Transactions.

**SPECIFIC AUTHORITY:** 560.105(3), 560.404(23) FS.

**LAW IMPLEMENTED:** 560.103, 560.118(2), 560.205(3),(4), 560.208, 560.402, 560.404, 560.407 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., Tuesday, May 11, 2004

**PLACE:** Office of Financial Regulation, The Fletcher Building, 101 E. Gaines St., Room 547, Tallahassee, FL 32399

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Mike Ramsden, 200 E. Gaines St., Tallahassee, FL 32399-0300, (850)410-9805

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Florida Building Commission – Operational Procedures	9B-3
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
State Minimum Plumbing Code Adopted	9B-3.048
State Minimum Electrical Code Adopted	9B-3.049
Statewide Amendments to the Florida Building Code	9B-3.050

**PURPOSE AND EFFECT:** Repeal obsolete provisions adopting the State Minimum Plumbing Code and State Minimum Electrical Code, and amend the process for proposal of statewide amendments to the Florida Building Code to require identification of rationale for the proposed change to provide the basis for or content of a code commentary.

**SUBJECT AREA TO BE ADDRESSED:** Florida Building Commission Operational Procedures.

**SPECIFIC AUTHORITY:** 553.06(1), 553.19, 553.73, 553.73(3),(6), 553.76, 553.77 (1)(a),(6) FS.

**LAW IMPLEMENTED:** 553.06(1), 553.19, 553.73(3),(6), 553.77(6) FS.

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

**TIME AND DATE:** 10:30 a.m., Tuesday, April 20, 2004

**PLACE:** Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Building Energy Rating System	9B-60
RULE TITLES:	RULE NOS.:
Department Activities	9B-60.003
Florida Building Energy Rating System, Adopted	9B-60.004
Training and Certification Program	9B-60.005
Guidelines for Uniformity, Adopted	9B-60.008

**PURPOSE AND EFFECT:** Section 553.992, Part XI, F.S., requires the Department of Community Affairs (the Department) to update the Building Energy-Efficiency Rating System in accordance with the procedures of Chapter 120, F.S. Further, Section 553.995(1)(c), F.S., requires that the energy rating system be compatible with standard federal rating systems and state building codes, where applicable. The purposes of this rule change are to 1) adopt by reference the Mortgage Industry National Home Energy Rating Systems Accreditation Standards, promulgated by the National Association of State Energy Officials (NASEO)/Residential Energy Services Network (RESNET), June 15, 2002, 2) amend the rating system calculation procedures so that they are consistent with the revisions to Chapter 13 of the Florida Building Code, Building, and the National Home Energy Rating Technical Guidelines, 3) to require written disclosure of financial or other conflict of interest in accordance with Section 4.C.6 of the National Accreditation Procedures for Home Energy Rating Systems, 4) to expand recertification requirements for residential raters to require satisfactory demonstration of the skills necessary to perform a Class 1 rating and attend a refresher course if a rater fails to pass the recertification test in his/her rating classification, 5) to require a written report be provided to the client for every rating performed, 6) to remove the Department from software development and maintenance and add the Florida Solar Energy Center and its address to the written report, 7) to require Class 1 duct testing to be performed in accordance with the new standard BSR/ASHRAE 152-04, and 8) to have the Florida Solar Energy Center develop and maintain a database of BERS ratings.

**SUBJECT AREA TO BE ADDRESSED:** The National Association of State Energy Officials has published technical guidelines and accreditation procedures for home energy ratings. The Department has amended the multipliers contained in EnergyGauge/ResFREE to reflect those in Form 600A-01 (all climate zones) as found in Chapter 13 of the Florida Building Code, Building. Further, the Department is proposing to revise the provisions for criteria contained in the report to the consumer, require disclosure of financial or other interest, and expand the criteria for recertification as a BERS rater. With the final approval of a new duct testing standard by the American Society of Heating, Refrigerating and

Air-conditioning Engineers, Inc. (ASHRAE), the rule is amended to cite that standard for Class 1 duct testing. A database of ratings performed on homes in Florida would provide the consumer with the ability to go online to find previous BERS ratings.

**SPECIFIC AUTHORITY:** 553.992, 553.995(1)(c), 553.998 FS.

**LAW IMPLEMENTED:** 553.992, 553.994, 553.995(1), (1)(c),(4), 553.996 FS.

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

**TIME AND DATE:** 9:30 a.m. – 12:00 Noon, May 12, 2004

**PLACE:** The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. 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)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Ann Stanton, Building Codes Analyst, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0964, SunCom 278-0964

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

9B-60.003 Department Activities.

(1) No change.

(2) Within three (3) years of the date of adoption of the rating system, and at least triennially thereafter in conjunction with the triennial review of Chapter 13 of the Florida Building Energy Efficiency Code, For Building Volume Construction (the Code), the Department shall review the energy rating system program criteria and the calculation tools used in common by both the BERS and the Code that are adopted herein to determine the need for revision or modification. The residential rating system methodology is based on Method A of Sub-Chapter 6 of Chapter 13 of the Code, while the commercial rating system methodology is based on Method A of Sub-Chapter 4 of the Code. At a minimum, the Department shall update the rating system by adopting modifications to the current editions of the Code and the National Home Energy Rating Technical System (HERS) Guidelines promulgated by the National Association of State Energy Officials. Copies of the Code and the Technical HERS Guidelines are available

from the Florida Department of Community Affairs, Building Codes and Standards Office, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

(3) through (4) No change.

Specific Authority 553.992, 553.998 FS. Law Implemented 533.992, 553.996 FS. History—New 7-1-94, Amended 12-27-98,\_\_\_\_\_.

9B-60.004 Florida Building Energy Rating System, Adopted.

(1) No change.

(2) The energy rating for ~~new~~ residential buildings (~~Class 3~~) shall be determined using only the Florida Residential Building Energy Rating System software (EnergyGauge/ResFREE, Version ~~3~~ 2) ~~developed and maintained by the Department~~, which produces the Florida Building Energy Rating Guide forms: Form #11A-~~0197~~ for the North climate zone, Form #11B-~~0197~~ for the Central climate zone, and Form #11C-~~0197~~ for the South climate. The rating system software (EnergyGauge/ResFREE, Version ~~3~~ 2) that produces these forms is hereby incorporated by reference. Air distribution system testing for Class 1 ratings shall be performed in accordance with BSR/ASHRAE Standard 152-04, "Method of Test for Determining the Design and Seasonal Efficiency of Residential Thermal Distribution Systems." A Class 3 rating shall be clearly labeled as a "projected rating based on plans."

~~(3) The energy rating for existing residential buildings shall be determined using the Florida Residential Building Energy Rating System software (EnergyGauge/ResFREE, Version 2) which produces the Florida Building Energy Rating Guide forms listed in 9B-60.004(2). The Florida Residential Building Energy Rating System software (EnergyGauge/ResFREE, Version 2) is hereby incorporated by reference.~~

~~(3)(4)~~ No change.

~~(4)(5)~~ The energy rating for ~~new~~ public and ~~new~~ commercial buildings shall be determined using only the Florida Commercial Building Energy Rating System software (EnergyGauge/ ComFREE ~~97~~, Version ~~1~~ 2.2) ~~developed and maintained by the Department~~ which produces the Florida Building Energy Rating Guide forms: Form #12A-~~01~~ 97 for the North climate zone, Form #12B-~~01~~ 97 for the Central climate zone and Form #12C-~~01~~ 97 for the South climate zone. The Florida Commercial Building Energy Rating System software (EnergyGauge/ComFREE ~~97~~, Version ~~1~~ 2.2) is hereby incorporated by reference. Public buildings owned or leased by state agencies and units of local government that are governed by Section 255.254, F.S., may utilize this rating system as one of the annual energy usage and cost methods approved by those agencies.

~~(6) The energy rating for existing commercial buildings shall be determined using only the Florida Commercial Building Energy Rating software (EnergyGauge/ComFree 97, Version 2.2) developed and maintained by the Department~~

~~which produces the Florida Commercial Building Energy Rating Guide forms listed in subsection 9B-60.004(5), F.A.C. The Florida Commercial Building Energy Rating System software (EnergyGauge/ComFREE 97, Version 2.2) is hereby incorporated by reference.~~

~~(5)(7)~~ No change.

Specific Authority 553.992 FS. Law Implemented 553.994, 553.995(1) FS. History—New 7-1-94, Amended 10-3-94, 1-11-95, 12-27-98,\_\_\_\_\_.

9B-60.005 Training and Certification Program.

(1) General Provisions.

(a) Beginning with the implementation date of this rule, no person may provide a rating for buildings in Florida unless such a person has been certified as provided by this part. To perform a rating for any building as required by this Rule, the person performing the rating must be certified by the Department of Community Affairs. In accordance with Chapter 1, Section 4.C.6 of the "National Accreditation Procedures for Home Energy Rating Systems," a Florida Certified Rater who has a financial or other interest resulting from the energy Rating results (including any recommended improvements resulting from the Rating) shall provide written disclosure of the nature of the financial or other interest to the owner of the property being rated.

(b) No change.

(c) An application for annual certification renewal shall be submitted on Form 500B-~~01~~ 98, herein incorporated by reference, with a renewal fee of \$50. In addition to the annual renewal fee, a certified residential rater must, over a three year period, have completed twelve credit hours of continuing education in courses accepted by the Department for certification renewal. Acceptable courses shall, in general, be those dealing with energy use in buildings or building systems (including heating, ventilating and air conditioning), building design or construction, codes or plan review, financing or selling buildings, and courses on energy rating systems.

(2) The following qualifications, at a minimum, are required for certification as a rater:

(a) The individual shall submit an application on the Department of Community Affairs Form #500A-~~01~~ 98, herein incorporated by reference, and pay the appropriate application fee of \$150.00. The form is available by writing to the Department of Community Affairs, Energy Rating System Program, 2555 Shumard Oak Blvd, Tallahassee, Florida 32399-2100.

(b) through (d) No change.

(e) Recertification is required within six months of the effective date of major revisions to Chapter 13 of the Florida Building Energy Efficiency Code, For Building Construction or at least every three years from the rater's last date of certification. For recertification, the applicant shall attend training on changes impacting the rating system provided by the Department of Community Affairs and demonstrate

achievement of a level of knowledge and proficiency so as to successfully rate buildings by passing a Department test applicable to the buildings being rated. The fee for recertification shall be the annual certification renewal fee. In addition to the written test, Class 1 residential raters shall be required to satisfactorily demonstrate performance testing skills necessary to perform a Class 1 rating as part of certification training and testing and at the time of recertification. Class 1 residential raters shall be required to satisfactorily perform and complete one Class 1 rating, accompanied and evaluated by another randomly chosen Class 1 rater, as a requirement for recertification and to comply with the National Home Energy Rating Technical HERS Guidelines requirement for periodic peer review and reevaluation of raters. Class 1 raters shall also be required to serve as a Class 1 peer evaluator at least once within three years before being recertified. These regulations in no way exempt any person from other state and local occupational licensure requirements. Any rater who fails to pass the recertification test in his or her rating classification shall be required to attend a refresher course approved by the Department of Community Affairs and retake the test. Until the rater can demonstrate his/her ability to perform ratings in his/her classification, registration of ratings by the rater shall be prohibited.

(3) Reporting Requirements. Certified raters shall submit all ratings to the Department in care of the Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, FL 32920 in electronic format, either via electronic mail (e-Mail) or on 3 1/2" diskette. A written report shall be provided to the purchaser of real property or that individual who requested the rating, conforming with the requirements of Section 553.998, Florida Statutes.

(a) The Florida Solar Energy Center shall maintain an electronic database to verify that a BERS Rating has been registered for a specific real property. Upon request, the database may be queried to determine if a specific property has a registered BERS Rating.

(b) The Florida Solar Energy Center may provide a registered BERS Rating report from the electronic database to a homeowner or prospective home purchaser of a specific property for a fee upon request.

(4) The Florida Building Energy Rating report provided to the client shall include a completed copy of the Florida Building Energy Rating Guide (Form #11-01 97 or Form #12-01 97) containing the following:

(a) through (b) No change.

(c) The statement: "This notice is provided to you by an individual certified by the Florida Department of Community Affairs to perform a building energy rating evaluation. Any questions, comments, or complaints regarding the person or agency performing this service may be directed to the Florida Department of Community Affairs, Building Energy Rating

System Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, or the Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, FL 32920."

(d) The disclosure form printed from the Energy Gauge Res/Free program.

Specific Authority 553.992 FS. Law Implemented 553.995(4) FS. History--New 7-1-94, Amended 10-3-94, 1-11-95, 12-27-98, \_\_\_\_\_.

9B-60.008 Guidelines for Uniformity, Adopted.

The Mortgage Industry National Home Energy Rating Systems Accreditation Standards, promulgated by the National Association of State Energy Officials (NASEO)/Residential Energy Services Network (RESNET), June 15, 2002, 1996 Guidelines for Uniformity, Voluntary Procedures for Home Energy Ratings, Version 2.0, prepared by the Home Energy Rating Systems (HERS) Council and the Florida Addendum to the National HERS Council Guidelines, dated December 1998, is adopted and incorporated by reference as the rule of this Department.

Specific Authority 553.992 FS. Law Implemented 553.995(1)(c) FS. History--New 12-27-98, Amended \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Department of Community Affairs – Florida Building Commission	9B-72
RULE TITLES:	RULE NOS.:
Scope	9B-72.005
Definitions	9B-72.010
Local Product Approval Generally	9B-72.030
Product Evaluation and Quality Assurance for Local Approval	9B-72.040
Validation of Evaluation for Local Approval	9B-72.045
Product Approval by Local Jurisdiction and Acceptance	9B-72.050
Optional Statewide Approval Generally	9B-72.060
Product Evaluation and Quality Assurance for Optional Statewide Approval	9B-72.070
Product Validation by Approved Validation Entity for Optional Statewide Approval	9B-72.080
Product Approval by the Commission	9B-72.090
Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies	9B-72.100
Criteria for Certification of Independence	9B-72.110
List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies	9B-72.120

Forms	9B-72.130
Revisions to Submittals for Statewide Approval	9B-72.135
Revocation or Modification of Product Approvals and Entity Certifications	9B-72.160
Investigation	9B-72.170
Equivalence of Standards	9B-72.180
Reference Standards	9B-72.190

PURPOSE AND EFFECT: To implement solutions to issues arising during implementation of the product approval system since October 1, 2003, as identified by Commission staff and stakeholders.

SUBJECT AREA TO BE ADDRESSED: Product approval system.

SPECIFIC AUTHORITY: 553.77(1)(i), 553.842(1),(9),(14),(15) FS.

LAW IMPLEMENTED: 553.842(1),(2), (5),(6), (8),(9), (14),(15) FS.

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

TIME AND DATE: 10:45 a.m., Tuesday, April 20, 2004

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824 at least seven days prior to the date of the workshop using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER TITLE: Comprehensive Emergency Management Plan

RULE CHAPTER NO.: 9G-2

RULE TITLE: State Comprehensive Emergency Management Plan Adopted

RULE NO.: 9G-2.002

PURPOSE AND EFFECT: To adopt the 2004 revised version of the State CEMP as required by Chapter 252, Florida Statutes. This action would replace the 2002 version.

SUBJECT AREA TO BE ADDRESSED: The State Comprehensive Emergency Management Plan.

SPECIFIC AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973, 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, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9G-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (~~February 1, 2004~~ ~~July 8, 2002~~ Edition).

(2) The State Comprehensive Emergency Management Plan shall be the master operations document for the State of Florida in responding to all emergencies, and all catastrophic, major, and minor disasters.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History—New 1-4-01, Amended 7-8-02,\_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Orientation

RULE NO.: 33-601.100

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete redundant language from the rule.

SUBJECT AREA TO BE ADDRESSED: Inmate Orientation.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.100 Inmate Orientation.

Upon initial arrival in the Department of Corrections, each inmate shall be provided with orientation at which time the rules and procedures of the Department of Corrections shall be explained. Upon transfer within the Department, each inmate shall be provided with orientation that is specific to the local institution. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall provide a more in-depth orientation of overall department rules, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. As inmates are received into the department, reception centers shall provide each inmate with a printed copy of Rules 33-601.301-601.314, F.A.C., Inmate Discipline. Translations or translation assistance shall be provided as needed. Copies of the rules and procedures shall be available to inmates upon request to read or review (not for retention). In cases where the inmate is unable to read or comprehend English, translation shall be made available. Copies of the rules and procedures shall also be available for inmate inspection in the institutional library.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 1-19-03, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Permitting of Water Use 40B-2  
RULE TITLE: RULE NO.:  
Duration of Permits 40B-2.321

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to provide an extension of expiration dates for water use permits issued between January 1, 1984 and December 31, 1985. The effect of the proposed rule amendment is to delay the requirement for those existing water users to renew their permits.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will provide an extension of expiration dates for water use permits issued between January 1, 1984 and December 31, 1985, subject to certain conditions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.236 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40B-2.321 Duration of Permits.

(1) Unless revoked, modified, or specifically identified as a limiting condition pursuant to paragraph 40B-2.381(2)(d), F.A.C., the duration of permits shall be as provided in Section 373.236, Florida Statutes.

(2) The Governing Board hereby extends for three years all water use permits issued between January 1, 1984, and December 31, 1985, subject to the following requirements:

(a) The permit was issued for a duration of twenty years and has received no extensions prior to the effective date of this rule amendment.

(b) The permit has not been renewed prior to the effective date of this rule amendment.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History--New 10-1-82, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Procedural 40D-1  
RULE TITLE: RULE NO.:  
Variances from Water Shortage Rules  
(Chapter 40D-21, F.A.C.) 40D-1.1002

PURPOSE AND EFFECT: Update the District's Water Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Rules of Chapter 40D-21, F.A.C., (Water Shortage Plan) and 40D-1.1002, F.A.C., (Variances from 40D-21) will be discussed. These rule development and staff workshops are to gather feedback on the "concept" document. District staff will briefly outline the legal framework for updating both rules, then will solicit input based on "lessons learned" from past drought events and other concerns or suggestions.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.129, 373.136, 373.175, 373.246, 373.603, 373.609 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:  
 TIME AND DATE: 1:00 p.m. – 3:00 p.m., Monday, April 19, 2004

PLACE: Board Room, Southwest Florida Water Management District, Bartow Office, 170 Century Boulevard, Bartow, Florida

TIME AND DATE: 9:30 a.m. – 11:30 a.m., Thursday, April 29, 2004

PLACE: Board Room, Southwest Florida Water Management District, Sarasota Office, 6750 Fruitville Road, Sarasota, Florida

TIME AND DATE: 1:30 p.m. – 3:30 p.m., Monday, May 3, 2004

PLACE: Board Room, Southwest Florida Water Management District, Brooksville Office, 2379 Broad Street, Brooksville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lois Sorensen, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4299

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental  
 RULE CHAPTER NO.: 40D-4

Resource Permits  
 RULE TITLE: Publications and Agreements  
 RULE NO.: 40D-4.091

Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments is to address concerns expressed by the staff of the Joint Administrative Procedures Committee (JAPC) regarding Section 5.1 and 5.6 of the District’s Environmental Resource Permitting Basis of Review.

SUBJECT AREA TO BE ADDRESSED: Revision of Sections 5.1 and 5.6 and the repeal of Section 5.6 in Chapter 5 – Water Quality, of the District’s Environmental Resource Permitting Basis of Review.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) “Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, \_\_\_\_\_, ~~March 11, 2004~~. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04,

**ENVIRONMENTAL RESEROURCE PERMITTING**

**BASIS OF REVIEW**

**CHAPTER FIVE – WATER QUALITY**

5.1 Projects shall be designed so that discharges will meet applicable state water quality standards.

~~The following design and performance standards are established for the purpose of determining compliance with storm water discharge requirements.~~

Projects designed using to the criteria found in this section shall be presumed to provide reasonable assurance of compliance with the state water quality standards referenced above. The applicant may also provide reasonable assurance of compliance with state water quality standards by the use of alternative propose other methods that utilize a combination of treatment practices that will provide equivalent treatment equivalent to systems designed using the criteria specified as compared to the systems listed in this section. If the applicant chooses to use alternative methods propose a design that does not address the specific criteria listed herein, the applicant must provide the District will determine whether the applicant has provided with reasonable assurance based on plans, test results and other information specific to the proposed design proposed and submitted by the applicant, that the construction, alteration or operation of the system will not discharge, emit, or cause pollution in contravention of the standards referenced above.

5.6 Septic Tank ~~Septic tank systems shall be in accordance with Rules of the Department of Health and Rehabilitative Services, Chapter 10D-6, F.A.C.~~

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:                   RULE CHAPTER NO.:  
Water Levels and Rates of Flow                   40D-8

RULE TITLE:                                   RULE NO.:  
Schedule of Levels for Lakes and  
Other Impoundments                                   40D-8.624

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lakes Bell, Bird, Clear, Green, Hancock, Moon, Padgett, Parker (Ann) and Pasadena/Buddy Pasco County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

TIME AND DATE: 6:00 p.m., April 20, 2004

PLACE: Land O’Lakes Community Center, 5401 Land O’Lakes Blvd. (U.S. 41), Land O’Lakes, Florida 34639

WHAT: Public workshop on proposed minimum and guidance levels for Lakes Bell, Bird, Clear, Green, Hancock, Moon, Padgett, Parker (Ann) and Pasadena/Buddy in Pasco County, Florida.

The Southwest Florida Water Management District does not discriminate on the basis of any individual’s disability status. Anyone requiring reasonable accommodation as provided for in the American’s With Disability Act should contact: Dianne Lee, (352)796-7211, 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:                   RULE CHAPTER NO.:  
Water Shortage Plan                                   40D-21

RULE TITLES:                                   RULE NOS.:  
Policy and Purpose                                   40D-21.011  
Elements of the Plan                               40D-21.031  
Definitions   40D-21.051  
Evaluating Water Conditions                   40D-21.221  
Declaring a Water Shortage                   40D-21.231

Water Shortage Phases	40D-21.251
Implementing a Water Shortage Declaration	40D-21.275
Variances (Transferred)	40D-21.291
Declaring a Water Shortage Emergency	40D-21.331
Water Use Restrictions in a Water Shortage Emergency	40D-21.371
Implementing a Water Shortage Emergency Declaration	40D-21.391
Monitoring	40D-21.401
Enforcement	40D-21.421
General	40D-21.511
Source Classifications	40D-21.531
Use Classifications	40D-21.541
Method of Withdrawal Classifications	40D-21.571
General	40D-21.601
Phase I: Moderate Water Shortage	40D-21.621
Phase II: Severe Water Shortage	40D-21.631
Phase III: Extreme Water Shortage	40D-21.641

PURPOSE AND EFFECT: Update the District’s Water Shortage Plan.

SUBJECT AREA TO BE ADDRESSED: Rules of Chapter 40D-21, F.A.C., (Water Shortage Plan) and 40D-1.1002, F.A.C., (Variances from 40D-21), will be discussed. These rule development and staff workshops are to gather feedback on the “concept” document. District staff will briefly outline the legal framework for updating both rules, then will solicit input based on “lessons learned” from past drought events and other concerns or suggestions.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.129, 373.136, 373.175, 373.246, 373.603, 373.609 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Monday, April 19, 2004

PLACE: Board Room, Southwest Florida Water Management District, Bartow Office, 170 Century Boulevard, Bartow, Florida

TIME AND DATE: 9:30 a.m. – 11:30 a.m., Thursday, April 29, 2004

PLACE: Board Room, Southwest Florida Water Management District, Sarasota Office, 6750 Fruitville Road, Sarasota, Florida

TIME AND DATE: 1:30 p.m. – 3:30 p.m., Monday, May 3, 2004

PLACE: Board Room, Southwest Florida Water Management District, Brooksville Office, 2379 Broad Street, Brooksville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lois



Sorensen, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4299  
 THE PRELIMINARY DRAFT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Surface Water Management Basin and Related Criteria Part III, C-51 Basin  
 RULE CHAPTER NO.: 40E-41

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: To amend Chapter 40E-41, Part III C-51 Basin, F.A.C. to revise the basin boundaries and the criteria applicable to Environmental Resource and Surface Water Management Permits in the C-51 Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.  
 LAW IMPLEMENTED: 373.085, 373.086, 373.413, 373.416 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon., Thursday, April 29, 2004

PLACE: South Florida Water Management District, B-1 Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406, phone: (561)686-8800 or 1(800)432-2045.

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 Garrett Wallace, District Clerk, (561)682-6371 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues: Ralph Fanson, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6921 or (561)682-6921, e-mail: fanson@sfwmd.gov; For procedural issues: Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, e-mail: jsluth@sfwmd.gov

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

**DEPARTMENT OF VETERANS' AFFAIRS**

RULE TITLE: Admission Eligibility  
 RULE NO.: 55-11.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to allow an additional method for determining eligibility for admission to the Veterans' Domiciliary Home of Florida.

SUBJECT AREA TO BE ADDRESSED: Eligibility for admission to the Veterans' Domiciliary Home of Florida.

SPECIFIC AUTHORITY: 296.04(2) FS.

LAW IMPLEMENTED: 1.01(14), 296.04(2), 296.06(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT TIME, DATE, AND PLACE TO BE ANNOUNCED SUBSEQUENT TO THE RECEIPT OF A WRITTEN REQUEST.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James W. Sloan, 4040 Esplanade Way, Suite 180, Tallahassee, Florida 32399-7016, Telephone (850)487-1533, or Lyndette Aguirre, 11351 Ulmerton Road, Rm. 311-L, Largo, Florida 33731-8903, (727)518-3214, Extension 514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

55-11.005 Admission Eligibility.

(1) through (5) No change.

(6)(a) The Application for Certificate of Eligibility consists of the following forms which are hereby incorporated by reference.

1. through 4. No change.

5. A legible certified copy of the applicant's Certificate of Release or Discharge from the U.S. Armed Services or a legible copy of a U.S. Department of Veterans' Affairs Hospital Inquiry Screen must also be included.

Specific Authority 296.04(2) FS. Law Implemented 296.02(6), 296.06(2), 296.07, 296.08 FS. History—New 5-29-90, Amended 3-31-94, 10-27-94, 12-27-98, \_\_\_\_\_.

**DEPARTMENT OF VETERANS' AFFAIRS**

**Division of Veterans' Benefits and Assistance**

RULE TITLE: Employment Preference When Numerically Based Selection Process is Not Used  
 RULE NO.: 55A-7.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to provide a procedure for insuring that veterans are given special consideration at each step of a public employer's employment selection process, as required by the Joint Administrative Procedures Committee in order to comply with the requirements of Section 295.07(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Veterans' preference in employment.

SPECIFIC AUTHORITY: 295.07(2) FS.

LAW IMPLEMENTED 1.01(14), 295.065, 295.07(1), 295.11, 295.123 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT TIME, DATE, AND PLACE TO BE ANNOUNCED SUBSEQUENT TO THE RECEIPT OF A WRITTEN REQUEST.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James W. Sloan, 4040 Esplanade Way, Suite 180, Tallahassee, Florida 32399-7016, Telephone (850)487-1533, or Lyndette Aguirre, 11351 Ulmerton Road, Rm. 311-L, Largo, Florida 33731-8903, Telephone (727)518-3214, Extension 514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

55A-7.011 Employment Preference When Numerically Based Selection Process is Not Used.

(1) No change.

(2) Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process but does not require the employment of a preferred applicant over a nonpreferred applicant who is the most qualified applicant for the position. Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the public employer's selection process. If, at any step in the selection process, a determination is made that the veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct. In the event of any investigation conducted pursuant to Section 295.11, F.S., the Department of Veterans' Affairs shall require that the agency or political subdivision which is party to such investigation demonstrate how its policies were effectuated at each step of the employment selection process, including why an interview was not provided, in regard to the individual preference-eligible applicant or employee who requested the investigation.

(3) No change.

Specific Authority 295.07(2) FS. Law Implemented 295.085, 295.11(4) FS. History--New 3-30-88, Formerly 22VP-1.011, Amended 2-12-90, 7-12-93, 12-27-98, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: RULE NO.:

Application for Acupuncture Certification 64B2-11.012

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Application for Acupuncture Certification.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403, 460.406 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-11.012 Application for Acupuncture Certification Examinations.

(1) Any person licensed or applying for licensure ~~certified by the Board to take the licensure examination~~, who desires to be certified in acupuncture, ~~take the acupuncture certification examination described below~~, shall apply to the Department of Health.

(2) The applicant is responsible for payment of the appropriate application and licensure fees. ~~The Board shall certify to the Department, as eligible to take the certification examination, only those applicants who have made application, remitted the fee required by Chapter 64B2-12, F.A.C., and who have demonstrated to the Board that, in addition to meeting the requirements of Section 460.406(1) or (2), Florida Statutes, they meet the requirements for the certification examination below.~~

(3) ~~The Board shall certify to the Department, as eligible to take the acupuncture examination, only those applicants who have completed a course of no less than one hundred (100) hours in acupuncture in an institution which is recognized by an accrediting agency approved by the U.S. Department of Education.~~

(4) Notwithstanding the above, hours completed to satisfy the requirements of Rule 64B2-13.004, F.A.C., shall not satisfy the requirements of this Rule.

Specific Authority 460.405 FS. Law Implemented 460.403, 460.406 FS. History—New 10-6-86, Amended 7-5-87, 2-1-88, Formerly 21D-11.012, 61F2-11.012, 59N-11.012, Amended 2-15-98,\_\_\_\_\_.

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Acupuncture Certification  
RULE NO.: 64B2-11.013  
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Acupuncture Certification.

SPECIFIC AUTHORITY: 456.017(1)(b),(5), 460.405 FS.  
LAW IMPLEMENTED: 456.017(1)(b),(5), 460.406(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-11.013 Acupuncture Certification Examination.

(1) The Board ~~designates~~ ~~specifies~~ ~~that~~ the acupuncture certification examination administered by the National Board of Chiropractic Examiners as the examination for Florida licensure. ~~Department of Health shall be a written examination consisting of the following:~~

(2) The acupuncture certification examination shall measure competency in the knowledge of anatomy and physiology of point and point locations, therapeutic and diagnostic acumen, sterile technique, meridian therapy, and the stimulation of various points on or within the body by needle insertion or any other method of stimulation, ~~according to the following approximate weights:~~

Physiology of points	10%
Anatomy of point location	10%
Therapeutic and diagnostic acumen	15%
Theory and application of sterile technique	10%
Meridian therapy	40%
Acupuncture diagnosis	15%

(3) A scaled score of 425 shall be required to receive a certification license ~~75 percent shall be necessary to receive a passing score. An applicant who fails a certification examination shall upon reexamination be required to retake that certification examination.~~

(4) No change.

~~(5) Upon written request from an applicant the Department shall provide a translated version of the acupuncture certification examination into a language other than English. If no such translated examination exists, however, the Department shall require the applicant to pay the cost of the translation before employing translators to perform the task.~~

Specific Authority 456.017(1)(b),(5), 460.405 FS. Law Implemented 456.017(1)(b),(5), 460.406(3) FS. History—New 10-6-86, Amended 1-28-87, 5-10-87, 8-7-88, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.013, 61F2-11.013, 59N-11.013, Amended 2-15-98, 11-19-00,\_\_\_\_\_.

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Continuing Education During Initial Licensure Period  
RULE NO.: 64B2-13.007

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Continuing Education During Initial Licensure Period.

SPECIFIC AUTHORITY: 456.013(6), 460.405, 460.408 FS.  
LAW IMPLEMENTED: 456.013(6), 460.408 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

During the first twelve months after initial licensure ~~initial biennium of licensure~~, practitioners are required to obtain five hours of continuing education in the subject area of risk management by attending one full day or 8 hours at a Florida Board of Chiropractic Medicine meeting at which disciplinary hearings are conducted as provided in subsection 64B2-13.004(8), F.A.C. Once the hours required by Rule 64B2-13.0045, F.A.C, have been met, licensed practitioners shall not be required to complete any other continuing education requirements during the biennium in which they receive initial licensure.

Specific Authority 456.013(6), 460.405, 460.408 FS. Law Implemented 456.013(6), 460.408 FS. History--New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended 11-13-01, 5-4-03.

DEPARTMENT OF HEALTH

Family Health Services

RULE CHAPTER TITLE: Family Planning Waiver Program RULE CHAPTER NO.: 64F-19

PURPOSE AND EFFECT: The Department proposes to promulgate a new rule chapter relating to the family planning wavier program and services.

SUBJECT AREA TO BE ADDRESSED: Family planning waiver program.

SPECIFIC AUTHORITY: 120.80(15), 154.011(5), 381.0011(13), 381.0051(7), 383.011(2), 409.919 FS., 42 CFR 491.10.

LAW IMPLEMENTED: 154.011, 381.0051, 383.011, 383.013, 409.9121, 409.9122 FS., 42 CFR 50.303, 42 CFR 59.5, 42 CFR 431.205-246.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renee Alsobrook, Deputy General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A-02, Tallahassee, FL 32399

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fees and Expenses RULE NO.: 6E-4.001

PURPOSE AND EFFECT: The Commission proposes this rule amendment to clarify the fees for licesnure extensions, student transcript searches and what fees are paid annually.

SUMMARY: The proposed rule amendment clarifies the fees for licensure extensions, student transcript searches, application fees, base fees and program fees to be paid annually.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-4.001 Fees and Expenses.

(1) No change.

(2) Workload Fees. Each Florida location of each institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and making reviews. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action.

Initial Application for License, or Moving from Nondegree to Degree:

Table with 2 columns: Institution Type and Fee. Rows: New Nondegree Institutions (\$ 2,000 + \$ 200 per program cost of visit), New Degree-Granting Institutions (3,000 + 200 per program cost of visit).

Annual Review of Licensure:

Table with 2 columns: Institution Type and Fee. Rows: Nondegree Institutions (1,500 + \$50 per program), Degree-Granting Institutions (2,500 + \$50 per program), Review of Extended Annual License or Substantive Change Review (1,000), Licensure by Means of Accreditation, Annually (1,250), Provisional or Annual Licensure Extension (first) (500), Provisional or Annual Licensure Extension (second) (750), Provisional or Annual Licensure Extension (third) (1500), New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year, Nondegree Programs (500), Degree Programs (500).